



Q&A Internal Market Emergency and Resilience Act

Contents

1.	The Internal Market Emergency and Resilience Act: an introduction	2
a.	Why was there a need for the Internal Market Emergency and Resilience Act?	2
b.	What are the main implications of the IMERA during a crisis?	2
c.	How does the IMERA enhance crisis preparedness?	2
d.	What is the broader context of the IMERA?	3
2.	The IMERA's relevance	3
a.	For whom will the IMERA be most significant?	3
b.	What are 'goods of critical importance' or 'services of critical importance'?	3
c.	What are critically important sectors?	3
d.	What are 'crisis-relevant goods' or 'crisis-relevant services'?	3
3.	Internal market vigilance mode	3
a.	What is the internal market vigilance mode?	3
b.	What are the vigilance measures that can be taken?	4
c.	When will the internal market vigilance mode apply?	4
4.	Internal market emergency mode	4
a.	What is the internal market emergency mode?	4
b.	What are the emergency measures that can be taken?	4
c.	When will the internal market emergency mode apply?	5

5.	Governance and contingency planning	5
a.	What is the Internal Market Emergency and Resilience Board and its main tasks?	5
b.	What are the central liaison offices and their main tasks?	5
c.	What are emergency and resilience dialogue, and the emergency and resilience platform?	6
d.	What is the contingency framework?	6
6.	Concluding remarks	6
a.	What is the relationship between the IMERA and other Union crisis governance frameworks?	6
b.	Visual	7

1. The Internal Market Emergency and Resilience Act: an introduction

a. *Why was there a need for the Internal Market Emergency and Resilience Act?*

The unilaterally imposed restrictions on free movement during COVID-19, combined with a lack of EU preparation, coordination and transparency, led to major disruptions in supply chains. Shortages of goods – most notably personal protective equipment – ensued, further exacerbating the already serious health crisis. To address these shortcomings, the European Commission (“**Commission**”) presented a proposal for the Internal Market Emergency and Resilience Act (“**IMERA**”) in May 2021. The Act was published in the Official Journal on 8 November 2024 following an agreement reached by the European Parliament and the European Council (“**Council**”) in trilogue meetings. The IMERA will apply automatically in all EU Member States from 29 May 2026.

b. *What are the main implications of the IMERA during a crisis?*

The IMERA introduces harmonised conditions for the restrictions of the free movement of goods and services in the case of crises, i.e. natural disasters, public health emergencies, economic shocks or security concerns. These harmonised rules apply to nearly all goods, services and persons within the internal market, with only a few sector-based exceptions. Despite its broad scope, it is primarily relevant to goods and services of critical importance for the supply chains, which will be determined based on the nature of the (threat of the) crisis (see section 2). The IMERA introduces two new crisis governance frameworks: the ‘internal market vigilance mode’ and ‘internal market emergency mode’ (see sections 3 and 4 respectively). The vigilance mode can be activated when there is a threat of a crisis, providing the Commission with tools to monitor the supply chains and availability of critical goods and services. The emergency mode can be activated during a crisis, granting the Commission extensive new powers to ensure the availability of crisis-relevant goods and services. These powers include requesting economic operators to produce or supply certain goods, as well as making – sometimes compulsory – information requests regarding the availability and production capacity of those goods.

c. *How does the IMERA enhance crisis preparedness?*

Besides new crisis governance frameworks, the IMERA also lays down measures to enhance crisis preparedness and improve communication between Member States (see section 5). This is achieved primarily through the establishment of the Internal Market Emergency and Resilience Board (“**Board**”) and the designation of national central liaison offices to coordinate and facilitate the exchange of information and to detect and assess significant incidents. Other measures include implementing a contingency framework and voluntary crisis protocols, as well as conducting trainings, simulations and stress tests.

d. *What is the broader context of the IMERA?*

The IMERA is part of a broader legislative package (the IMERA Omnibus) which changes existing Union product legislation to make the activation of emergency mode dependent on activation of internal market emergency or vigilance mode ([see section 6](#)).

2. The IMERA's relevance

a. *For whom will the IMERA be most significant?*

Although, in principle, the IMERA applies to most economic operators, its significance will vary greatly depending on the product or service provided. Economic operators that produce or supply crisis-relevant goods will face fewer restrictions than those that produce or supply goods that are superfluous during a crisis. Moreover, the classification of goods as crisis-relevant or superfluous will be decided on a case-by-case basis, adding a layer of uncertainty.

At the same time, the IMERA reduces the restrictions that Member States can impose to limit free movement, meaning that most economic operators will experience at least some improvement in the event of a COVID-like situation. This is especially true if the envisioned benefits of a single point of contact for crisis-related information and the improved transparency requirements mandated by the IMERA are realised. Time will tell if this will be the case.

b. *What are 'goods of critical importance' or 'services of critical importance'?*

When there is an imminent threat of a crisis, the Council can activate the internal market vigilance mode ([see section 3](#)). The implementing act that activates this mode will include a list of goods and services of critical importance. This classification is reserved for goods or services that are non-substitutable, non-diversifiable or indispensable for maintaining vital societal functions or economic activities, ensuring the proper functioning of the internal market and its supply chains in 'critically important sectors'.

c. *What are critically important sectors?*

A sector is considered critically important under the IMERA when it is of systemic and vital importance for upholding public security, public safety, public order or public health, and a disruption would have significant negative impact on the functioning of the internal market. Considering other EU legislation – for instance the [Directive on the Resilience of Critical Entities](#) – critically important sectors will likely include, amongst others, energy, banking, health and public administration.

d. *What are 'crisis-relevant goods' or 'crisis-relevant services'?*

In the event of a crisis on the internal market, the Council can activate the internal market emergency mode ([see section 3](#)). A component of this mode can be the designation of certain goods and/or services as 'crisis-relevant'. The selection of goods or services that receive this classification will depend on the nature of the crisis and is not limited to goods or services in critically important sectors.

3. Internal market vigilance mode

a. *What is the internal market vigilance mode?*

The internal market vigilance mode is a governance framework that can be activated when there is a threat of a crisis, such as a natural disaster, public health emergency, economic shock or security concern. The mode allows the Commission and Member States to prepare and anticipate for the threat of

the crisis by implementing vigilance measures. These measures focus on monitoring the supply chains of goods and services of critical importance, including the free movement of workers involved in these supply chains. The goods and services that are of critical importance are identified depending on the type of threat but could, for instance, include goods such as face masks, or search and rescue equipment (see also section 2).

b. What are the vigilance measures that can be taken?

Member States must, where possible, draw up lists of economic operators that operate along the supply chains of critical goods and services and are established on their territory when the vigilance mode is activated. When such information is not available from other sources, Member States may make targeted and voluntary requests for information about factors that affect the availability of critical goods and services. They should then transmit the findings to the Commission and the Board (see question 5). Moreover, Member States can engage in joint-procurement procedures or ask the Commission to procure goods and services of critical importance on their behalf.

c. When will the internal market vigilance mode apply?

The internal market vigilance mode can be activated when there is a significant threat of a crisis that could escalate into an internal market emergency within the EU within six months. The Commission, advised by the Board (see question 5), proposes its activation to the Council through an implementing act, specifying a list of goods and services of critical importance and the vigilance measures that are taken. If approved, it goes into effect for up to six months. During the vigilance mode, the Commission, advised by the Board, may propose to extend the mode by no more than six months if it finds that the threat of a crisis has not yet subdued. If the threat has diminished, the Commission may propose deactivating the vigilance mode. Both the extension and premature deactivation require Council approval.

4. Internal market emergency mode

a. What is the internal market emergency mode?

The internal market emergency mode is a governance framework that can be activated in the event of a crisis. If activated, both the Commission and Member States can take targeted measures to maintain the flow of critically important goods and services within the EU. The emergency measures that can be taken under the emergency mode are centred around facilitating the free movement of goods, services and workers, and ensuring the availability of crisis-relevant goods and services.

b. What are the emergency measures that can be taken?

When the emergency mode is activated, both the Commission and Member States gain new tools to limit the crisis's effects. If there is a threat of, or an actual, severe shortage of a crisis-relevant good or service, the Commission may request economic operators involved in its supply chain to voluntarily provide specific information. Such a request may only be made if the information is not available through other sources. If the requests do not yield the necessary results, the Commission, advised by the Board, may switch to more coercive measures in the form of compulsory information requests.

To ensure the availability of crisis-relevant goods and services, the Commission can take measures to establish new production capacities and accelerate relevant approval or authorisation procedures. Moreover, it can also take up a role in coordinating distribution or procurement of such goods. If these measures fail to prevent a severe and persistent shortage of crisis-relevant goods, the Commission may make 'priority-rated requests' to economic operators. Operators are not obliged to accept such requests.

However, if they do, they are obligated to provide or supply certain crisis-relevant goods. If economic operators, intentionally or through gross negligence, fail to comply with these obligations, they can be subject to fines of up to €100,000.

The IMERA permits Member States to impose restrictions on the free movement of goods, persons and services during an internal market emergency but also imposes limitations on the measures that can be taken. The Act provides a list of prohibited measures that includes, amongst other things, measures that discriminate on the basis of nationality; bans on intra-Union export of crisis-relevant goods and restrictions on certain kinds of business travel linked to crisis-relevant goods or services. The Commission has a coordinating role, which includes identifying categories of persons involved in the production and supply of crisis-relevant goods and services, as well as providing the tools through which Member States can identify said categories of persons.

c. When will the internal market emergency mode apply?

The Commission, advised by the Board, will propose activating the internal market emergency mode to the Council if it finds that there is a crisis creating obstacles to free movement and affecting at least one sector of vital social or economic activity. The mode may replace the internal market vigilance mode when a threat evolves into an actual crisis. The internal market emergency mode is activated for a period of no more than six months. Its activation is linked to the publication of a list of crisis-relevant goods and services ([see section 2](#)).

If the Commission finds that an extension of the internal market emergency mode is necessary, it can, after consulting the Board, propose to extend the mode by no more than six months. Conversely, if the Board finds that the internal market emergency mode should be deactivated, the Commission may propose to do so. Both the extension and deactivation require Council approval.

5. Governance and contingency planning

a. What is the Internal Market Emergency and Resilience Board and its main tasks?

The Board has an important supporting and advisory role. It assesses incidents, collects market intelligence and maintains a repository of national and Union crisis measures. It also advises and assists the Commission in determining whether the criteria for activation or deactivation of the single market vigilance mode or the emergency mode are met.

During the internal market vigilance mode, the Board gains additional tasks regarding coordinating and facilitating information exchange and analysing the potential crisis's impact on the internal market. In the event of an internal market emergency, the Board also reviews national crisis measures, advises on measures taken at Union level and establishes, where appropriate, a list of categories of persons involved in the supply and production of crisis-relevant goods and services.

The secretariat and chair of the Board are provided by the Commission. The Board also comprises one representative per Member State, a permanent observer from the European Parliament and, where necessary, expert representatives of economic operators, third countries or other stakeholders. The Member States may appoint a sector-specific ad hoc representative, depending on the crisis's nature.

b. What are the central liaison offices and their main tasks?

Both the EU and individual Member States must set up a central liaison office to coordinate and

exchange the information between them. The central liaison offices have two main tasks. Firstly, they serve as an early warning system. If a significant accident occurs in one of the Member States, the national central liaison office is responsible for notifying the Commission and other offices. Secondly, during the internal market emergency mode, the offices serve as a single point of contact for citizens and economic operators who require information or assistance with restrictions.

c. What are emergency and resilience dialogue, and the emergency and resilience platform?

Through 'Emergency and Resilience Dialogue', the European Parliament can request the Commission, in its capacity as chair of the Board, to provide information on matters falling within the IMERA's scope. Moreover, establishing a stakeholder platform allows key stakeholders and the Commission to engage in sector-specific dialogue and exchange information and best practices.

d. What is the contingency framework?

It is expected that the Commission will adopt an implementing act setting out detailed arrangements for a contingency framework regarding crisis preparedness, cooperation and communication during the internal market vigilance and the emergency modes. The contingency frameworks will be tested through Union-wide stress tests at least once every two years. Moreover, the Commission will develop and organise training programmes on crisis preparation for stakeholders and staff of the central liaison offices. The Commission may also facilitate the drawing up of voluntary crisis protocols by economic operators.

6. Concluding remarks

a. What is the relationship between the IMERA and other Union crisis governance frameworks?

The IMERA is part of a broader crisis governance framework that includes other initiatives such as the EU Civil Protection Mechanism, EU Health Security Framework and Food Security Crisis Preparedness Plan. What sets the IMERA apart is its specific focus on the internal market. It aims to facilitate the free movement of goods, services and persons. The Act allows governments to take measures to monitor supply chains and ensure EU-wide access to critical goods. As a result of this focus, the IMERA complements sector-specific legislation such as the Chips Act and the Regulation concerning measures to safeguard the security of gas supply.

In addition, the IMERA package of measures amends various existing legislation, including those relating to personal protective equipment, machinery and general product safety. When the internal market emergency mode is activated, new emergency procedures apply. These procedures will relax the rules on the conformity assessment and market surveillance of goods by allowing crisis-relevant goods to be prioritised. This no longer requires the conformity assessment bodies to be involved. Moreover, the Commission may set lower standards and specifications for the presumption of conformity that apply during an internal market emergency.

The IMERA will likely also affect new regulatory initiatives, such as the recently proposed compulsory licensing Regulation that is currently being discussed by the European Parliament and Council. If adopted, the activation of internal market emergency mode will enable the Commission to grant compulsory licenses, allowing third parties to use a patent without the patent holder's authorisation.

b. Visual

The IMERA introduces a number of legislative changes and new crisis governance frameworks, granting new competences to the Commission and Member States. An overview of the main changes brought forth by the IMERA can be found in the visual below.

The Internal Market Emergency and Resilience Act (IMERA)

	No crisis	Threat of a crisis	Crisis occurs
Crisis examples			
Crisis preparedness	Internal market vigilance mode	Internal market emergency mode	Internal market emergency mode
Warning mechanisms	✓	✓	✓
Contingency framework	✓	✓	✓
Supply chain monitoring		✓	✓
Joint procurements		✓	✓
Voluntary information request		✓	✓
Mandatory information request			✓
Priority-rated requests			✓
Commission coordination power		✓	✓
Faster product authorisation			✓

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Questions on the implications of the application the IMERA for your company? Do not hesitate to contact our EU specialists.



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