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#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2014) 192 final/2
Subject:	COMMISSION STAFF WORKING DOCUMENT Accompanying the document Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook

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Delegations will find attached document SWD(2014) 192 final/2.

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Brussels, 11.9.2014  
SWD(2014) 192 final/2

## CORRIGENDUM

This document corrects document SWD(2014) 192 final of 18.06.2014

Page 85: Deletion of Reference to 'origin labelling requirements'.

The text shall read as follows:

### **COMMISSION STAFF WORKING DOCUMENT** *Accompanying the document*

#### **Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook**

{COM(2014) 368 final}

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## 1. INTRODUCTION

In the October 2013 REFIT Communication<sup>1</sup>, the Commission referred to the joint effort of the Commission, the other EU institutions and Member States to deliver regulatory fitness. With the publication of an annual scoreboard, the Commission committed itself to monitor REFIT initiatives through the legislative process and at a later stage at the level of Member States implementation. The purpose of the Scoreboard is to track progress in the implementation of REFIT, providing information on the results and impact on-the-ground, allowing results to be measured against initial objectives and expectations, contributing to transparency on the whole regulatory cycle.

This Staff Working Document includes the first edition of this scoreboard covering 133 initiatives identified by the Commission in the context of REFIT, its SME policy and the ABR+ programme.<sup>2</sup>

The scoreboard identifies the main policy objectives and REFIT objectives of each initiative, indicates the main changes that are made to the REFIT objectives in the legislative procedure and includes an assessment of measures that have already been finally adopted.

In each policy area, the SWD also includes an overview of smart regulation activities and simplification efforts in 2013-2014 and a list of possible future REFIT actions.

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<sup>1</sup> COM(2013)685 final

<sup>2</sup> See the Commission Communications on: 'Smart Regulation – Responding to the needs of small and medium-sized enterprises' (COM(2013)122); 'Commission follow-up to the TOP TEN consultation of SMEs on EU regulation' (COM(2013)446); and 'Regulatory Fitness and Performance (REFIT): Results and next steps' (COM(2013)685).

## 2. ENTERPRISE AND INDUSTRY

### 1. Smart regulation activity and simplification efforts in 2013-2014

The Commission is constantly adapting and modernising the *acquis* of the internal market for industrial products. Of the 73 Regulations and Directives covering industrial products 61 (equivalent to over 80%) have undergone scrutiny in the form of evaluations, impact assessments, fitness checks, repeals etc. between 2010 and now.<sup>3</sup>

In order to assess whether legislation governing industrial products is still relevant in helping the internal market to function effectively, DG ENTR conducted a comprehensive evaluation of legislation covering non-food products manufactured through an industrial process<sup>4</sup>. The evaluation concluded that legislation on the internal market for industrial products is relevant to meeting EU objectives of ensuring the effective functioning of the internal market in these products while safeguarding high levels of protection of health and safety, consumers and the environment. However, the assessment and the public consultation identified a number of areas that require further improvement and proposed several areas where attention should be focused, such as e.g.: stronger enforcement mechanisms, horizontal legislation on products, taking into account innovation and technological developments in the elaboration of any new proposals (e.g. e-Compliance initiative), applying systematically smart regulation principles.

The Commission will now consider the consolidation of legislation and the strengthening of enforcement mechanisms including a more harmonised approach to economic sanctions and a common framework for the marketing of industrial products based on Decision 768/2008/EC. In that context, the possibility for simplification of the legal framework in a horizontal Regulation will be explored which would considerably reduce the volume of legislation.

### 2. Planned REFIT Actions<sup>5</sup>

The following measures could be considered for future evaluation and Fitness Checks under REFIT:

- Evaluation of the Late Payments Directive (to be completed 2016);

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<sup>3</sup> Initiatives with simplification aspects recently adopted include i.e. the review of Directive 1999/5/EC on radio equipment and telecommunications terminal equipment replaced by a Directive on radio equipment (awaiting publication in the Official Journal), the Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website which allows for a simplified procedure online and the Commission Implementing Regulation (EU) No 254/2013 of 20 March 2013 amending Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 (REACH) which reduced fees for SMEs. Other initiatives aiming at simplifying and improving the legislative frameworks are pending in the legislative process such as e.g. the proposal for a Regulation on Personal Protective Equipment replacing Directive 89/686/EEC, the proposal for a Regulation on Cableway Installations replacing Directive 2000/9/EC or the proposal for a regulation on Market Surveillance merging several Regulations into one single legal instrument. Further initiatives are in preparation such as e.g. the Directive 2007/46/EC on the type-approval of motor vehicles and their trailers or the Directive 97/68/EC on emissions from engines in non-road mobile machinery.

<sup>4</sup> "A vision for the internal market for industrial products" (COM(2014)25)

<sup>5</sup> The current planning is subject to confirmation under the next Commission mandate.

- Evaluation of the relevance of standardisation activities (to be completed 2015/2016);
- Evaluation of the legal framework for pre-packaging (to be completed 2015);
- Cumulative Cost Assessment of glass/ceramics (to be completed in 2015/2016);
- Evaluation of the mutual recognition regulation of goods (to be completed in 2015);
- Cumulative Cost Assessment of the construction sector (to be completed in 2016).

### **3. Facilitating the implementation of the Regulation on Registration, Evaluation, Authorization and Restriction of Chemicals (REACH)<sup>6</sup>**

REACH provides for the systematic registration of chemical substances and harmonises measures to manage risks in order to protect human health and the environment and ensure the free circulation of chemicals on the internal market while enhancing competitiveness and innovation of the European chemicals industry.

Since its adoption in 2006, REACH has been subject to an extensive and continuous dialogue with all relevant stakeholders in order to facilitate its implementation, hence this dedicated section.

In 2013, the Commission carried out a comprehensive review of REACH<sup>7</sup> which identified some needs for adjustments but concluded positively overall on the functioning of this legislation.

As a result of this review, the Commission decided not to amend REACH, but to take action to facilitate its implementation in areas where business has concerns. This also provides legislative stability and predictability for business.

In this context, the Commission is implementing a number of actions including:

- Enhanced support to SMEs to meet the 2018 registration deadline: This includes an implementing act addressing the operation of Substance Information Exchange Forums (SIEF) with rules on transparency, fairness and non-discrimination of cost-sharing, refocusing the Directors Contact Group to advise the European Chemicals Agency (ECHA) directly and with specific focus on SMEs, developing an ECHA 2018 registration roadmap and enhancing knowledge of the application of EU competition rules within the SIEFs.
- Monitoring the impacts of REACH on the competitiveness of industry, innovation and SMEs;

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<sup>6</sup> REACH is covered in this chapter on enterprise and industry but it should be reminded that REACH falls under joint responsibility of the policy areas of enterprise and industry and of environment.

<sup>7</sup> COM(2013)49 accompanied by SWD(2013)25.

- Improving the overall efficiency of the REACH restriction procedure jointly with Member States and ECHA with specific attention given to finding ways to ensure the proper consultation of all parties involved, in particular SMEs;
- Developing tools for Member States to better evaluate the potential impacts of their restriction proposals on SMEs;
- Increasing the synergies and reducing the overlaps potential between REACH and other legislation related to chemicals such as the POP (Persistent Organic Pollutants) Regulation, the RoHS (Restriction of Hazardous Substances) Directive, Occupational Safety and Health legislation and legislation on waste;
- Assessing the need to improve communication with SME stakeholders under REACH to ensure that their concerns are properly understood and considered and providing additional assistance by more structured use of the Enterprise Europe Network and National Helpdesks;
- Promoting the use of existing EU funding programmes such as HORIZON 2020 or of the LIFE programmes, to help SMEs find suitable alternatives to hazardous chemicals;
- Setting up a Roadmap for the identification of Substances of Very High Concern (SVHC) and the implementation of REACH Risk Management measures from now to 2020<sup>8</sup> along with deploying its Implementation Plan<sup>9</sup>, developed in agreement with ECHA and Member States and following consultation with stakeholders. To improve communication with stakeholders and the general public in this area and to provide information on potential regulatory actions on substances early in the process, ECHA has developed a dedicated web-portal on substances of potential concern<sup>10</sup>, that it will continue to improve;

The Commission reports progress on the delivery of these actions in collaboration with Member States and stakeholders via e.g. the meeting of Competent Authorities for REACH (CARACAL).

Without prejudice to legal stability, the Commission will consider other measures for the medium-term. These measures include:

- Exploring ways to improve the overall efficiency of the authorisation process in order to make it simpler and more predictable for industry while safeguarding safety and environmental goals. Possibilities include:

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<sup>8</sup> <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205867%202013%20INIT>

<sup>9</sup> [http://echa.europa.eu/documents/10162/19126370/svhc\\_roadmap\\_implementation\\_plan\\_en.pdf](http://echa.europa.eu/documents/10162/19126370/svhc_roadmap_implementation_plan_en.pdf)

<sup>10</sup> <http://echa.europa.eu/addressing-chemicals-of-concern/substances-of-potential-concern>

- Examining possibilities for adjusting the frequency of new additions to the candidate list and of amendments to Annex XIV;
- Examining ways of simplifying the authorisation process in specific cases where risks to human health and the environment are clearly lower than the socio-economic benefits of continued use of the substances. The Commission is currently looking at possible regimes for legacy spare parts, recycled materials, biologically essential uses;
- Examining how socio-economic elements should be considered during the analysis of the best Risk Management Options for the identification of relevant Substances of Very High Concern to be listed in the Candidate List. Attention could also be paid to raw materials considered as critical or of high economic importance;
- Assessing practicability and SME-impacts systematically before any relevant, significant changes to the general annexes and guidelines are made as well as considering the need to ensure legal stability in view of the 2018 registration deadline;
- Improving the way public consultation are held under REACH to increase SMEs' participation and facilitate SMEs' input (e.g. with the use of summary cover sheets).

#### 4. Scoreboard

##### *Legislative Actions*

<b>Late payments</b>	
Proposed legislation	Proposal for recast of Directive 2000/35/EC on combating late payment in commercial transactions (Adopted by the Commission on 8 April 2009 - COM(2009)126)
Status	Adopted on 16 February 2011 - Directive 2011/7/EU
Main objectives	Improving the effectiveness and the efficiency of remedies for late payment through the introduction of an entitlement to the recovery of administrative costs and compensation for internal costs incurred due to late payment. Accordingly, this proposal aims at improving the cash-flow of European businesses, especially SMEs.
Main REFIT objectives	The Directive brings the following specific simplification benefits: <ul style="list-style-type: none"> <li>● statutory interest may be charged when payment is not made within the contractual or legal deadline;</li> <li>● maximum payment periods for payments by public authorities to businesses of 30 days are imposed and a flat rate compensation (5%) from the first day of delay amounting in addition to the interest for late payment and the compensation for recovery costs is introduced;</li> </ul>



	<ul style="list-style-type: none"> <li>the possibility to exclude claims for interest of less than € is abolished.</li> </ul>
Source(s)	SME Scoreboard March 2013 – SWD(2013)60
Date of entry into application	16 March 2013
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament introduced a possibility for Member States to extend the time limit of payments by public authorities to businesses up to a maximum of 60 calendar days for any public authority which carries out economic activities of an industrial or commercial nature or public entities providing healthcare
Council Position	Council supported the amendments by Parliament.
Assessment of final outcome	The discretion given to Member States to extend the time limit of payments by public authorities to businesses up to a maximum of 60 calendar days for any public authority which carries out economic activities of an industrial or commercial nature or public entities providing healthcare reduces the value of the initiative for SMEs, but the overall assessment of the outcome is positive.

<b>Construction Products Regulation</b>	
Proposed legislation	Proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products amending Council Directive 89/106/EEC of 21 December 1988 (adopted by the Commission on 23 May 2008 – COM(2008)311)
Status	Adopted on 9 March 2011 – Regulation (EU) 305/2011
Main objectives	Facilitate the circulation and use of construction products on the Single market with an appropriate level of safety.  The Regulation simplifies and clarifies the existing legal framework for the marketing of construction products.
REFIT objectives	Building on the experience gained through the application of the Construction Products Directive, the Regulation includes a number of measures aimed at clarifying the system and simplifying the procedures for assessment and verification of the performance of products.  For example, micro-enterprises can choose simpler ways of showing that any one-off construction product put on the market meets applicable product performance requirements.
Source(s)	SME Scoreboard March 2013 – SWD(2013)60

Date of entry into application	01 July 2013
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Approved by the European Parliament without material change.
Council Position	Approved, but with additional conditions. Firms applying these simplified procedures should demonstrate that their procedures are equivalent to those used in harmonised standards and that their products meet applicable requirements.
Assessment of final outcome	The simplification objective intended by the proposal was realized in the adopted act. A simplified regime for micro-enterprises through the use of simplified assessment methods has been established, albeit with additional administrative requirements.

### Repeals

<b>Classification, labelling and packaging of dangerous preparations</b>	
Existing/Proposed legislation	Repeal of Directive 1999/45/EC on dangerous preparations
Status	The Directive will be repealed in accordance with article 60 of the CLP Regulation (EC) No 1272/2008 on 1 June 2015.
Main objectives	Repeal
Source(s)	Communication on REFIT – COM(2013)685

### Evaluations / Fitness Checks:

<b>Chemicals – "REACH Review"</b>	
Scope	Review of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
Status	REACH review adopted 05/02/2013 (COM (2013)49 and SWD(2013)25)
Results	<p>The REACH review identified needs for additional action in several areas. It notably concluded that registration costs were higher than anticipated due to the administration of the "one substance one registration" obligation, which poses a particular challenge to SMEs.</p> <p>In response to the findings of the review, the Commission has taken the following main actions:</p> <ul style="list-style-type: none"> <li>• Lowering registration fees for SMEs;</li> </ul>

	<ul style="list-style-type: none"> <li>• Appointment of a special envoy responsible for SMEs' issues (a so-called 'SME Ambassador') ECHA;</li> <li>• Producing specific guidance documents for SMEs;</li> <li>• Organising an SME workshop to identify mitigating actions with regard to the 2018 registration deadlines for low volume substances;</li> <li>• Developing analytical tools to increase the quality of restriction proposals made by Member States focusing on impacts on SMEs and competitiveness;</li> <li>• Streamlining the registration process for essential oils taking account of the specificity of the sector and the fact that most (if not all) of its operators are SMEs (Workshop, April 2014);</li> <li>• Enhancing coordination of Member States activities in relation to the identification of Substances of SVHC and restrictions via RiME;</li> <li>• Developing enforcement indicators to better monitor the consistency of the implementation of REACH;</li> <li>• Clarifying the overlaps between REACH and RoHS<sup>11</sup> and POP<sup>12</sup>;</li> </ul> <p>Several other actions addressing the REACH Review recommendations are ongoing-going and are described in section 3 of this document.</p>
Source(s)	Communication on Follow-Up to the Top10 Consultation – COM(2013)446

<b>Machinery</b>	
Scope	Evaluation of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery
Status	Evaluation planned to start in 2015 and expected to be finalised in 2016.
Source(s)	Communication on REFIT - COM(2013)685

<sup>11</sup> Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment

<sup>12</sup> Regulation (EC)850/2004 on Persistent Organic Pollutants (POP)

<b>Steel industry</b>	
Scope	Cumulative cost assessment to quantify the impact of EU regulatory costs on the cost structure of the European steel industry and on its international competitiveness.
Status	Cumulative cost assessment completed in June 2013: <a href="http://ec.europa.eu/enterprise/sectors/metals-minerals/steel/">http://ec.europa.eu/enterprise/sectors/metals-minerals/steel/</a>
Source(s)	Communication on REFIT – COM(2013)685
Results	Cumulative EU regulatory costs are low compared to the overall cost of steel production, ranging from less than 2% to 3% depending on the furnaces considered. The steel industry is a pro-cyclical industry. Cumulative regulatory costs compared to key performance indicators such as EBITDA (Earnings Before Interests, Taxes, Depreciation and Amortization) were in the area of 9-14% over EBITDA in the boom years, i.e. from 2006 to 2008. This is equivalent to around one per cent of the cost of a tonne of steel. Such a share of regulatory costs over EBITDA is unlikely to put EU steel makers in a dangerous competitive position. However in times of crisis, regulatory costs obviously make up a higher percentage of EBITDA (even if they do not change as a percentage of the cost of a tonne of steel), such as was the exceptional case of 2009, or, more often, fall in the area of 28% to 35% of the EBITDA. When regulatory costs of one per cent of a tonne of steel exceed EBITDA (especially when EBITDA is negative), then this is an indication that the sector is in difficulty.

<b>Aluminium industry</b>	
Scope	Cumulative cost assessment to quantify the impact of EU regulatory costs on the cost structure of the European aluminium industry and on its international competitiveness.
Status	Cumulative cost assessment finalised in October 2013: <a href="http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=7124&amp;lang=en&amp;title=Final-report---Assessment-of-Cumulative-Cost-Impact-for-the-Aluminium-Industry">http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=7124&amp;lang=en&amp;title=Final-report---Assessment-of-Cumulative-Cost-Impact-for-the-Aluminium-Industry</a>
Source(s)	Communication on REFIT - COM(2013)685

Results	<p>Cumulative costs are compared to production costs and margins in 2012 (so it does not take account of the cyclical nature of the industry and continuing weak global economic conditions) of the European primary aluminium industry, as well as to production costs of international primary aluminium producers and to aluminium prices (about 1300€/tonne). The analysis draws on a sample of 11 primary aluminium plants, representing 60% of the total EU27 primary aluminium production in 2012. For the entire sample, cumulative regulatory costs range from 114 to 149 €/tonne, with an intermediate estimate of 132 €/tonne. Overall, regulatory costs are equivalent to around one per cent of the cost of production. Since aluminium primary production is extremely energy intensive, the largest share of regulatory costs are related to energy prices: in the intermediate scenario, 41% of total regulatory costs are due directly to energy policies, while the ETS indirect costs (falling on the energy producers and passed on to the user) amount to 45%. Environmental regulation costs represent 13%.</p>
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<b>Type-approval system for motor vehicles</b>	
Scope	Fitness check assessing whether the legal framework for the type approval of motor vehicles and their trailers is fit for purpose.
Status	<p>Fitness check finalised and staff working document adopted in Nov 2013 (SWD(2013)466 final):</p> <p><a href="http://ec.europa.eu/enterprise/sectors/automotive/files/projects/report-cses-fitness-check_en.pdf">http://ec.europa.eu/enterprise/sectors/automotive/files/projects/report-cses-fitness-check_en.pdf</a></p>
Source(s)	Communication on REFIT - COM(2013)685
Results	<p>The fitness check concluded that the legal framework for the type-approval of motor vehicles is appropriate in achieving the main policy goals of harmonisation, effective operation of the single market and ensuring fair competition. It further identified the following priorities for the revision of framework Directive 2007/46/EC: introduction of market surveillance provisions, clarification of the recall system and safeguard procedures, assessing the suitability of alternative type-approval schemes and of the multi-stage type approval process; clarifying the responsibilities and co-operation of Member States' enforcement authorities and enhancing the criteria for assigning and monitoring technical services.</p> <p>No need for further simplification and reduction of administrative burden has been identified, since the type-approval legislation for motor vehicles has already been substantially simplified in 2009 by means of the regulation (EC) No 661/2009 on general safety of motor vehicles.</p>

<b>Internal market for Industrial Products</b>	
Scope	Evaluation of Industrial products legislation covering: non-food products manufactured through an industrial process. The EU <i>acquis</i> for industrial products currently includes 73 directives and regulations, both those covering specific industrial products and those that apply horizontally across many different product groups (such as REACH and the Ecodesign Directive). The majority (though not all) of the EU internal market legislation for industrial products was included within the scope of the evaluation <sup>13</sup> .
Status	Evaluation finalised and annexed as a Staff Working Document (SWD(2014)23 final) to the Communication on 'A vision for the internal market for products' (COM(2014) 25 final) adopted on 22 January 2014.
Source(s)	Communication on REFIT - COM(2013)685
Results	<p>The evaluation concluded that internal market for industrial products legislation is relevant to meeting EU objectives relating to the protection of consumers and of the environment. However, the assessment and the public consultation identified a number of areas that require further attention.</p> <p>Based on these conclusions, , the Commission decided to focus on the consolidation of legislation and the strengthening of enforcement mechanisms without adding regulatory burden – "A vision for the internal market for industrial products" (COM(2014)25).</p>

<b>Oil refining industry</b>	
Scope	<p>Fitness check of EU legislation relevant for the petroleum refining industry such as the Renewables Energy Directive, the Energy Taxation Directive, the EU Emissions Trading System, the Fuels Quality Directive, the Directive on Clean and Energy Efficient Vehicles, the Industrial Emissions Directive, the Strategic Oil Stocks Directive, the Marine Fuels Directive, the Energy Efficiency Directive and the Air Quality Directive.</p> <p>The legislation will be assessed against the criteria of effectiveness, efficiency, coherence and relevance paying special attention to the competitiveness dimension.</p>
Status	Fitness check ongoing and expected to be finalised in 2014
Source(s)	Communication on REFIT - COM(2013)685

<sup>13</sup> For a detailed overview of the EU harmonisation legislation included within the scope of the Evaluation, see table 1.1 of the Evaluation report in SWD (2014)23, page 8.

<b>Forest-based industries</b>	
Scope	Cumulative cost assessment of the most relevant EU legislation and policies for the EU forest-based industries (woodworking, furniture, pulp and paper and printing), notably on their profit margins and in relation to international competitors
Status	Cumulative cost assessment to start Q4 2014 and to be finalised in Q1 2016
Source(s)	Communication on REFIT - COM(2013)685

<b>Chemical industry</b>	
Scope	Cumulative cost assessment of the most relevant EU legislation and policies relevant for the European chemicals industry.
Status	Cumulative cost assessment started Q1 2014 and expected to be finalised in Q2 2015
Source(s)	Communication on REFIT - COM(2013)685

<b>Chemicals legislation (other than REACH)</b>	
Scope	Fitness Check on the most relevant chemicals legislation other than REACH as well as related aspects of legislation applied to downstream industries
Status	Fitness check expected to start in June 2014 and is expected to be finalised in Q4 2015
Source(s)	Communication on REFIT - COM(2013)685

<b>Firearms</b>	
Scope	Evaluation of Directive 91/477/EEC on control of the acquisition and possession of weapons and Directive 2008/51/EC of the EP and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons
Status	Evaluation ongoing and expected to be finalised in 2014; report to be submitted to the EP and the Council by 28 July 2015.

Source(s)	Communication on REFIT - COM(2013)685
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### **3. INTERNAL MARKET AND SERVICES**

#### **1. Smart regulation activity and simplification efforts in 2013-2014**

The key simplification measures proposed by the Commission in the area of Internal Market and Services include the trade mark reform, a strengthening of the protection of trade secrets and the proposal for a Single Member Company. The legislator adopted the Commission's proposal on MIFID<sup>14</sup>.

The proposal on trade mark reform put forward by the Commission in March 2013 seeks to make trade mark systems in Europe more accessible, efficient and effective for businesses. The proposal suggests streamlining and harmonising of registration procedures, the clarification of trade mark rights and the incorporation of extensive case law of the Court of Justice. It will reduce trade mark fees and make trade mark protection cheaper and more accessible.

The Commission also proposed a strengthening of the protection of trade secrets in November 2013 which proposes to harmonise civil law remedies in case of misappropriation of trade secrets, improve enforcement and harmonize judicial redress regarding blocking the use of misappropriated trade secrets and obtaining compensation for the prejudice suffered.

The new Single-Member Company Directive proposal adopted by the Commission on 9 April 2014 will facilitate the establishment of companies with a single-shareholder and allow for electronic registration of such companies in all Member States.

The MiFID II – Markets in financial Instruments Directive II has been adopted by the legislator in April 2014, it will help SMEs reducing the ratio of cost against the capital gained in financial markets so that seeking financing in capital markets should become more attractive and access to capital for SMEs is made easier.

The Commission is currently undertaking a review of the EU copyright framework, which could lay the basis for further initiatives during the next political cycle. The review addresses, inter alia the following elements: territoriality in the Internal Market; harmonisation, limitations and exceptions to copyright in the digital age; fragmentation of the EU copyright market; and how to improve the effectiveness and efficiency of enforcement while underpinning its legitimacy in the wider context of copyright reform.

The post-crisis review of supervisory and transparency legislation, in particular creation of the European Securities and Markets Authority<sup>15</sup>, review of transparency regime for EU

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<sup>14</sup> Markets in Financial Instruments.

<sup>15</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC

securities markets<sup>16</sup> and modernisation of the EU network of business registers<sup>17</sup> bring a unique opportunity to harmonize and streamline reporting requirements, and cross-border public access to business information. These initiatives have created economic conditions to enhance the SME credit markets, to significantly ease the access of SMEs to the financial markets and in consequence lower the cost of capital for SMEs, across the EU. In the implementing phase of the legislative processes the Commission intends to oversee the agendas and standards developed by relevant EU and national authorities, in order to seek common approaches and application of best standards and practices. The Commission is also working closely with international standard setters relevant for business information (Financial Stability Board, International Financial Reporting Standards Foundation, XBRL International, World Wide Web Consortium, European Business Register and others), leveraging their activities and assuring applicability and quality the standards for business information. The new Financial Markets legislation has systematic evaluation and review clauses built-in.

Streamlining business reporting to different authorities also has been identified as cost-saver for SMEs. The Commission follows closely national initiatives aiming at developing common information standards and mechanisms for e-delivery of common business information to business registers, tax authorities, securities markets, statistical offices etc.<sup>18</sup> An EU coordination may need be considered in order to rationalize those efforts, identify synergies and avoid inconsistencies.

## **2. Planned REFIT actions**

Legislation in the area of the internal market is subject to continuous scrutiny for simplification and burden reduction under REFIT. The Commission focuses on implementing the various initiatives identified under REFIT 2013 (see scoreboard).

In other key areas where wider policy reviews are in preparation such as the Digital Single Market, it will be important to identify the remaining barriers and assess the regulatory framework for costs and simplification potential.

The following proposal by the Commission pending in legislative procedure could be considered for withdrawal:

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<sup>16</sup> Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013 amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market, Directive 2003/71/EC of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and Commission Directive 2007/14/EC laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC Text with EEA relevance

<sup>17</sup> Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers

<sup>18</sup> For example the Dutch SBR <http://www.sbr-nl.nl/wat-is-sbr/international/> or the UK's iXBRL joint filing initiative <http://www.companieshouse.gov.uk/about/miscellaneous/jointFilingSoftwareFilingFAQs.shtml>

- Proposal for a Directive amending Directive 97/9/EC on Investor Compensation Schemes – COM(2010)371, 2010/0199 COD

The following areas could be considered for future evaluations and Fitness Checks under REFIT:

- Design system in EU;
- Prospectus Directive – 2003/71/EC.
- Insurance legislation (Fitness Check once sufficient experience is gained with the implementation).

### 3. Scoreboard

The following initiatives for simplification and burden reduction are being implemented in the policy area of internal market and services:

#### *Legislative Initiatives*

<b>Recognition of professional qualifications</b>	
Proposed legislation	Proposal for a Directive of the EP and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (Commission proposal COM(2011)883 from 19 December 2011)
Status	Adopted by the legislator - Directive 2013/55/EU
Main objectives	Simplification of the rules organising the recognition of professional qualifications, reinforcing the safety and protection of patients/consumers and introducing a mutual evaluation exercise of regulated professions.

Main REFIT objectives	<ul style="list-style-type: none"> <li>• Lighter requirements for recognition of professional experience: clarification and simplification of the conditions for temporary provision of services and mutual recognition of qualifications, extending the scope of automatic recognition and introduction of the partial access concept as well as of recognition of professional traineeships. Easier information-sharing among Member States through IMI (Internal Market Information system): a European Professional Card (EPC) recognition procedure is introduced in order to facilitate recognition of qualifications; this is an electronic procedure based on IMI. The use of IMI becomes compulsory for administrative cooperation in this field.</li> <li>• Access to information and electronic procedures: the scope of the PSCs is extended and all recognition procedures can be accomplished on line.</li> <li>• Transparency and mutual evaluation of regulated professions aiming at increasing mobility and modernising regulation.</li> </ul>
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	18 January 2016
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Supportive.
Council Position	Supportive.
Assessment of final outcome	As far as REFIT objectives are concerned, the Commission's proposal is reflected in the final text.

<b>Public Procurement</b>	
Existing/Proposed legislation	<p>Commission proposals:</p> <ul style="list-style-type: none"> <li>• Proposal COM/2011/0896 final from 20 December 2011 for a Directive of the European Parliament and of the Council on public procurement</li> <li>• Proposal COM/2011/0895 final from 20 December 2011 for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors</li> <li>• Proposal COM/2011/0897 final from 20 December 2011 for a Directive of the European Parliament and of the Council on the award of concession contracts</li> </ul> <p>amending the following Directives on Public Procurement:</p>

	<ul style="list-style-type: none"> <li>• Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors</li> <li>• Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts</li> <li>•</li> </ul>
Status	<ul style="list-style-type: none"> <li>• Directive 2014/24/EC of the European Parliament and of the Council of 26 February 2014 on public procurement</li> <li>• Directive 2014/25/EC of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors</li> <li>• Directive 2014/23/EC of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts</li> </ul> <p>adopted on 26 February 2014 and published in the OJ on 28 March 2014.</p>
Main objectives of the initiative	Introduction of a stable legal framework for concessions, offering legal security for economic operators and contracting authorities. Creation of a level playing field for concessions across Europe. Introduction of transparency and equal treatment of economic operators bidding for concessions.
Main REFIT objectives	<p>Simplification of procedures, reduction of administrative burden via:</p> <ul style="list-style-type: none"> <li>• Specific measures for SMEs: Bidders for public tenders can provide self-declarations, rather than original documents or certificates, showing that they meet eligibility criteria. Only the winning bidder would be asked to provide the original documents.</li> <li>• Breaking tenders down into smaller lots is encouraged.</li> <li>• Reduction of the limitation of maximum turnover requirements to a maximum twice the contract value.</li> <li>• Greater use of e-procurement is encouraged.</li> </ul>
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	17 April 2014
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	REFIT objectives were strongly supported by EP, in particular with regard to SME-related measures and the generalised use of e-procurement. The EP insisted on an effective reduction of documentation requirements.
Council Position	The Council expressed broad support for the REFIT objectives. There was, however, no uptake for the European Procurement Passport which had been proposed by the Commission as an instrument for the simplification of documentation requirements. Member States found that such an additional document would create new administrative burdens and was at odds with new technical developments towards online databases making documents directly available to contracting authorities.
Assessment of final outcome	<p>The adopted measure involves the creation of a European Single Procurement Document which is a standardised self-declaration that greatly facilitates participation in procurement procedures.</p> <p>The final outcome delivers a modern and effective set of procurement rules that achieves and even surpasses the REFIT objectives set for the Commission initiative.</p>

<b>European Long Term Investment Funds (ELTIF)</b>	
Existing/Proposed legislation	Proposal for a Regulation of the EP and of the Council on European Long-term Investment Funds
Status	Proposal adopted by the Commission on 26 June 2013 - COM(2013)462, pending in legislative procedure.
Main objectives of the initiative	Create a single market for funds focusing on long-term investment strategies, facilitate the access of retail and institutional investors to long-term assets and increase the financing of long-term projects
Main REFIT objectives	This regulation will create a harmonised fund for long term investments with a passport. It will enhance cross-border access to long term funding for Europe's real economy. The creation of a European fund with uniform rules and administrative procedures will also simplify the current situation where fragmented and often inconsistent requirements exist in different Member States.
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	The ECON committee of the EP agreed on a compromise text which proposes changes to retail investors' access to their original capital as well as to the assets ELTIF can invest in.

Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Undertakings for collective investment in transferable securities (UCITS)</b>	
Existing/Proposed legislation	Commission proposal to revise:  Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)
Status	The first part of the UCITS review (relating to securities financing transactions) was adopted by the Commission on 29 January 2014 together with the banking structural reform proposals - COM(2014) 43 final, 2014/0020-COD.
Main objectives of the initiative	The aim of the UCITS review is to align the investment profile of a UCITS (e.g. eligible assets, techniques using derivatives and security financing transactions) with a prudent policy on risk exposure suitable for retail investors and ensure the clarity of the rules.
Main REFIT objectives	Providing increased clarity of rules will make the practical application of the Directive simpler and this will help to increasing the choice of funds, in particular to retail investors.
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not been reached	

<b>Company law</b>	
Existing/Proposed legislation	Codification of 7 Company Law Directives:  Directives 82/891, 2005/56, 2009/101, 2009/102, 2011/35, 2012/17, 2012/30
Status	Codification planned for Q3 2014

Main objectives of the initiative	Codification
Main REFIT objectives	To codify into one instrument various company law directives to increase transparency and readability
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b> (not yet applicable as this stage in the procedure has not yet been reached)	

<b>Initial Public Offerings (IPOs) for SMEs / Prospectus and disclosure requirements</b>	
Existing/Proposed legislation	Delegated Regulation pursuant to:  Commission Regulation (EC) No 809/2004 of 29 April 2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements
Status	Adopted  Commission Delegated Regulation (EU) No 486/2012 of 30 March 2012 / Commission Delegated Regulation (EU) No 862/2012 of 4 June 2012
Main objectives of the initiative	Increase efficiency (enhancement of legal clarity)  Reduce administrative burdens and administrative costs for issuers when raising capital
Main REFIT objectives	This regulation amends disclosure rules to make Public offerings (including Initial Public Offerings) less costly and easier for small firms.  To increase efficiency and reducing administrative burdens, the delegated Regulation lays down conditions under which a description of the index within the prospectus is not required when the index is composed by entities acting in association with or on behalf of the issuer. Moreover, for broadly based and recognised published indexes, a statement in the prospectus specifying where the information about the index can be found should be sufficient without a description of the composition of the index being necessary.  In order to reduce the administrative costs for issuers when raising capital, this Regulation lays down conditions under which the report



	prepared by independent accountants or auditors accompanying profit forecasts and estimates is not required, notably where independent accountants or auditors are not able to sign the audit report because the complete set of documents constitutive of annual financial statements are not available to them.
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	1 July 2012 and 22 September 2012

<b>Insurance mediation</b>	
Existing/Proposed legislation	Proposal for the recast of Directive 2002/92/EC on insurance mediation
Status	Proposal adopted by the Commission on 3 July 2012 - COM(2012)360
Main objectives of the initiative	The main objective of the proposal is consumer protection in the sale of life and non-life insurance products through insurance intermediaries and insurance undertakings. Rules are introduced to address more effectively the risk of conflicts of interest, including disclosure of remuneration by intermediaries. Sales standards are strengthened and enhanced requirements apply to the sale of life insurance products with investment elements.
Main REFIT objectives	The proposal makes it easier for ancillary service providers to implement the sales rules, and some exceptions are provided for SMEs, for example giving them a five-year grace period to provide information to customers on the sale of non-life insurance products.
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	EP first reading report adopted on 26 February 2014 softens some of the disclosure and transparency requirements in the proposal, for example by making them available on request only. The Commission's proposal on SMEs remains unchanged.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Copyright</b>	
Existing/Proposed	Directive on collective management of copyright and related rights and

legislation	multi-territorial licensing of rights in musical works for online uses in the internal market
Status	Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market
Main objectives of the initiative	The Directive will ensure the better governance and greater transparency of collective rights management on behalf of rightholders. It will also facilitate the multi-territorial licensing of online rights of authors in musical works by collective management organisations and make it easier for online service providers to obtain such licences.
Main REFIT objectives	Micro exemption is proposed for setting up a supervisory function and for certain financial reporting obligations.
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	10 April 2016
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament suggested the removal of micro exemptions as Copyright Management Organisations manage rightholders' financial interests and transparency and control should be ensured in all cases.
Council Position	Council supported this position.
Assessment of final outcome	The exemption for micro-companies proposed by the Commission was removed by the legislator.

*Withdrawals:*

<b>Community patent</b>	
Existing/Proposed legislation	Withdrawal of a proposal for a Council regulation on the Community patent - COM(2000) 412
Status	The proposal was withdrawn on 21 May 2014.
Main objectives of the initiative	Withdrawal
Main REFIT objectives	Withdrawal  Negotiations on this proposal failed in 2010 and enhanced cooperation among 25 Member States in this area was proposed. Regulations implementing enhanced cooperation in the area of unitary patent protection were adopted in December 2012.
Source(s)	Communication on REFIT – COM(2013)685

<b>Legal protection of design</b>	
Existing/Proposed legislation	Withdrawal of a proposal for a Directive of the European Parliament and of the Council amending Directive 98/71/EC on the legal protection of designs – COM(2004)582
Status	The proposal was withdrawn on 30 April 2014.
Main objectives of the initiative	Withdrawal
Main REFIT objectives	Withdrawal  The proposal remained in legislative procedure since 2004 and did not receive the support of a sufficient number of Member States in Council.
Source(s)	Communication on REFIT – COM(2013)685

<b>Statute of European private company</b>	
Existing/Proposed legislation	Withdrawal of a proposal for a Council Regulation on the Statute for a European private company – COM(2008)396/3
Status	The proposal was withdrawn on 30 April 2014.
Main objectives of the initiative	Withdrawal
Main REFIT objectives	Withdrawal  The proposal did not receive the support of a sufficient number of Member States in Council (unanimity requirement).
Source(s)	Communication on REFIT – COM(2013)685

*Follow-Up under the ABR+ programme:*

<b>Company accounts</b>	
Existing/Proposed legislation	Directive 2006/46/EC amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings

Status	Follow-up/assessment under the ABR+ programme of the implementation by Member States is ongoing.	
Main REFIT objectives of the initiative	<p>The Directive increased the monetary thresholds defining small and medium-sized companies that were given in the Accounting Directive by around 20%. The Directive established the maximum size criteria ("thresholds") for balance sheet and net turnover which Member States may apply in determining which companies may be exempted from certain disclosure requirements. There was no obligation on Member States to make use of those increased thresholds, nor even to implement differentiation of companies based on size. The Member States had also the flexibility, when implementing categories based on size, to apply lower thresholds than those provided for in the Directive.</p> <p>The increase of thresholds by 20% nevertheless was a clear invitation for the Member States with size categories to increase the size-criteria (or "thresholds") defining their small companies and medium-sized companies so as to increase the population of small and medium-sized companies at the expense of the population of respectively medium-sized and large companies. The effect of such increase would have been that companies with a balance sheet total and / or turnover slightly exceeding the size-criteria defining a certain category (e.g. medium-sized) would have been "downgraded" into a lower category (e.g. small size category). This enabled savings where the requirements for financial information were less demanding in the lower category compared to a higher category.</p> <p>Savings potential calculated by the Centre for European Policy Studies in 2009 amounted to €63 million over the EU.</p>	
Source(s)	ABR+	
Date of entry into application	July 2006	
<b>Amendments by co-legislator</b>		
Positions of Parliament and Council	<p>Parliament felt that costly and inefficient over-regulation should be avoided, in particular for SMEs. Measures to enhance business transparency and liability for inappropriate behaviour should be proportionate to their actual benefit to shareholders and other interested parties. Excessive demands regarding disclosure should be avoided: the duty of disclosure should only be extended where this is relevant and necessary.</p> <p>Parliament also considered the inclusion of off-balance sheet transactions in the notes not necessary and clarified the proposed principles of collective responsibility and corporate governance.</p> <p>A new article was inserted in Directive 78/660/EC, which provides a 20 % increase of the thresholds for small and medium-sized companies.</p>	
Assessment of final outcome	The amendments in legislative procedure were the result of a compromise reached by Parliament, Council and Commission.	

	<p>Main change was the thresholds for SMEs were increased by 20% The main effect for SMEs benefitting the measure have been to change category (for instance, from large or medium to small), with less accounting requirements than in the category where they previously were. Only a limited number of SMEs could be affected, as this measure could have an effect only for those companies with a balance sheet total and/or turnover amount comprised between the amount before increase and the amount after increase. Other main changes aimed for better proportionality in the transparency on related parties' transactions, for clearer provisions on the collective responsibility of board members towards the company in respect of annual reports and financial statements, and for better articulation of a corporate governance report.</p>
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<b>Annual accounts of micro-enterprises</b>	
Existing/Proposed legislation	Directive 2012/6/EU of 14 March 2012 amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities
Status	Follow-up/assessment under the ABR+ programme of the implementation by Member States is ongoing.
Main REFIT objectives of the initiative	The Directive gives Member States the possibility to exempt micro-companies from certain accounting requirements in order to simplify their financial reporting.
Source(s)	ABR+
Date of entry into application	April 2012
<b>Amendments by co-legislator</b>	
EP Position	Parliament proposed maintaining the obligation for companies to keep records showing the company's business transactions and financial situation. That obligation was maintained in the final act with the obligation for micro entities to prepare a balance sheet and a profit & loss account.
Council Position	Reduction of the thresholds to EUR 250 000 for balance sheets and EUR 500 000 for net turnover and therefore reduction in the number of SMEs that could benefit from the exemption.
Assessment of final outcome	<p>The amendments by the legislator reduced the scope of application and the number of SMEs to benefit from the simplification.</p> <p>The thresholds were reduced to EUR 350 000 for balance sheets and EUR 700 000 for the net turnover.</p> <p>The Directive makes a simpler accounting regime available to micro-entities, including a simplified balance sheet and profit and loss account, virtually no notes, no management report and simplified</p>

	<p>publication system.</p> <p>It is up to the Member States whether they want to use the option of implementing a simpler regime for their micro-entities. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive if and when they decide to make use of any option provided in it.</p>
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*Evaluations:*

<b>International accounting standards (IAS)</b>	
Scope	Evaluation of Regulation 1606/2002 on the application of international accounting standards (IAS)
Status	Evaluation ongoing. To be completed by the end of 2014.
Source(s)	REFIT Communication – COM(2013)685

<b>Public procurement - remedies</b>	
Scope	Evaluation of Directive 2007/66/EC amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts
Status	Evaluation to start in 2014, to be supported by a study commissioned in 2013 with results expected by the end of 2014.
Source(s)	REFIT Communication – COM(2013)685

<b>Commercial agents</b>	
Scope	Evaluation of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents
Status	Evaluation to start in 2014
Source(s)	REFIT Communication – COM(2013)685

<b>Financial services</b>
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Scope of Evaluation	Assessment of the overall coherence and the ongoing and expected economic impacts of the reforms adopted or proposed during 2009 and 2014 to strengthen the regulation and supervision of EU financial services.
Status	Completed in May 2014 - Staff working document to be published in 2014, with a Commission Communication.
Results	<p>The Economic Review sets out how the EU financial regulation agenda addresses the regulatory shortcomings and market failures that contributed to the financial crisis enhances financial stability and market integrity. Based on the analysis conducted, the total benefits of the financial regulation agenda, if fully implemented, are expected to outweigh the total costs. The financial system has already changed and improved in key aspects, and this will continue as the reforms take effect.</p> <p>The Economic Review explains that the reform agenda has been mindful of minimising the costs of the reforms, including the compliance burden for the financial services industry, and that further review and monitoring is required to ensure that the reforms, in particular the complex interactions between different rules, deliver the intended benefits while avoiding the undesired effects.</p>
Source(s)	REFIT Communication – COM(2013)685

## 4. TAXATION AND CUSTOMS UNION

### 1. Smart regulation activity and simplification efforts in 2013-2014

Mini One Stop Shop: Doing business in more than one Member State often means dealing with several tax administrations in different languages. Dealing with multiple VAT obligations can be very burdensome and costly for companies. The implementation on 1st January 2015 of a mini One Stop Shop for the EU providers of telecommunications, broadcasting and electronic services to consumers (Council Directive 2008/8/EC – following a proposal from the Commission in 2003) will be a big step forward in simplifying VAT compliance rules in the EU. The One Stop Shop system that is currently limited to non-EU providers of electronic services is being extended to EU businesses and to broadcasting and telecom services. It will allow businesses to declare and pay the VAT in the Member State where they are established rather than where their customer belongs. In the future, the intention is to extend the One Stop Shop step by step to other supplies of goods and services. To ensure smooth implementation, the Commission published a Guide to the VAT mini One Stop Shop and a set of explanatory notes on place of supply rules. Three implementing regulations were also adopted. The estimated savings on administrative burden are €463 million.

Union Customs Code: Following the Commission's proposal of February 2012, the European Parliament and of the Council adopted Regulation (EU) No 952/2013 laying down the Union Customs Code on 9 October 2013. This recast of the Modernised Customs Code Regulation (EC) No 450/2008 was necessary to take account of the need for the Commission, the national customs administrations and the economic operators to develop a wide range of electronic systems, requiring important investments in new EU-wide IT systems as well as an unprecedented effort from the business community to operate according to new business models. Among the improvements are measures to complete the shift by customs to a paperless, fully electronic environment and provisions to reinforce swifter customs procedures for reliable traders. The new rules will be applied as of 1 May 2016 with a phased deployment of IT systems according to a work programme until 31 December 2020.

### 2. Planned REFIT Actions

Reduction of regulatory burden in the area of taxation and customs should involve stronger commitment by the co-legislator. The area of VAT is one of the main areas of EU regulatory burden identified by SMEs in the TOP-10 consultation and an area where simplification requires unanimous agreement of Member States in Council after consultation of Parliament and the Economic and Social Committee. For reasons of subsidiarity, Member States are reluctant to reduce regulatory burden through EU harmonisation in this area. The Commission notably regrets the lack of progress made in Council on the simplification of VAT administration for SMEs which led the Commission to withdraw its proposal. Another example of difficulties to simplify the regulatory environment in the area of VAT is the implementation of the VAT 'one-stop-shop' which will start to function in a more limited form than initially proposed by the Commission in 2003 (see scoreboard).

The following area could be considered for future legislative initiatives under REFIT to simplify and reduce regulatory burden:



- Extension of the one-stop-shop to all business to consumer (B2C) supplies, notably to distance sales of goods, including imports of small consignments (2014-2016). The objective of the initiative is to reduce obstacles to cross border trade and safeguard Member States' VAT revenues by making the EU VAT system simpler, neutral and more robust. By making business across the EU as simple and as safe as engaging in purely domestic activities, overall growth and development is ensured.

The following areas could be considered for future evaluations and Fitness Checks under REFIT:

- REFIT evaluation of the VAT e-invoicing directive (2010/45/EU) – 2016/2017;
- Assessment of the implementation of the Mini One Stop Shop (2008/8/EC) – 2015/2016.

### 3. Scoreboard

*Legislative Actions:*

<b>Common consolidated corporate tax base (CCCTB)</b>	
Existing/Proposed legislation	Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB)
Status	Proposed by the Commission on 16 March 2011 - COM(2011)121, pending in legislative procedure.
Main objectives	Proposing a common set of rules in the EU to calculate the corporate tax base of businesses operating in the internal market. This system is optional for Member States.
REFIT objectives	CCCTB reduces time and resources spent on tax compliance for businesses operating cross border in the EU. It is estimated that the current compliance costs could be reduced by 7% and the CCCTB would save businesses €750 million in reduced compliance costs and €1 billion in reduced costs to expand cross-border.
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>Introduction of several amendments by the EP under the consultation procedure, these include notably an obligation to use CCCTB except for micro-companies.</p> <p>The proposal has not been accepted by the Commission as it would increase burden for local business with no cross-border operations.</p>

Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>EU standard VAT declaration</b>	
Existing/Proposed legislation	Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards a standard VAT return
Status	Proposed by the Commission on 23 October 2013 - COM(2013)721, pending in legislative procedure.
Main objectives of proposal	Introduction of a mandatory standard VAT return system for Member States and business.
REFIT objectives	<p>The aim of this initiative is to reduce red-tape for businesses, ease tax compliance and make tax administrations across the Union more efficient. The proposal foresees a uniform set of requirements for businesses when filing their VAT returns, regardless of the Member State in which they do it.</p> <p>The standard VAT return simplifies the information that businesses will have to provide to tax authorities. The declaration will have only 5 compulsory boxes for taxpayers to fill in. Member States are given leeway to request a number of additional standardised elements, up to a maximum of 26 information boxes. This is a major improvement on the current situation, whereby some Member States require up to 600 information boxes to be completed.</p> <p>Businesses will file the standard VAT return on a monthly basis, while micro-enterprises will only be obliged to do it on a quarterly basis. The proposal also encourages electronic filing, as the standard VAT return will be allowed to be submitted electronically throughout the Union. This major simplification of the process for VAT returns supports the Commission's wider commitments to reducing administrative burdens.</p> <p>The estimated savings on administrative burden are €15 billion per year.</p>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments by co-legislator</b>	
EP Position	The EP first reading in February 2014 fully supports the Commission's proposal. Only a few amendments are made in recitals, mainly in order to strengthen the potential of the proposal in reducing administrative burden and VAT fraud.

Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

### *Withdrawals*

<b>Simplification of VAT obligations</b>	
Existing/Proposed legislation	Withdrawal of the Commission proposal for a Council Directive amending Directive 77/388/EEC with a view to simplifying value added tax obligations - COM(2004)728-1
Status	The proposal has been withdrawn on 21 May 2014
Main objectives and REFIT objectives	<p>This proposal is part of a package of 3 proposals reviewing the VAT system, out of which two were adopted as Council Regulation (EC) N° 143/2008 (administrative cooperation) and Directive 2008/9 (cross border refunds). The proposal foresaw the possibility for Member States to exempt companies with an annual turn-over of less than 100.000 EUR from VAT obligations and to establish an EU wide threshold for distance selling replacing the individual thresholds in each Member State.</p> <p>While the EP supported the Commission proposal, the Council could not agree on the proposal, which was last discussed in 2007. The Commission decided to withdraw the proposal in 2014.</p>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not applicable.

### *Evaluations and Fitness Checks:*

<b>Excise duty</b>	
Scope	<p>Evaluation of Council Directive 2008/118/EC concerning the general arrangements for excise duty.</p> <p>The assessment covers the legal arrangements for cross-border movements of excise goods released for consumption between traders and distance selling companies.</p>
Status	Ongoing and planned to be completed by end Q2 2015.
Source(s)	REFIT Communication - COM(2013)685

<b>Excise duty of manufactured tobacco</b>	
Scope	<p>Evaluation of Council Directive 2011/64/EU on the structure and rates of excise duty applied to manufactured tobacco.</p> <p>The assessment should identify potential for a reduction of administrative costs for operators and tax authorities with a higher degree of compliance and security in imposing excise duties on tobacco products.</p>
Status	Ongoing and planned to be completed by end of 2014.
Source(s)	REFIT Communication - COM(2013)685

### *ABRplus*

<b>Common system of value added tax</b>	
Existing/Proposed legislation	Council Directive 2010/45/EU of 13 July 2010 amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing
Status	<ul style="list-style-type: none"> <li>• Directive 2010/45/EU was adopted on 13 July 2010.</li> <li>• The directive is implemented by all Member States which have not reported any major problems of implementation.</li> <li>• ABRPlus follow-up on Member State implementation.</li> </ul>
Main objectives and REFIT objectives	<p>Suppressing additional requirements on invoices and enabling wider use of electronic invoicing.</p> <p>The aim of the proposal is to increase the use of electronic invoicing, reduce burdens on business, support small and medium sized enterprises (SMEs) and help Member States to tackle fraud. The proposal simplifies, modernises and harmonises the VAT invoicing rules. In particular, it eliminates the current barriers to e-invoicing in the VAT Directive by treating paper and electronic invoices equally.</p> <p>The estimated savings are up to €18 billion. The Commission will make a formal assessment of the e-invoicing rules in 2016/2017, focusing on the decrease in administrative burdens for businesses.</p>
Source(s)	ABR+ programme (High Level Group on Administrative Burden)
Date of entry into application	1 January 2013
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	Most of the amendments tabled by the Parliament went beyond the Commission's proposal in terms of reduction of administrative burdens. As they were not in line with the ECOFIN's general approach reached in March 2010, and the Council could not agree on a large number of simplification measures proposed by the Commission, therefore, the Commission did not modify its proposal following the proposed EP amendments.
Council Position	Several options proposed by the Commission to simplify the content of invoices, their storage, as well as self-billing and outsourcing were not adopted by Council.  Council also decreased the ceiling for use of simplified invoices to EUR 100. The proposed standardised date for chargeability to tax and invoicing date was also not accepted in full.
Assessment of final outcome	The main elements of the proposal, i.e. equal footing of the paper and electronic invoices, no technical restriction on issuance of e-invoices and no legal obstacles to the transmission and storage of e-invoices were achieved.  Council could not agree on further simplification as proposed by Commission and Parliament.

<b>Refund of value added tax</b>	
Existing/Proposed legislation	Directive 2008/9/EC laying down detailed rules for the refund of value added tax.
Status	Directive 2008/9/EC was adopted on 12 February 2008.  The directive is implemented by all Member States.  ABRPlus follow-up on Member State implementation
Main objectives and REFIT objectives	The Directive lays down the detailed rules for the refund of VAT to taxable persons not established in the Member State of refund suppressing the obligation to fill out paper forms. With the new rules applicants are able to file their applications electronically in their own Member State. The electronic procedure replaces the previous paper-based procedure which was slow, cumbersome, and costly ensuring a quicker refund to claimants.  The estimated savings are €47 million.
Source(s)	ABR+ programme
Date of entry into application	1 January 2010
<b>Amendments by co-legislator</b>	
EP Position	The European Parliament proposed on 1 December 2005 only minor

	amendments inter alia suggesting additional notifications and clarifications of deadlines for refund.
Council Position	The Council added several options for Member States for the refund procedure such as supplementary coding of supplies and invoice requirements. It extended the processing time for refund requests from three months (as proposed by the Commission) to four months. The Council also added the option for Member States to specify the languages to be used for the refund process.
Assessment of final outcome	The electronic procedure and the estimated deadline for refund is an improvement compared to the previous mechanism. However, the numerous options to Member States added at the request of Council lead to difficulties in interoperability and to inconsistencies between the IT systems of Member States delaying the full roll out of the system.

## 5. STATISTICS

### 1. Smart regulation activity and simplification efforts in 2013-2014

Cost-effectiveness and minimizing burden on respondents are basic, for the development, production and dissemination of European statistics. Following the Commission Communication (2009) 404, EUROSTAT and the national statistical institutes respond to the growing demands for high quality statistics while reducing response burden and production costs. Work is currently on-going in the European Statistical System on the priorities for the years to come. In this context, the Commission draws the attention to the main areas requiring further investments:

- Streamlining of EU legislation in statistics: Several activities are under way in the context of REFIT.
- Continuously improving the data quality and satisfying the users' requests.
- Modernisation of ICT infrastructure: Modernisation of the ICT infrastructure is a priority in the further industrialisation of European statistics. A new setup for communication of data with built-in security features to allow distributed communication amongst the partners within the European Statistical System (ESS) will be necessary. Standards for ensuring reusability of information in the ESS and for providing shared statistical services are needed.
- More effective use of multiple sources data: The exploration of possibilities for re-use of already available data is noteworthy be it from existing administrative registers (micro-data exchange) or from "Big Data". General principles for data re-use should be established. Based on the experience gained with SIMSTAT, some other domains such as statistics on multinationals, international trade in services and foreign direct investments could be considered as appropriate next candidates for micro-data exchange.
- More efficient allocation of responsibilities within the ESS. Co-operation models such as collaborative networks and centres of competence merit further exploration. The modernisation process provides also the right opportunity to rethink what could be better done at national and what at European level.

The European Statistical Programmes constitute the framework for planning European statistics related activities. Mid-term and ex-post evaluations of these programmes cover all statistics produced by Eurostat. They also identify possible improvements for the future programme design and implementation. The following recent initiatives also include aspects of simplification and reduction of administrative burden:

- On 30 August 2013, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 on rail transport statistics (COM(2013)611). This proposal adapts the statistical output to present and foreseeable user needs, reduces the burden on Member States and respondents without any significant loss in the quality of data and improves the timelines of disseminating passenger rail data.

- Commission Regulation (EU) No 1093/2013 of 4 November 2013 amending Regulation (EC) No 638/2004 of the European Parliament and of the Council and Commission Regulation (EC) No 1982/2004 as regards the simplification within the Intrastat system and the collection of Intrastat information reduced the coverage rate for arrivals from 95% to 93% from 1 January 2014. This simplification enabled reducing the response burden on the parties responsible for providing statistical information, particularly small and medium-sized enterprises.

## 2. Planned REFIT Actions

Legislation in the area of statistics is subject to continuous scrutiny for simplification and burden reduction under REFIT and the Commission focuses on the implementation of the initiatives already decided (see scoreboard).

The following areas could be considered for future action under REFIT:

- The development of a new comprehensive architecture for business statistics

The Commission is preparing a modernised architecture for European business statistics and Intra-EU trade statistics in the context of the on-going modernisation of the production of official statistics in the European Statistical System.

- Testing a modern way to reduce the response burden and increase quality of statistics for trading of goods in the Single market

Intra-EU trade in goods statistics, besides enabling the EU institutions and national authorities to evaluate the growth of the Single Market and the integration of EU economies, provide EU businesses with essential information for their sales and marketing policies. However, the underlying statistical data collection system – Intrastat – is expensive. The currently available detailed information costs annually 334 million € and imposes an administrative burden on enterprises evaluated at 317 million € per year<sup>19</sup>. This burden is very high even though the required information serves quite frequently also own needs of the businesses, for instance for detailed market research.

The various initiatives to reduce the burden on enterprises while providing users with sufficiently accurate intra-EU statistics have led to several simplifications. Nevertheless, the basic characteristics of the Intrastat data collection system were never changed since its establishment in 1991. Intrastat has, therefore, been chosen as a favourable frame to devise an integrated European statistical production process and save a share of the administrative burden on enterprises. Thus, the Commission conceived the Single Market Statistics project (SIMSTAT) to deliver the modernised business architecture for Intrastat.

SIMSTAT has to meet a two-fold target: (i) reduce sizeably the administrative burden on enterprises and at the same time (ii) guarantee that the statistical information that it will

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<sup>19</sup> [http://ec.europa.eu/dgs/secretariat\\_general/admin\\_burden/docs/enterprise/files/abst09\\_statistics\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/admin_burden/docs/enterprise/files/abst09_statistics_en.pdf)



provide is of high quality and fit for the purpose of measuring the intra-EU trade. This is achieved via three "win-win" actions:

- First action: simplify the reporting requirements for Member States on the import side. This enables Member States to design the compilation of their import data according to their needs and opens up the possibility for Member States to use other data sources.
- Second action: create an additional data source that guarantees the improvement of the quality of the statistical data, by making the exchange of (or providing mutual access to) micro-data on intra-EU exports among Member States compulsory. Independently of the compulsory nature of the sharing of micro-data, Member States decide to what extent these micro-data are used together with other sources in the compilation of the import statistics.
- Third action: further enhance the quality of statistical information on the export side through more concerted efforts on data compilation, analysis and validation.

SIMSTAT will be piloted in 2015. If it confirms its added value and cost-effectiveness, implementation will be aimed through the Framework Regulation Integrating Business Statistics.

- Harmonised Indices of Consumer Prices

The Commission is preparing a proposal on Harmonised Indices of Consumer Prices (HICP). This will involve i.e. the simplifying, and streamlining of legal requirements for the compilation of Harmonised Indices of Consumer Prices (HICP) and a significant reduction of the number of existing legal acts. The new architecture will also take into account new methods for the collection of basic prices which will potentially reduce regulatory burden (e.g. use of scanner data – already available in electronic form in retail sale shops).

Reducing regulatory burden in the area of statistics should involve action at the level of Member States. In the area of statistics, Member States in certain cases maintain national requirements not required by EU legislation, such as in the area of Intrastat<sup>20</sup> and Prodcom<sup>21</sup> where data collected by respondents serve both national and EU needs. An area where some Member States have been able to streamline and reduce national requests for statistical data is the utilisation of VAT data in the compilation of the index of industrial turnover without

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<sup>20</sup> In the case of Intrastat, the Union legislation sets up the minimum requirements – in terms of coverage of data collection and data elements to be collected – which the Member States have to meet. Most Member States collect more than the minimum coverage rate or also some optional data elements.

<sup>21</sup> Concerning Prodcom, the national law of several countries exceed or at least complements what the Union legal act requires (e.g. AT, RO, DE, HU, LT, FI). Therefore, it is difficult to delimitate the administrative burden associated to EU/national level requirements. Often Prodcom is embedded in a system of production statistics (links to short term statistics, national accounts, national surveys) and the potential for simplification is in reality lower than it would appear if considering only EU level requirements.

requesting further data of businesses. This possibility which has also been suggested by stakeholders is currently used by about half of all Member States and should be employed more widely.

National statistical offices should carry out cost-benefit analysis in a systematic way to balance the general interest in market information against the cost for stakeholders of providing required statistics. The Commission continues to work with Member States to find the best solutions in this area.

### 3. Scoreboard

#### *Legislative Actions*

<b>Integrating business statistics (FRIBS)</b>	
Existing/Proposed legislation	Proposal for a Framework Regulation integrating Business Statistics (FRIBS) repealing Regulation (EEC) No 696/93; Regulation (EC) No 295/2008; Regulation (EC) No 1165/1998; Regulation (EEC) No 3924/91 and Regulation (EC) No 912/2004; Regulation (EC) No 471/2009; Regulation (EC) No 638/2004; Regulation (EC) No 716/2007; Regulation (EC) No 177/2008; Regulation (EC) No 48/2004; Decision (EC) No 1608/2003 related to statistics; modifying Regulation (EC) No 184/2005; Regulation (EC) No 808/2004
Status	Proposal in preparation, adoption by the Commission scheduled for 2015
Main objectives	The initiative aims at integrating business statistics in a common legal framework to: <ul style="list-style-type: none"> <li>• streamline and rationalise the reference framework for European business statistics, reduce the response burden on business</li> <li>• defining a new architecture for European business statistics instrumental to the compilation of quality and purpose-relevant European business statistics.</li> </ul>
Main REFIT objectives	FRIBS work targets the integration of existing individual legal acts in one framework Regulation. This would guarantee that all actions would be undertaken in a consistent and time-coordinated way. Furthermore, it would allow the definitions of a flexible frame for future developments of business statistics in the EU, since changes in statistical areas would always take place within the framework of one single Regulation, and thus, per definition, in a consistent way. Moreover, specific provisions for accessing administrative sources would reduce the administrative burden on respondents.
Date of entry into application	Not applicable
<b>Amendments to REFIT objectives by co-legislator</b>	
(not yet applicable as this stage in the procedure as not yet been reached)	

## Integrating Social statistics

Existing/Proposed legislation	<p>Proposal for a framework regulation for the production of European statistics relating to persons and households, based on data at individual level (Regulation on Social Statistics)</p> <p>Affected European surveys; possibly repealed/modified legislation:</p> <ul style="list-style-type: none"> <li>• <i>EU Labour Force Survey</i> Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community</li> <li>• <i>EU-SILC: EU Statistics on Income and Living Conditions</i> Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)</li> <li>• <i>AES: Adult Education Survey</i> Regulation (EC) No 452/2008 of the European Parliament and of the Council of 23 April 2008 concerning the production and development of statistics on education and lifelong learning; Commission Regulation (EU) No 823/2010 of 17 September 2010 implementing Regulation (EC) No 452/2008 of the European Parliament and of the Council concerning the production and development of statistics on education and lifelong learning, as regards statistics on the participation of adults in lifelong learning</li> <li>• <i>EHIS: European Health Interview Survey</i> Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work; Commission Regulation (EU) No 141/2013 of 19 February 2013 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics based on the European Health Interview Survey (EHIS)</li> <li>• <i>ICT (HH): Survey on ICT usage in households</i> Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society; Commission Regulation (EU) No 859/2013 of 5 September 2013 implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society.</li> </ul>
Status	Proposal in early stages of preparation, Commission adoption tentatively foreseen for 2015-2016
Main objectives	<p>The preparatory work is focusing on:</p> <ul style="list-style-type: none"> <li>• consolidate and integrate statistical legislation integration of on the production of European statistics relating to persons and households</li> <li>• enable progressive methodological and organisational integration of</li> </ul>

	<p>statistical surveys</p> <ul style="list-style-type: none"> <li>• increasing accountability, efficiency and responsiveness of statistical production and output.</li> </ul>
Main REFIT objectives	The work concerns data collected from private households and individuals (persons), but not from enterprises. The objective is to make best possible use of the information provided by private households and individuals, and to meet current and future needs for European statistics while keeping the response burden at approximately the present level. This shall be achieved through the integration of European statistical data collections that are currently covered by different regulations.
Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>(not yet applicable as this stage in the procedure as not yet been reached)</p>	

<b>Farm structure survey system</b>	
Existing/Proposed legislation	Proposal for a simplification of the Farm Structure Surveys and the survey on agricultural production methods
Status	Simplification proposal planned for 2018
Main objectives	After the 2016 Farm Structure Survey will be carried out, the Commission will propose a simplified system with the main objectives of ensuring continued high quality statistics while increasing flexibility and reducing response burden.
Main REFIT objectives	The proposal will simplify the survey and reduce regulatory burden.
Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>not yet applicable as this stage in the procedure as not yet been reached</p>	

### *Repeal*

<b>Steel statistics</b>
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Existing/Proposed legislation	Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009.	
Status	The proposal for repeal is scheduled for 2015.	
Main objectives	Repeal - Data is no longer collected under Regulation (EC) No 48/2004 on the production of annual Community statistics on the steel industry.	
REFIT objective	Repeal of obsolete regulation.	
Source(s)	Communication on REFIT - COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
Not yet applicable as this stage in the procedure as not yet been reached		

#### *Withdrawal*

<b>Statistics on safety from crime</b>		
Existing/Proposed legislation	Withdrawal of a proposal for a Regulation European Parliament and of the Council on European statistics on safety from crime (COM(2011)335)	
Status	The proposal was withdrawn on 30 April 2014.	
Main objectives	Withdrawal - It was decided to withdraw the proposal following the rejection of the European Parliament, and considering the need for re-prioritisation within the European statistical system.	
REFIT objectives	Withdrawal	
Source(s)	Communication on REFIT - COM(2013)685	

#### *ABRplus*

<b>Statistics on intra-EU trade</b>	
Existing/Proposed legislation	Commission Regulation (EU) No 1093/2013 of 4 November 2013 amending Regulation (EC) No 638/2004 of the European Parliament and of the Council and Commission Regulation (EC) No 1982/2004 as regards the simplification within the Intrastat system and the collection of Intrastat information

Status	Adopted on 4 November 2013 ABRPlus follow-up on Member States' implementation. Included in the on-going project for Integrating Business Statistics
Main objectives	Following technical and economic developments, the established minimum coverage rate for arrivals could be adapted to allow reducing the response burden on the parties responsible for providing statistical information, particularly small and medium-sized enterprises.
REFIT objectives	Reducing the number of respondents when compiling statistics on intra-EU trade  The coverage rate for arrivals was reduced from 95 % to 93 %.
Source(s)	ABR+
Date of entry into application	26 November 2013

<b>Survey on industrial production</b>	
Existing/Proposed legislation	Commission Regulations establishing the annual 'Prodcom list' of industrial products provided for by Council Regulation (EEC) No 3924/91
Status	Adopted  ABRPlus follow-up on Member State implementation  Included in the on-going project for Integrating Business Statistics
Main objectives	Reducing reporting requirements on industrial production in the EU.
REFIT objectives	List of products of the European Community (Prodcom lists) are adopted annually to align production statistics with external trade statistics, and to ensure comparability of data across Member States and with other nomenclatures. The list takes into account the aim to reduce reporting requirements related to industrial production in the EU. The most recent Prodcom list was adopted by Commission Regulation (EU) No 936/2013 of 12 September 2013 establishing for 2013 the 'Prodcom list' of industrial products provided for by Council Regulation (EEC) No 3924/91.  An important review took place in 2004 regarding the number of products surveyed, the information required on each product and the frequency.  The regulations governing the Prodcom list - Commission Regulation (EC) No 317/2006 of 22 December 2005, Commission Regulation

	<p>(EC) No 294/2007 of 20 February 2007, Commission Regulation (EC) No 36/2009 of 11 July 2008, Commission Regulation (EC) 830/2011 of 27 July 2011; Regulation (EC) 907/2012 of 20 August 2012; and Regulation (EC) 936/2013 of 12 September 2013 - have gradually reduced the number of products required, from around 5600 in the years up to 2004 to the current 3805.</p> <p>Measures recommended to Member States to reduce the administrative burden on respondents included the simplification of the Prodcom list, the transition from quarterly to annual data requirements and the exchange of information between administrations as well as process improvements, such as promoting electronic questionnaires.</p>	
Source(s)	ABR +	
Date of entry into application	Different dates of entry into application following the annual gradual simplification	

## **6. MOBILITY AND TRANSPORT**

### **1. Smart regulation activity and simplification efforts in 2013-2014**

Transport is essential to our economy and enables growth and job creation. The main priorities in the area of Mobility and Transport are completing the Single Market, pushing innovation and projecting the EU's mobility and transport objectives and defending EU political and industrial interests internationally.

Simplification, burden reduction and legislative efficiency are a continuous priority in the area of transport. Since 2013, a simplification of legislation on the digital tachograph has been achieved and SMEs have been exempted, however some Member States have imposed stricter requirements as foreseen by EU legislation. A proposal for a Directive on driving licenses and driver cards has been withdrawn. A proposal to simplify cabotage rules in road transport is planned for 2014. Assessment continues whether a repeal of legislation on retrofitting of mirrors to heavy goods vehicles respects road safety is appropriate. Evaluations of the Directives on tunnel safety and passenger ship safety legislation have started and the evaluation of combined transport is planned for the second semester of 2014.

At the same time, differences in national implementation of transport legislation are an important concern from a perspective of simplification and burden reduction. For instance, the diverse implementation of road cabotage rules<sup>22</sup> by Member States has led to a number of practical difficulties for transport companies<sup>23</sup> which the Commission intends to address in its REFIT proposal on road cabotage under preparation (see scoreboard).

### **2. Planned REFIT actions**

Legislation in the area of transport is subject to continuous scrutiny for simplification and burden reduction under REFIT. Reducing regulatory burden in this area should involve action at the level of Member States, including more rigorous implementing of EU legislation, stronger cooperation, better data exchanges and common agreement on the interpretation of specific dispositions.

For new REFIT actions in the area of transport, the Commission focuses on legislation in the field of maritime safety and road transport and safety.

This could include the following future actions under REFIT:

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<sup>22</sup> Cabotage is defined as: "National carriage for hire or reward carried out on a temporary basis in a host Member State". The provisions on road transport cabotage are set out in Articles 2 and 8 of Regulation (EC) No 1072/2009.

<sup>23</sup> I.e., Finland considers that each loading and unloading constitutes a different cabotage operation, whereas Denmark considers that a cabotage operation may include several loading or unloading points, but not both. Denmark considers that cabotage may only take place after the full unloading of an international carriage; whereas other Member States consider that partial unloading is sufficient. Differences in checks have led to the existence of transport undertakings that have little or no establishment in Member States (letter-box companies).



- Repeal of Council Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community of 16 August 1960;
- Evaluation on training, qualification, licenses in road transport covering: Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers;
- Evaluation of Maritime Transport and Safety Rules;
- Evaluation of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues.

The following proposal by the Commission pending in legislative procedure could be considered for withdrawal:

- Proposal for a Directive on Aviation Security Charges – COM(2009)217, 2009/0063 COD
- Proposal for a Regulation on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures – COM(2002)313 / 2000/0326 COD

### 3. Scoreboard

#### *Legislative Actions*

<b>Recording Equipment in Road Transport</b>	
Existing/Proposed legislation	Commission proposal (COM(2011)0451 - 2011/0196 (COD)) of 19 July 2011 amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/ of 15 March 2006 on the harmonisation of certain social legislation relating to road transport
Status	Following the proposal, legislation has been adopted and published: Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport
Main objectives of the initiative	The initiative updates legislation on the digital tachograph linking up to satellite positioning systems and to public control authorities.
Main REFIT objectives	The further use of digital tachographs will improve enforcement of rules and reduce the administrative burden for transport companies, which use tachographs, in the medium and long term.  The so-called "form of attestation of activities", major source of

	<p>administrative burden according to stakeholders, has been repealed.</p> <p>Member States should have the option to exempt lorries of less than 7.5 t from the tachograph regulation if they carry materials, equipment or machinery for the driver's use in the course of his work and used within a radius of 100 km and provided that driving the vehicle is not the driver's main activity (mainly craftsmen).</p>
Source(s)	REFIT Communication– COM(2013)685
Date of entry into force	1 March 2014
Date of application	Subject to the transitional measures in Article 46, the Regulation shall apply from 2 March 2016. However, Articles 24, 34 and 45 shall apply from 2 March 2015.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP position regarding main REFIT objectives	In its First Reading resolution, Parliament suggested to decrease the threshold for the tachograph exemption to 2.8 t. In its Second Reading resolution of 15 January 2014, Parliament adopted the exemption for craftsmen, a total weight of less than 7.5 t, and within a 100 km radius. This exemption is included in article 3 of Regulation 561/2006 (scope of the regulation) and therefore will be applicable in all Member States. The other exemptions for which an extension of radius from 50 to 100 km was agreed will keep the same regime as currently (optional).
Council position regarding main REFIT objectives	The Council position left the Commission's original administrative burden reduction objectives largely intact. The most important part of the initial proposal which was not maintained following discussions in the ordinary legislative procedure concerned the merging of the tachograph cards with the driving licences. This measure, aiming to very significantly reduce the fraud with driver cards, was not retained by Member States which argued that it created too much administrative burden. However, the estimates of the impact assessment prepared by the Commission showed that this measure could have actually reduced the administrative burden by 100 million euros per year.
Assessment of final outcome regarding main REFIT objectives	The outcome is satisfactory and corresponds to an important extent to the Commission's original administrative burden reduction objectives. The finally adopted Regulation does not include a provision on the merger of tachograph driver cards with driving licences, which weakens the foreseen reduction of administrative burden. However, the new Regulation did suppress the "form of attestation of activities", which according to the estimates of the High Level Group on AB could reduce the administrative burden on transport companies by around € 184 million. The craftsmen option has turned from an optional exemption into a general exclusion from the scope.

<b>Cabotage Rules in Road Transport</b>	
Existing/Proposed	Simplification proposal amending Regulations (EC) 1071/2009 on

legislation	access to the occupation of road transport operator and 1072/2009 on common rules for access to the international road haulage market	
Status	The proposal could be presented by early 2015.	
Main objectives of the initiative	The proposal would aim to clarify and simplify certain problematic provisions of Regulations (EC) No 1071/2009 and 1072/2009. The corresponding amendments would facilitate their implementation by Member States and bring a more uniform application across the EU.	
Main REFIT objectives	The amendments envisaged would reduce administrative burden both for public authorities and private operators. On the one hand, it would make it easier for control authorities to enforce the existing legislation. Better use of existing control tools is likely to reduce the duration of checks, whereas targeting of checks thanks to the technical capabilities of the new digital tachograph will increase detection levels. On the other hand, operators would enjoy increased certainty when planning their transport operations, thanks to the application of uniform control provisions throughout the EU.	
Source(s)	REFIT Communication– COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
Not yet applicable as this stage in the procedure as not yet been reached		

*Withdrawal:*

<b>Driving Licences and Driver Card</b>		
Existing/Proposed legislation	Withdrawal of the proposal for a Directive of the European Parliament and of the Council amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card (COM(2011)0710)	
Status	Withdrawn on 21 May 2014.	
Main objectives of the proposal	To simplify procedures and reduce the number of documentary evidence for professional drivers.	
Source(s)	REFIT Communication– COM(2013)685	

*Repeals*

<b>Retrofitting of Mirrors to Heavy Goods Vehicles</b>	
Existing/Proposed legislation	Directive 2007/38/EC of the European Parliament and of the Council of 11 July 2007 on the retrofitting of mirrors to heavy goods vehicles

	registered in the Community
Status	Under preparation. <sup>24</sup>
Main objectives of the proposal	Ensuring that older trucks are equipped with mirrors in order to avoid blind-spot accidents involving vulnerable road users when the truck is turning
REFIT objectives	Reduction of EU regulation through repeal of a measure no longer having any significant practical impact.
Source(s)	REFIT Communication– COM(2013)685
Date of entry into application	6 August 2008
<b>Amendments to REFIT objectives by co-legislator</b> (not yet applicable as this stage in the procedure has not yet been reached)	

#### *ABR+ follow-up*

<b>Abolition of Discrimination in Transport Rates and Conditions</b>	
Existing/Proposed legislation	Council Regulation (EC) No 569/2008 of 12 June 2008 amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community
Status	The follow-up/assessment under the ABR+ programme of the implementation by Member States is ongoing.
Main objectives of the initiative	To ensure equal and transparent market conditions for transport operators, to avoid market disturbance and to facilitate controls by requiring specific evidence to be on board.
Main REFIT objectives	To mainstream to the internal transport market and reducing administrative procedures and costs by: <ul style="list-style-type: none"> <li>• Abolition of notification of transport tariffs</li> <li>• Alleviating the obligation to keep documentary evidence on board</li> </ul>
Source(s)	Commission Communication on the Action Programme for Reducing Administrative Burdens in the European Union (ABR) of 24 January 2007 - COM(2007)23 final  Commission Communication on EU Regulatory Fitness (ABR+) of 12 December 2012 - COM(2012) 746 final

<sup>24</sup> The Directive has been fully implemented and can be repealed. New trucks placed on the EU market must be equipped with blind spot mirrors under Directive 2003/97/EC, this directive stays in force.

Date of entry into application	20 June 2008
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*Evaluations and Fitness Checks:*

<b>Safety Rules and Standards for Passenger Ships</b>	
Scope	Fitness Check of: <ul style="list-style-type: none"> <li>• Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships</li> <li>• Directive 2003/25/EC on specific stability requirements for ro-ro passenger ships</li> <li>• Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services</li> <li>• Directive 1998/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community</li> </ul>
Status	Evaluation ongoing, results expected Q2 2015.
Source(s)	REFIT Communication – COM(2013)685

<b>Combined Transport</b>	
Scope	Evaluation of Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States
Status	Evaluation planned for Q3 2014 and expected to be finalized Q1 2015
Source(s)	REFIT Communication– COM(2013)685

<b>Tunnel Safety</b>	
Scope	Evaluation of Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network
Status	Evaluation ongoing, results expected Q2 2015.
Source(s)	REFIT Communication– COM(2013)685

<b>Promotion of Clean and Energy-efficient Road Transport Vehicles</b>	
Existing/Proposed legislation	Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles
Status	Since legal concerns have been raised vis-à-vis the possible repercussions of a repeal of this Directive on horizontal public procurement legislation, an evaluation will be conducted shortly to determine the further course of action. Results should be available by end 2015.
Main objectives of the initiative	Not applicable
Main REFIT objectives	Not applicable
Source(s)	REFIT Communication – COM(2013)685
Date of entry into application	Not applicable
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached	

## 7. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

### 1. Smart regulation activity and simplification efforts in 2013-2014

In response to the call from the March 2013 European Council for the creation of a Digital Single Market, the Commission proposed a legislative package for a "Connected Continent: Building a Telecoms Single Market". It includes a Proposal for a Regulation laying down measures concerning the European single market for electronic communications<sup>25</sup> as well as a Recommendation on Costing Methodologies and Non-Discrimination<sup>26</sup>.

Building on the Commission proposal of March 2013, the co-legislators reached political agreement in February 2014 on a Directive (as opposed to the Commission's original proposal for a Regulation) on measures to reduce the cost of broadband deployment, which has significant potential for simplifying rules and reducing regulatory costs.

The REFIT proposal for a Directive on Network and Information Security is still under discussion in the Council, while Parliament has proposed to reduce the scope of a SME exemption proposed by the Commission.

Due to protracted transposition in several Member States, it has only been possible very recently to observe effectively the application of the Audiovisual Media Services Directive in all Member States. The replies to the Green Paper *Preparing for a Fully Converged Audiovisual World: Growth, Creation and Value* and the preparation of the second report on the application of the Directive will provide pointers as to possible areas for regulatory attention. This will include the relationship between the nature and level of detail of compliance obligations and the extent to which the goals of the Directive are achieved. Considerations relating to simplification and administrative burdens in this context have to be assessed jointly with the overall functioning of the Directive. The REFIT evaluation foreseen for 2015 will thus be placed in the context of a wider examination that comprises several studies and a comprehensive stakeholder dialogue as a follow up to the Green Paper.

A pilot Community of Practice for better self- and co-regulation was established in July 2013 in order to promote, experience and improve the principles for better self- and co-regulation, support capacity-building in the use of the above principles and foster the culture of good practice in the use of self- and co-regulation by sharing experience.

A study to measure the potential and impact of Information and Communication Technologies (ICT) across policy areas to optimise legislative processes and outcomes has been finished in April 2014. The aim of the study<sup>27</sup> is to help policymakers better understand the effects of the Internet in policy areas for which they are responsible and assess the potential long term effects of online factors on existing regulatory environments.

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<sup>25</sup> COM (2013)627

<sup>26</sup> C (2013) 5761

<sup>27</sup> Putting the IC into 'Policy' – Strategic analysis for optimising the role of ICT in EU policy delivery: <http://ec.europa.eu/digital-agenda/futurium/en/content/draft-report-putting-ic-%E2%80%98policy%E2%80%99-strategic-analysis-optimising-role-ict-eu-policy-delivery>

## 2. Planned REFIT actions

The following areas could be considered for future evaluations and Fitness Checks under REFIT:

- Evaluation of the Telecoms Package of 2009;

In its Communication on the Telecommunications Single Market, the Commission indicated that further steps will be needed to complete the single telecoms market, notably through greater coordination of regulatory remedies. To this end, the Commission will utilise the existing tools provided by the regulatory framework and prepare a review of how the existing mechanisms for ensuring regulatory consistency might be further enhanced. This review will involve a broad stakeholder consultation.

The following studies with simplification/regulatory fitness aspects will be carried out:

- The Commission has launched a study to assess whether rules on *audiovisual* commercial communication for alcoholic beverages have afforded minors the level of protection required, and thereby contribute to assessing the Audiovisual Media Services Directive's regulatory fitness;
- Furthermore, a study that will assess the effectiveness and efficiency of co- and self-regulation aspects in promoting effective implementation of the Audiovisual Media Services Directive will show the extent to which these mechanisms can reduce regulatory complexity while ensuring that regulatory objectives are being met.

## 3. Scoreboard

### *Legislative Action*

<b>Network and Information Security</b>	
Existing/Proposed legislation	Proposal for a Directive of the European Parliament and the Council concerning measures to ensure a high common level of network and information security across the Union.
Status	Adopted by the Commission on 7 February 2013 - COM(2013) 48 final - 2013/0027 (COD), pending in legislative procedure.
Main objectives of the initiative	The aim of the Directive is to reinforce cyber-security in the Union by ensuring a coherent approach between national frameworks, and developing the cooperation between competent authorities through the creation of a network between national authorities and the Commission.



Main REFIT objectives	<p>The proposal includes an exemption for micro-enterprises.</p> <p>Under Article 14(8), microenterprises are exempted from the security and notification requirements under Article 14(1) and 14(2), i.e.</p> <ul style="list-style-type: none"> <li>• to take appropriate technical and organisational measures to manage the risks posed to the security of the networks and information systems which they control and use in their operations; and</li> <li>• to notify to the competent authority incidents having a significant impact on the security of the core services they provide</li> </ul>	
Source(s)	SME Scoreboard – SWD(2013)60	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
EP position regarding main REFIT objectives	<p>Parliament reduced the scope of the microenterprise exemption in Article 14(8) slightly (see text underlined): "Paragraphs 1 and 2 shall not apply to microenterprises as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, <u>unless the microenterprise acts as subsidiary for a market operator as defined in point (b) of Article 3(8)</u>".</p>	
Council position regarding main REFIT objectives	Not yet applicable as this stage in the procedure has not been reached.	
Final outcome regarding main REFIT objectives	Not yet applicable as this stage in the procedure has not been reached.	
Assessment of final outcome regarding main REFIT objectives	Not yet applicable as this stage in the procedure has not been reached.	

*Evaluations:*

<b>Directive on Privacy and Electronic Communications</b>	
Scope	Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (ePrivacy Directive);
Status	Evaluation to start in 2014-2015 following agreement on the Data Protection Reform proposal by the Commission.
Source(s)	REFIT Communication– COM(2013)685

## Audiovisual Media Services Directive

Scope	Evaluation of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).
Status	Evaluation to be launched in 2015
Source(s)	REFIT Communication– COM(2013)685

## 8. ENERGY

### 1. Smart regulation activity and simplification efforts in 2013-2014

Energy policy aims at achieving the three general energy policy objectives of competitive and affordable energy, safe and secure energy and sustainable energy. The main legal instruments for achieving the 2020 targets on renewable energy and energy efficiency are the Renewables Directive (2009)<sup>28</sup> and the Energy Performance of Buildings Directive (2010)<sup>29</sup>, the recent Energy Efficiency Directive (2012)<sup>30</sup>. The third internal energy market package (2009)<sup>31</sup> sets a comprehensive framework for the internal energy market for electricity and gas. The new legal framework for transnational energy infrastructure connections (TEN-E) is applicable as of 1 July 2013 to replace the current TEN-E guidelines<sup>32</sup>. It is complemented by the Regulation on the Connecting Europe Facility<sup>33</sup> (under the Multiannual Financial Framework 2014-20) and provides the framework for Union's financial assistance to Projects of Common Interest identified through the TEN-E Guidelines. Regarding nuclear energy, the focus lies on nuclear safety, a responsible and safe handling of nuclear waste and spent fuel and the implementation of nuclear safeguards. A proposal for a revised Nuclear Safety Directive is in the final stages of inter-institutional discussions.

Likewise, a proposal for a Council Regulation on how to handle the placing on the market of food and feed in response to a nuclear or radiological emergency is also under discussion with Member States with the aim of strengthening the existing decision making procedures.

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<sup>28</sup> Directive 2009/28/EC of the European Parliament and Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

<sup>29</sup> Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

<sup>31</sup> Directive 2009/72/EC 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; Directive 2009/73/EC of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC; Regulation (EC) No 713/2009 of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators; Regulation (EC) No 714/2009 of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003; Regulation (EC) No 715/2009 of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005

<sup>32</sup> Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009

<sup>33</sup> Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU

In 2014 the Commission adopted a policy framework for climate and energy in the period from 2020 to 2030<sup>34</sup> and a Communication on prices and costs which set the orientations for the future.

Key priorities for 2014 are the European Energy Security Strategy, a stock taking of the Internal Energy Market, with a view to its targeted completion by end 2014 and an energy retail market initiative, and a review of the Energy Efficiency Directive.

DG Energy has a rolling programme whereby both legislation and policy is regularly reviewed and evaluated for relevance and regulatory fitness. Examples include the internal market legislation, the Renewable Energy Directive, the Energy Efficiency Performance of Buildings Directive, and spending programmes, for which implementation reports and evaluations will continue to be undertaken at different points in the coming years.

In the first semester of 2013, DG ENER and DG REGIO carried out a screening exercise on all reporting obligations enshrined in the acquis in order to propose ways for simplifying and streamlining the reporting work of the Commission services. The final report outlined the importance of good management of the frequency, conciseness and content of reports, of improving the relations with the agencies charged with similar reporting obligations and of linking future reports to the information to be provided by Member States and involved stakeholders. This exercise gave more visibility of the existing legal obligations and allowed ENER to significantly reduce the number of reports through merging (43 reporting obligations to be merged into 14).

REFIT measures proposed and listed in the scoreboard are being implemented as foreseen. A proposal regarding the consolidation of safety standards for radiation protection has been finally adopted while the proposed simplification of the registration of carriers of radioactive material remains pending in legislative procedure. The Council and Commission Decisions on Crude Oil and Petroleum Products of 1977 and 1979 are in the process of being repealed, and the Renewable Energy Directive is currently undergoing an evaluation which is expected to be finalised late 2014/early 2015. A Council Directive was adopted in December 2013 merging five Directives in this area<sup>35</sup>.

## 2. Planned REFIT Actions

The following areas could be considered for actions under REFIT:

Energy labelling: The following acts have become obsolete due to the adoption of new delegated acts and will therefore be repealed:

- Directive 2003/66 amending Directive 94/2/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations;

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<sup>34</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on "A policy framework for climate and energy in the period from 2020 to 2030" of 22 January 2014 – COM(2014)015 final

<sup>35</sup> Council Directive 2013/59/EURATOM of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L13, 17.1.2014, p. 1 - 73)

- Directive 1999/9 amending Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household dishwashers;
- Directive 96/89 amending Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household washing machines.

EURATOM legislation:

- Legislative update / review of the Regulation of the Supply Agency of the European Atomic Energy Community of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials (OJ P 032 11/05/1960 p. 0777 – 0779)
- Legislative update / review of the Regulation of the Supply Agency of the European Atomic Energy Community amending the rules of the Supply Agency of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials, (O.J. L 193, 25/07/1975, p. 0037 – 0038)

### 3. Scoreboard

*Legislative Actions*

<b>Registration of Carriers of Radioactive Materials</b>	
Existing/Proposed legislation	Proposal for a Council Regulation establishing a Community system for registration of carriers of radioactive materials
Status	Adopted by the Commission on 28 September 2012 - COM(2012)0561 - 2011/0225 (NLE), pending in legislative procedure.
Main objectives of the initiatives	This Regulation will replace the reporting and authorization systems in the Member States in implementing Council Directive 96/29/Euratom by a single registration. The Regulation establishes a European System for Carrier Registration.
Main REFIT objectives	<p>The proposed replacement of national reporting and authorisation procedures with a single registration system for conducting transport will simplify the procedure, reduce administrative burden and do away with barriers to entry, while the high level of radiation protection already attained will be maintained.</p> <p>The proposed Regulation is intended to replace existing national authorization systems implemented differently in the Member States by a unique electronic system at the EU level (ESCREG) based on a single registration in one Member State valid in all other Member States. Such an approach should therefore contribute to simplifying the procedure and reduce the administrative burden for the transport of radioactive materials inside the EU. It is based on the mutual trust between the national competent authorities, i.e. that a certificate for carrier's registration issued in one MS is recognised by the others.</p>

Source(s)	REFIT Communication – COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
EP position regarding main REFIT objectives	No change to the REFIT measures proposed.	
Council position regarding main REFIT objectives	Not yet applicable as this stage in the procedure has not been reached.	
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.	

<b>Safety Standards for Radiation Protection</b>		
Existing/Proposed legislation	Proposal for a Council Directive laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation - COM(2012)0242 - 2011/0254 (NLE) adopted on 30 May 2012	
Status	Adopted by the legislator on 5 December 2013 – council Directive 2013/59/EURATOM	
Main objectives of the initiative	Modernisation of the European Basic Safety Standards in radiation protection by taking account of the latest scientific knowledge and technological progress, as well as of operational experience with current legislation, and consolidating the existing acquis of Euratom radiation protection legislation into one single piece of legislation, merging five Directives and upgrading a recommendation to become legally binding.	
Main REFIT objectives	<p>Merging of five Directives to improve the coherence of Euratom legislation. The proposal further improves the clarity of the text and ensures better operational implementation of the requirements.</p> <p>The new BSS Directive offers now in a single document and a coherent and consistent set of definitions and requirements for the protection of workers, patients and members of the public.</p>	
Source(s)	REFIT Communication– COM(2013)685	
Date of entry into application	February 2018	
<b>Amendments by co-legislator</b>		
EP position regarding	The European Parliament recognised the importance of establishing	

main REFIT objectives	basic safety standards for the protection against dangers arising from exposure to ionising radiation and welcomed the Commission proposal, including the underlying REFIT objectives.
Council position regarding main REFIT objectives	The Council agreed on 29 May 2013 on a compromise text, leaving the REFIT objectives intact.
Assessment of final outcome	The REFIT objectives (simplification through consolidation) proposed by the Commission have been fully adopted.

### Repeals

<b>Community target for a reduction in the consumption of primary sources of energy</b>	
Existing/Proposed legislation	Repeal of Council Decision of 7 November 1977 on the setting of a Community target for a reduction in the consumption of primary sources of energy in the event of difficulties in the supply of crude oil and petroleum products, and of Commission Decision of 15 June 1979 laying down detailed rules for the implementation of Council Decision 77/706/EEC
Status	Commission proposal for repeal planned for June 2014.
Main objectives of the initiative	The Decision is outdated as today the release of emergency stocks is generally considered as the main response tool in case of an oil supply disruption – it can replace the missing volumes quickly and without disturbing the economic activity of the EU and the life of its citizens. The new Oil Stocks Directive (adopted 2009 – all provisions in force since 2013) covers emergency stocks and also requires Member States to have procedures in place to impose restrictions on consumption.
Main REFIT objectives	The implementing Commission Decision specifies a rather complicated calculation methodology, allowing the reallocation among Member States, and also foresees a reporting for this purpose. Accordingly, the proposed repeal reduces administrative burdens to Member States.
Source(s)	REFIT Communication– COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached	

### Evaluations and Fitness Checks:

<b>Renewable Energy</b>	
Scope	Evaluation of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC
Status	Evaluation has been launched and expected to be finalised late 2014/early 2015.
Source(s)	REFIT Communication– COM(2013)685



## 9. EMPLOYMENT AND SOCIAL AFFAIRS

### 1. Smart regulation activity and simplification efforts in 2013-2014

Efforts are ongoing to review legislation in order to keep current regulation 'fit for purpose' through "fitness checks" and other evaluations. The Treaty requires that directives in the social field avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings (Art. 153(2) (b) TFEU). Furthermore, the possibility for lighter regimes for small and medium-sized enterprises (SMEs) are already included in some directives, for example the possibility for Member States to take into consideration the concerns of smaller businesses, e.g. in the area of the Health and Safety risk assessment documentation (Framework Directive 89/391/EEC). The Commission also carries out systematic stakeholders' consultations and impact assessments for new initiatives in the social and employment field.

Apart from the seven files described in detail below, the areas of Free Movement of Workers and Coordination of Social Security (Regulations (EC) No 883/2004/101 and 987/2009/102) have been reviewed in 2014. These proposals pending in legislative procedure should lead to simplification of the legal framework.

### 2. Planned REFIT Actions

Legislation in the area of employment and social affairs is subject to continuous scrutiny for simplification and burden reduction under REFIT. At the moment, no new REFIT actions can be identified and the Commission focuses on the implementation of the REFIT actions already decided (see scoreboard).

### 3. Scoreboard

*Legislative Initiatives:*

<b>Information and consultation of workers</b>	
Existing/Proposed legislation	<p>Possible consolidation/Recast of three Directives in the area of information and consultation of workers taking into account the results of a consultation of social partners.</p> <ul style="list-style-type: none"><li>• Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community</li><li>• Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies</li><li>• Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses</li></ul>

Status	Fitness check completed. First stage consultation of social partners to be carried out in 2014	
Main objectives of the initiative	Taking into account the results of the social partner's consultation, a consolidation/recast of 3 Information and Consultation directives could be envisaged in order to address issues related to coherence regarding the definitions of information and consultation in these directives.	
Main REFIT objectives	Consolidation / recast to make EU law simpler, more accessible and more readable improving thus awareness and compliance.  Standardized definitions are likely to render the application of EU law in this field easier and contribute to a more effective exercise of the rights and obligations of all actors concerned.	
Source(s)	Communication on REFIT – COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments by co-legislator</b> (not yet applicable as this stage in the procedure as not yet been reached)		

<b>Working time</b>		
Existing/Proposed legislation	Proposal to amend Directive 2003/88/EC concerning certain aspects of the organisation of working time	
Status	The proposal by the Commission is scheduled for 2015.	
Main objectives of the initiative	The preparatory work envisages to clarify and simplify the legal framework on working time, to update the rules to accommodate challenges arising from new working patterns and to continue to provide appropriate health and safety protection of workers, also taking into account the objective of better reconciliation of work and private life.	
Main REFIT objectives	Clearer and simpler rules will be easier to understand and apply by workers and employers, including SMEs and public services.	
Source(s)	Communication on the Follow-Up to the Top 10 – COM(2013)446	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b> (not yet applicable as this stage in the procedure as not yet been reached)		

<b>Posting of workers</b>	
Existing/Proposed legislation	Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
Status	<p>The proposal was adopted by the Commission on 21 March 2012 - COM(2012)131.</p> <p>Following the adoption of its report by the Employment Committee of the European Parliament on 20 June 2013 and the General Approach agreed in Council on 9 December 2013, a provisional agreement on a compromise text was reached. The provisionally agreed compromise text was officially adopted by the European Parliament in plenary on 16 April 2014 and by Council on 13 May 2014.</p>
Main objectives of the initiative	The proposal aims to ensure more effective protection of workers, increased legal certainty and transparency for service providers thus facilitating cross-border service provision and building up confidence in the Single Market.
Main REFIT objectives	<p>The proposal would substantially contribute to reducing administrative burdens and simplify the application and enforcement of the existing legal framework, SMEs will benefit from better enforcement and level playing field and fairer competition.</p> <p>The proposal included the following elements of simplification and burden reduction:</p> <ul style="list-style-type: none"> <li>• make the information on the terms and conditions of employment generally available in a "clear, comprehensive and easily accessible way" and in several languages;</li> <li>• Codification of existing case law by providing an exhaustive list of national control measures Member States may impose on posting businesses, including for instance, a list of documents that service providers can be required to keep at the work place;</li> <li>• Requirement that inspections should primarily be based on regularly drawn up risk assessments, thus making inspections more effective and reduce costs for companies in non-risk sectors;</li> <li>• Introduction of a limited system of joint and several liability in subcontracting chains in the construction sector. In order to reduce the possible impact on businesses, in particular SMEs, companies who had undertaken due diligence should not be held liable.</li> </ul> <p>The proposal includes simplification obligations for Member States to:</p>

	<ul style="list-style-type: none"> <li>• provide information requested by another MS in the context of administrative cooperation within short deadlines (24 hours or at the latest within 2 weeks);</li> <li>• ensure that the procedures and formalities relating to the posting of workers can be completed easily by undertakings, at a distance and by electronic means to limit the administrative burden on companies.</li> </ul>
Source(s)	Communication on the Follow-Up to the Top 10 – COM(2013)446
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.. The directive provides a two year deadline for transposition after entry into force, which is on the twentieth day following publication in OJ.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>The EP strengthened simplification by requiring that the information on applicable terms and conditions would be generally available on a single national website, free of charge, in English and the national language of the Member State of origin of the worker and service provider or upon request in other official languages of the Union, and by requiring the establishment of contact points or indicate other bodies or authorities to which workers and undertakings can turn for information, advice and support.</p> <p>On the other hand, the EP favoured the introduction of a mandatory, unconditional subcontracting liability, regardless of sector, throughout the whole chain of possible subcontractors, without any reference to due diligence, for all Member States. Moreover, the EP amendments envisaged as primary tool for administrative cooperation the use of bilateral agreements (instead of the Internal Market Information System –'IMI'-).</p> <p>With respect to administrative requirements and control measures, the EP supported an open list, while making a number of them mandatory including the obligation on businesses to submit a declaration five working days prior to the commencement of the service provision, as well as an obligation to keep a number of social documents, such as work and residence permits for any third-country nationals and occupational health and safety risk assessments, at the work place in the host Member State.</p> <p>The following requirements (imposing new obligations on companies) were equally added:</p> <ul style="list-style-type: none"> <li>• An obligation to translate the social documents referred to in one of the official languages of the Union that is also an official language of the host Member State;</li> <li>• An obligation to inform the authorities without delay of any</li> </ul>

	<p>subsequent changes;</p> <ul style="list-style-type: none"> <li>• A retention period of 2 years for social documents;</li> <li>• Proof of identity of the posted worker.</li> </ul>
Council Position	<p>With respect to national control measures, the Council insisted that Member States may introduce "other administrative requirements and control measures should situations or new developments arise from which it appears existing administrative requirements and control measures are not sufficient or efficient", provided that these are justified and proportionate. Moreover, it added an additional requirement for companies to designate a contact person to liaise with competent authorities and an obligation on Member States to notify the Commission and inform services providers of the control measures they apply.</p> <p>As regards the protection of workers' rights in subcontracting chains, the agreed text provided that Member States as an alternative to a joint and several liability system, may take other appropriate enforcement measures, in accordance with EU and national law, which enable in a direct subcontracting relationship, effective and proportionate sanctions against the contractor.</p>
Assessment of final outcome	<p>The Commission's overall simplification and burden reduction objectives have been reached.</p> <p>The adopted Directive contains a comprehensive and delicately balanced package of measures guaranteeing a better protection of posted workers and a more transparent and predictable legal framework for service providers. This will clarify and simplify procedures and ensure a better level playing field from which all SMEs will benefit.</p> <p>In comparison to the original Commission proposal, the final text of the Directive agreed by the co-legislator does contain a number of modifications increasing administrative burden on companies and imposing a number of new obligations on public authorities.</p>

*Evaluations:*

<b>Occupational Health and Safety</b>	
Scope	Evaluation of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and 23 related directives
Status	Evaluation ongoing and expected to be finalised at the end of 2015
Source(s)	Communication on REFIT – COM(2013)685

<b>Temporary-work agencies</b>	
Scope	Evaluation of Directive 2008/104/EC on temporary agency work
Status	Report finalised in March 2014 (COM(2014) 176 final and SWD(2014) 108 final of 21 March 2014).
Results	<p>The report concludes that, while in general Member States seem to have correctly implemented the Directive, its goals have not yet been fully achieved given that Member States continue to apply certain derogations from the principle of equal treatment and maintain most restrictions and prohibitions on the use of agency work.</p> <p>As regards issues of simplification and burden reduction, most Member States consider that the Directive does not give rise to significant additional costs on national authorities, temporary-work agencies or user companies, including SMEs. For their part, employer organisations notably refer to costs linked to the insufficient transposition of certain provisions of the Directive.</p> <p>The report finds that it is not necessary to amend the Directive at this stage. The Commission will focus on ensuring proper implementation and consider appropriate recommendations in the frame work of the European Semester, if the Commission identifies obstacles to growth and competitiveness in its assessment of national obstacles to the activity of temporary-work agencies.</p>
Source(s)	Communication on REFIT – COM(2013)685

<b>Part-time work and Fixed Term Work</b>	
Scope	<p>Evaluation of Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC</p> <p>Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP</p>
Status	Evaluation ongoing and expected to be finalised in 2014.
Source(s)	Communication on REFIT – COM(2013)685

## **Information obligations for employers in relation to employment contracts**

Scope	Evaluation of Directive 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship
Status	Evaluation ongoing and expected to be finalised Q2 2015
Source(s)	Communication on REFIT – COM(2013)685

## 10. ENVIRONMENT<sup>36</sup>

### 1. Smart regulation activity and simplification efforts in 2013-2014

Smart Regulation, has been identified in the 7<sup>th</sup> Environment Action Programme as a way to improve EU environmental policy-making to ensure legislation is simple, effective and supports growth and jobs in line with the objectives of REFIT.

### 2. Planned REFIT Actions

Legislation in the area of environment is subject to continuous scrutiny for simplification and burden reduction under REFIT. The Commission focuses on implementing the various initiatives identified under REFIT 2013 (see scoreboard).

The following legislation in force could be considered for repeal:

- Standardised Reporting Directive (Directive 91/692/EEC);

In addition, the following areas could be considered for future evaluations and Fitness Checks under REFIT:

- Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos<sup>37</sup>;
- Directive on the Protection of Animals used for Scientific Purposes (Directive 2010/63/EU): The Directive took full effect in January 2013 with national transposing measures pending for some Member States. An evaluation under REFIT could be carried out in 2017;
- Strategic Environmental Assessment Directive (Directive 2001/42/EC): The second implementation report scheduled for 2016 will evaluate the application and effectiveness of the Directive across the EU and assess potential for simplification and may lead to a REFIT evaluation;
- The evaluation scheduled for Flood risks (Directive 2007/60/EC) will focus on identifying simplification and burden reduction potential;

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<sup>36</sup> REACH is covered in the chapter on enterprise and industry, responsibility of this regulation is shared with DG ENV.

<sup>37</sup> This directive has been subject of a review in 2010 which concluded that many of its provisions are obsolete, notably as production of asbestos has been discontinued in the EU, and the remaining relevant provisions have links with the protection of workers. The provisions relevant to the protection of workers will be considered under the coherence criteria of the ex-post evaluation in the area of health and safety at work covering framework directive 89/391/EEC and 23 related directives.



- Volatile organic compound emissions - Stage I Petrol Vapour Recovery (VOCs) – Directive 94/63/EC
- Drinking Water Directive (following on the ECI "Right to Water")

### 3. Scoreboard

#### *Legislative Actions:*

<b>Shipments of waste</b>	
Proposed legislation	Proposal for a Regulation amending Regulation (EC) No 1013/2006 on shipments of waste
Status	Proposed by the Commission on 11 July 2013 - COM(2013)516, pending in legislative procedure.
Main objectives of the initiative	<p>Strengthen the provisions regarding the enforcement of rules and inspections covered by Regulation (EC) No 1013/2006 with a view to ensuring regular and consistent planning of inspections.</p> <p>Introduce the possibility for competent authorities in Member States to require evidence from waste exporters in order to check the legality of shipments.</p> <p>The initiative should help ensure a more uniform implementation of the Regulation with a focus on problematic waste streams, It should also facilitate the access to raw materials.</p> <p>Study ongoing regarding set up of a unified electronic notification system.</p>
Main REFIT objectives	Proposal of a mandatory electronic data interchange for waste shipments and reduction of administrative burden and costs associated with the repatriation of illegal waste shipments.
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet determined.
<b>Amendments to the REFIT objectives by co-legislator</b>	

EP Position	<p>The European Parliament proposed a mandatory electronic data interchange for the submission of waste shipment related documents, as soon as the relevant technical and organisational requirements have been adopted.</p> <p>The Parliament's proposal was based on the condition that such an electronic data interchange has been proven feasible by the Commission's on-going study.</p>
Council Position	<p>The Council rejected the introduction of a mandatory electronic data interchange as Member States prefer to continue with an optional approach. However, the Council proposed that the Commission adopts implementing acts establishing the technical and organisational requirements for an electronic data interchange if this proves to be feasible.</p>
Assessment of final outcome	<p>In order to reach a final agreement, the institutions accepted the position of the Council with some minor modifications. Once the technical and organisational requirements are adopted, Member States will need to conform to them whenever the interchange of waste shipment documents is done electronically.</p>

<b>Environmental impact assessment (EIA)</b>	
Proposed legislation	Proposal for a Directive of the EP and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment
Status	Adopted by the legislator on 16 April 2014.
Main objectives of the initiative	<p>The Directive on Environmental Impact Assessment aims to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects, plans and programmes with a view to reduce their environmental impact.</p> <p>The Directive ensures public participation in decision-making and thereby strengthens the quality of decisions. The projects and programmes co-financed by the EU (Cohesion, Agricultural and Fisheries Policies) have to comply with the EIA Directive to receive approval for financial assistance.</p>
Main REFIT objectives	<p>The Directive simplifies the existing procedures mainly through:</p> <ul style="list-style-type: none"> <li>- the establishment of a mandatory one-stop shop with a view to streamlining the various environmental assessments (resulting from Directives on Nature, water, SEA...).</li> <li>- the introduction of time-frames for specific stages of the EIA process.</li> <li>- the simplification of the screening process.</li> </ul>

	<p>- the introduction of mandatory scoping.</p> <p>The above changes should lead to direct administrative savings for Member States' authorities of €4.3 to 5.3 million and to developers of € 21.4 million, they would improve benefits in terms of competitiveness and internal market and in terms of a decrease in costs on delays.</p>
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	16 May 2017
<b>Amendments to the REFIT objectives by co-legislator</b>	
EP Position	<p>The EP was supportive and agreed with the objectives of the proposal and the changes proposed, with two exceptions related to amendment concerning the efficiency objective:</p> <ul style="list-style-type: none"> <li>- EP amendments weakened the proposal on a one-stop shop, by introducing a margin for discretion for Member States (no mandatory one-stop if disproportionate).</li> <li>- rejection of the mandatory scoping.</li> </ul>
Council Position	<p>Council opposed some important elements of the efficiency objective of the proposal. In particular:</p> <ul style="list-style-type: none"> <li>- Member States refused the introduction of specific maximum time-frames for some steps of the decision-making to be set at EU level.</li> <li>- Member States disagreed with the mandatory character of the one-stop shop.</li> <li>- Rejection of mandatory scoping.</li> </ul>
Assessment of final outcome	<p>Compared to the proposal, the final text has not retained some important elements for the efficiency objective of the proposal:</p> <ul style="list-style-type: none"> <li>- specific time-frames for some steps of the decision-making to be set at EU level (especially maximum time-frames) could not be agreed although they would have made the EIA process more streamlined and efficient and would have provided better legal certainty to industry and business;</li> <li>- the scope of the one-stop shop was limited to the EIA and the Nature Directives (for other Directives, the one-stop shop is only voluntary). In addition, Member States have a margin for discretion to use the one-stop shop;</li> <li>- mandatory scoping was rejected;</li> </ul> <p>The direct administrative savings for authorities [€4.3 to 5.3 million] and developers [€21.4 million] are expected to remain.</p> <p>Wider socio-economic benefits (in terms of competitiveness, internal</p>

	market and decrease in costs on delays) will be more limited and direct administrative savings further to the one-stop shop are expected less than 1% with regard to the baseline scenario, due to its non-mandatory character.
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<b>WEEE</b>	
Proposed legislation	Proposal for a Directive of the EP and of the Council on waste electrical and electronic equipment (WEEE) - COM(2008) 810 proposed 3 December 2008 – Recasting Directive 2002/96/EC on waste electrical and electronic equipment
Status	Adopted by the legislator on 4 July 2012 as Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) (recast)
Main objectives of the initiative	The main objectives of the proposal were to improve coherence with existing EU legislation (e.g. Waste Framework Directive), to enhance the implementation and enforcement of current provisions in order to achieve better results concerning especially the collection of WEEE and to lessen the administrative burden on businesses.
Main REFIT objectives	<p>One of the core objectives of the Commission's WEEE recast proposal was the reduction of unnecessary administrative burdens by clarifying that producer responsibilities are based on a European approach. In line with this, it had proposed one single registration for all EU obligations, with interoperability and data-transfer between Member State producer registers.</p> <p>In line with the objective to reduce unnecessary administrative burdens especially for SMEs the proposal provided for distributors with a selling area below 400 square metres to be exempted from requirements to take-back very small WEEE, though distributors with a larger selling area will have such an obligation.</p>
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	14 February 2014
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>EP proposed the introduction of an obligation for nearest stores to take back used electronic equipment.</p> <p>The exemption from the take-back obligation for distributors with a selling area below 400 square metres was maintained.</p>
Council Position	<p>Council insisted on a national approach to producer obligations in order to ensure effective.</p> <p>The exemption from the take-back obligation for distributors with a selling area below 400 square metres was maintained.</p>

Assessment of final outcome	<p>Subsequent negotiations between Parliament, Council and Commission resulted in a compromise which contained a national approach to producer obligations as demanded by the Council, however coupled with harmonisation elements in Article 16 on registration and reporting, including an implementing act to be adopted by the Commission. With these elements, the recast WEEE Directive 2012/19/EU is expected to cut unnecessary burdens substantially. Proportionally, SMEs are presumed to benefit the most.</p> <p>While the recast WEEE Directive (Article 5(2)c) foresees an obligation for distributors to provide for the collection of very small WEEE, small shops (with a sales surface of up to 400 square metres) are exempt from this obligation to protect them from disproportionate costs.</p>
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*Withdrawals:*

<b>Soil Framework Directive (SFD) proposal</b>	
Existing/Proposed legislation	Proposal for a Directive of the EP and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC - COM(2006)232
Status	<p>The proposal remained pending in legislative procedure for 8 years and was consequently withdrawn on 21 May 2014.</p> <p>The Commission remains committed to the objective of the protection of soil and will examine options on how to best achieve this.</p>
Main objectives of the initiative	<p>The SFD would have put in place framework legislation to identify areas which are under threat of soil degradation and to develop appropriate programmes to tackle those threats.</p> <p>The choice of measures, their ambition level and the way in which they should have been implemented were up to Member States to determine. Moreover, the SFD would have required the implementation of cost-effective as well as technically and economically feasible measures.</p> <p>The SFD would have left a maximum of flexibility to the MSs in how to achieve a sustainable management of soil resources.</p>
Main REFIT objectives	Withdrawal
Source(s)	Communication on REFIT – COM(2013)685

**Access to justice in environment**

Existing/Proposed legislation	Proposal for a directive of the European Parliament and of the Council 24 October 2003 on access to justice in environmental matters – COM(2003)624
Status	Withdrawn on 21 May 2014.
Main objectives of the initiative	The objective of the 2003 proposal was to implement Article 9 (3) of the Aarhus Convention. Recent CJEU case-law, in particular C-237/07 and C-240/09 implies, however, that the 2003 proposal is now obsolete.
Main REFIT objectives	Withdrawal
Source(s)	Communication on REFIT – COM(2013)685

*Evaluations and Fitness Checks:*

<b>Waste Policy</b>	
Scope	<p>Fitness check of Waste Stream Directives covering:</p> <p>Directive 86/278/EEC (sewage sludge); Directive 94/62/EC(packaging and packaging waste); Directive 96/59/EC(PCB/PCT); Directive 2000/53/EC (end of life vehicles); Directive 2006/66/EC(batteries).</p> <p>This Fitness Check links to:</p> <p>Targets review covering: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives Waste Framework Directive 2008/98/EC (WFD); Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste; European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste</p>
Status	The Fitness check on waste started in 2012 and is expected to be completed in 2014.
Source(s)	Communication on REFIT – COM(2013)685

<b>Natura 2000 / EU Nature Legislation</b>	
Scope	<p>Fitness Check of:</p> <p>Council Directive 2009/147/EEC on Birds</p> <p>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora</p> <p>Council Directive 97/62/EC of 27 October 1997 adapting to technical and scientific progress Directive 92/43/EEC on the conservation of</p>

	natural habitats and of wild fauna and flora
Status	Fitness check started 2014, expected to complete late 2015/early 2016
Source(s)	Communication on REFIT – COM(2013)685

### EMAS and EU Eco-label

Scope	<p>Fitness Check of:</p> <p>Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)</p> <p>Regulation 66/2010 of the European Parliament and the Council on the EU Ecolabel</p>
Status	Fitness check started in 2014, expected to end early 2015.
Source(s)	Communication on REFIT – COM(2013)685

### Environmental liability

Scope	Evaluation of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (ELD)
Status	Evaluation ongoing and planned to be finalised in 2014.
Source(s)	Communication on REFIT – COM(2013)685

### Infrastructure for Spatial Information

Scope	Evaluation of Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)
Status	Evaluation ongoing, planned to be finalised in 2014
Source(s)	Communication on REFIT – COM(2013)685

### Noise

Scope	<p>Evaluation of:</p> <p>Directive 2002/49/EC of the European Parliament and of the Council</p>
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	of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise
Status	Evaluation to start in 2014
Source(s)	Communication on REFIT – COM(2013)685

<b>Volatile organic compound emissions - Stage II Petrol Vapour Recovery (VOCs)</b>	
Scope	Evaluation of:  Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations
Status	Evaluation to start in 2014
Source(s)	Communication on REFIT – COM(2013)685

<b>European Pollutant release and Transfer register (EPRT)</b>	
Scope	Evaluation of Regulation 166/2006/EC
Status	Evaluation to start in 2014
Source(s)	Communication on REFIT – COM(2013)685

<b>Wild animals in zoos</b>	
Scope	Evaluation of Directive 1999/22/EC
Status	Evaluation planned for 2015/2016 depending on availability of resources
Source(s)	Communication on REFIT – COM(2013)685



## 11. CLIMATE ACTION

### 1. Smart regulation activity and simplification efforts in 2013-2014

In January 2014 the Commission adopted a policy framework for climate and energy in the period from 2020 to 2030.<sup>38</sup> This framework proposes a reduction target for domestic greenhouse gas emissions of 40% by 2030 compared to 1990, together with an EU wide renewables target of at least 27%. Unlike in the current framework, the EU renewables target would not be translated into national targets via EU legislation, thus leaving greater flexibility for Member States to meet their greenhouse gas reduction targets in the most cost-effective manner in accordance with their specific circumstances. Furthermore the framework proposes a governance process through national plans for competitive, secure and sustainable energy that is enhanced by a set of indicators.

In its 2030 policy framework the Commission recommends that the delivery of the ambitious commitment to reduce greenhouse gas emissions in line with our long term climate objectives should follow a cost-efficient approach which responds to the challenges of affordability, competitiveness, security of supply and sustainability, and which takes account of current economic and political circumstances. This proposal simplifies the policy framework for climate and energy and improves complementarity and coherence between objectives and instruments.

Efforts have been made by the Commission in the area of climate action to reduce reporting requirements and other administrative requirements:

- In the field of road transport, the Commission proposed to exclude small manufacturers from the obligation of having a CO<sub>2</sub> target for 2020 target for new passenger cars<sup>39</sup> and new light commercial vehicles<sup>40</sup>.
- As regards the use of fluorinated greenhouse gases, the Commission proposed to exclude companies that trade small amount of fluorinated gas per annum from reporting requirements<sup>41</sup>.

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<sup>38</sup> Communication from the Commission "A policy framework for climate and energy in the period from 2020 to 2030" [COM(2014) 15 final]

<sup>39</sup> Proposal for a Regulation of the EP and of the Council amending Regulation (EC) No 443/2009 of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from passenger cars [COM(2012)393]

<sup>40</sup> Proposal for a Regulation of the EP and of the Council amending Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles [COM(2012)394]

<sup>41</sup> Proposal for a Regulation of the EP and of the Council on fluorinated greenhouse gases replacing Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases [COM(2012)643]

- As regards the Emissions Trading System (ETS), a Commission Regulation established a simplified system of verification and accreditation of CO<sub>2</sub> emissions<sup>42</sup>, drawing on national best practices. Small emitters and small aircraft operators are allowed a larger margin of error in emission reports, thereby reducing their audit costs. Another Commission Regulation improved the monitoring and reporting of greenhouse gas emissions under the ETS<sup>43</sup>, allowing small emitters and small aircraft operators to produce simplified monitoring plans.

## 2. Planned REFIT actions

The following areas could be considered for future evaluations under REFIT:

- Evaluation of the Carbon Capture and Storage Directive 2009/31/EC
- Evaluation of the Regulation on Light Commercial Vehicles 510/2011/EC and the Regulation on New Passenger Cars 443/2009/EC
- Evaluation of the Fuel Quality Directive 2009/30/EC<sup>44</sup>

## 3. Scoreboard

### *Legislative Initiatives:*

<b>CO<sub>2</sub> emissions from cars</b>	
Existing/Proposed legislation	Proposal for a Regulation of the EP and of the Council amending Regulation (EC) No 443/2009 of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO <sub>2</sub> emissions from passenger cars.
Status	Proposal adopted by the Commission on 11 July 2012 – COM(2012)393
Main objectives	The proposal sets out the modalities for reaching the 2020 target to reduce CO <sub>2</sub> emissions to 95 g CO <sub>2</sub> /km for new passenger cars, as required by the Regulation (EC) No 443/2009.
Main REFIT objectives	Manufacturers responsible for less than 500 registrations of new passenger cars per year are excluded from the obligation of having a CO <sub>2</sub> target.

<sup>42</sup> Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council

<sup>43</sup> Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council

<sup>44</sup> The evaluation of the Directive would start after the related implementing measures have been adopted and it has been transposed into national law.

	<p>Additional flexibility is also given to Member States to grant further small volume derogations.</p> <p>The "niche" derogation for manufacturers target is updated in 2020.</p> <p>More flexibility is allowed in the timing of decisions granting small volume derogations</p>
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	8 April 2014
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Committee report suggests an extension of the exemption for small manufacturers from the scope of the specific emissions target and the excess emissions premium from 500 to 1000 cars produced annually. This was agreed in trilogue and the final text was adopted by the European Parliament at its plenary session of 25 February 2014.
Council Position	The Council agreed to this extension and adopted the new Regulation on 10 March 2014.
Assessment of final outcome	<p>The exemption for small manufacturers has been strengthened in legislative procedure.</p> <p>The increase to 1000 is likely to bring a small additional number of manufacturers under the scope of the derogation.</p>

<b>CO2 emissions from vans</b>	
Existing/Proposed legislation	Proposal for a Regulation of the EP and of the Council amending Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO 2 emissions from light-duty vehicles
Status	Proposal adopted by the Commission on 11 July 2012 – COM(2012)394
Main objectives	The proposal sets out the modalities for reaching the 2020 target to reduce CO2 emissions to 147 g CO2/km for new light commercial vehicles in 2020, as required by Regulation (EU) No 510/2011.
Main REFIT objectives	Manufacturers responsible for less than 500 new light commercial vehicles per year are excluded from the obligation of having a CO2 target.
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	23 March 2014

<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Committee report suggests an extension of the exemption for small manufacturers from the scope of the specific emissions target and the excess emissions premium from 500 to 1000 light commercial vehicles produced annually. This was agreed in trilogue and adopted by the European Parliament at its plenary session of 14 January 2014.
Council Position	The Council agreed to this extension and adopted the new Regulation on 11 February 2014.
Assessment of final outcome	The exemption for small manufacturers has been strengthened in legislative procedure.  The increase to 1000 is likely to bring a small additional number of manufacturers under the scope of the derogation.

<b>Fluorinated greenhouse gases</b>	
Existing/Proposed legislation	Proposal for a Regulation of the EP and of the Council on fluorinated greenhouse gases replacing Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases
Status	Proposal adopted by the Commission on 7 November 2012 – COM(2012)643
Main objectives	This proposed Regulation aims at reducing the use of fluorinated gases which account for around 2% of all EU greenhouse gas emissions but have a much more potent global warming effect by creating tradable quotas for their use. The gradual reduction in their use is to be achieved principally by issuing supply quotas to circa 100 large EU firms.
Main REFIT objectives	Companies that trade fluorinated gas in quantities equivalent to 1,000 tonnes of CO <sub>2</sub> per annum are exempted from reporting requirements. This exemption will benefit predominantly SMEs.  The new regulation will simplify and clarify Regulation (EC) No 842/2006 by reducing administrative burden
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	01 January 2015
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Committee report proposed to considerably reduce the scope of the SME exemption from 1000 tons CO <sub>2</sub> equivalent of fluorinated gas traded per year to 10 tons of fluorinated gas traded per year. After the informal trilogue, 100 tonnes of CO <sub>2</sub> equivalent was adopted by the European Parliament at its plenary session of 12 March 2014.

Council Position	The Council agreed to this exemption and adopted the new Regulation on 14 April 2014.
Assessment of final outcome	The market of fluorinated greenhouse gases is dominated by a limited number of rather large suppliers. The reduction of the reporting threshold will therefore not affect many SMEs active in the field. This reduction was considered necessary to prevent that the quota system could be circumvented by future small scale trades by companies not yet active in this field.

<b>Emissions monitoring and reporting of greenhouse gases</b>	
Existing/Proposed legislation	Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament
Status	Adopted by the Commission on 21 June 2012.
Main objectives	The Regulation was proposed in order to improve the monitoring and reporting of greenhouse gas emissions to support implementation of Directive 2003/87/EC which established a trading scheme for greenhouse gas emissions.
Main REFIT objectives	Small emitters producing less than 25,000 tonnes CO <sub>2</sub> per annum are allowed to produce simplified monitoring plans.  Aircraft operators are allowed to produce simplified monitoring plans provided they operate 243 flights or fewer over a four month period.
Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	1 January 2013

<b>Verification and accreditation of CO<sub>2</sub> emissions</b>	
Existing/Proposed legislation	Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council
Status	Adopted by the Commission on 21 June 2012.
Main objectives of the REFIT initiative	The Regulation was proposed in order to establish a simplified system of verification and accreditation of CO <sub>2</sub> emissions, drawing on national best practices.  Small emitters and small aircraft operators which produce less than 500,000 tonnes of CO <sub>2</sub> per annum are allowed a larger margin of error in emission reports, thereby reducing their audit costs.

Source(s)	SME Scoreboard – SWD(2013)60
Date of entry into application	1 January 2013

## **12. HEALTH AND CONSUMER POLICY**

### **1. Smart regulation activity and simplification efforts in 2013-2014**

There are many ongoing initiatives to facilitate the implementation of legislation and to reduce regulatory burden including within the existing legal framework. For instance, in the area of food information to consumers, various flexibility provisions and exemptions have been included in the legislation<sup>45</sup> and a database on food information to consumers to assist business to identify the specific EU and national food labelling requirements is in preparation.

Irregular and frequent updating of food information requirements may impose administrative burdens on food businesses, especially small and medium-sized enterprises. The Regulation (EU) No 1169/2011 provides that measures which may be adopted by the Commission in exercising the powers conferred by this Regulation will apply on the same day (1 April) in any calendar year following an appropriate transitional period. In addition, the Regulation also foresees that foods which have been placed on the market before the end of the transitional period may continue to be sold until exhausted.

### **2. Planned REFIT Actions**

Legislation in the area of health and consumer affairs is subject to continuous scrutiny for simplification and burden reduction under REFIT. At the moment, no new REFIT initiatives can be identified and the Commission focuses on the implementation of the initiatives already decided (see scoreboard). The following proposal by the Commission pending in legislative procedure could be considered for withdrawal:

- Proposal for a Regulation amending Regulation 852/2004/EC on the Hygiene of Foodstuffs – COM(2007)90 final / 2007/037 COD

### **3. Scoreboard**

#### *Legislative Actions*

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<sup>45</sup> Examples for flexibility provisions in food information to consumer legislation: The nutrition declaration will become mandatory on the label of packaged foods from December 2016. Food, including handcrafted food, directly supplied by the manufacturer in small quantities to final consumers or to local retail establishments directly supplying final consumers are exempted from this requirement. This exemption includes for example, food directly sold at the farm. When not included in the scope of this exemption, the nutrition information of foods produced by SMEs can be based on calculation from generally established and accepted data, which avoids costly laboratory analysis. Concerning the provision of information about substances or products causing allergies or intolerances for foods offered for sale as non-prepacked, or packed on the sales premises at the consumer's request or prepacked for direct sale, Member States may adopt national measures concerning the means through which this information is to be made available and, where appropriate, its form of expression and presentation. This flexibility provided to Member States will allow adaptation of the provision of information on allergens to the needs and specificities of SMEs, in particular restaurants, canteens, hotels etc.

<b>Food hygiene</b>	
Existing/Proposed legislation	Proposal to revise Regulation (EC) No 852/2004 on the hygiene of foodstuffs and Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin
Status	Preparation of proposal ongoing.
Main objectives	Establishing a definitive <i>regime</i> for control requirements for "composite products" (ie food consisting of of animal and non-animal origin), Simplifying reporting requirements for Member States.
Main REFIT objectives	<ul style="list-style-type: none"> <li>• Reduce costs for SMEs through the establishment of more proportionate control requirements for imports of composite products.</li> <li>• Limit border checks to certain composite products using a risk-based, targeted and flexible approach.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator (not yet applicable as this stage in the procedure as not yet been reached)</b>	

<b>Consumer product safety</b>	
Existing/Proposed legislation	Proposal for a regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC
Status	Adopted by the Commission on 13 February 2013 - COM(2013)78, pending in legislative procedure
Main objectives	<ul style="list-style-type: none"> <li>• Choice of Regulation as legal instrument to ensure more uniform application of general product safety rules and to avoid divergences between Member States (level playing field for businesses);</li> <li>• Alignment of the general obligations of economic operators to ensure safety of all consumer products with clearer responsibilities for manufacturers, importers and distributors;</li> <li>• Improved traceability of consumer products throughout the supply chain – enabling a swift and effective response to safety problems (e.g. recalls);</li> <li>• Streamlined procedures to obtain standards in support of the general safety requirement.</li> </ul>



REFIT objectives	<ul style="list-style-type: none"> <li>• Simpler set of more common requirements for economic operators in terms of labelling, traceability and information obligations applicable across all product sectors;</li> <li>• Reduction of administrative burden (mostly to the benefit of small retailers) due to exemption from certain notification obligations in cases where the risk has already been fully controlled by the economic operators so that information of authorities would not provide added value;</li> <li>• Commitment of the Commission to provide guidance and assistance for SMEs before the new regulation is applied.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Transposition/entry into force date	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	1 <sup>st</sup> reading position adopted on 15 April 2014. Several amendments would add additional obligations on economic operators in addition to the currently applicable provisions of Decision 768/2008 (e.g. procedural requirements for sample testing, drawing up of product model lists). They would negatively impact the objectives on simplification and administrative burden reduction.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Market surveillance</b>	
Existing/Proposed legislation	<p>Proposal for a Regulation on market surveillance</p> <p>amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council.</p>
Status	Adopted by the Commission on 13 February 2013 - COM(2013)75, pending in legislative procedure
Main objectives	<ul style="list-style-type: none"> <li>• Clarification of the regulatory framework for market surveillance in the field of non-food products with the merging of rules on market surveillance of the General Products Safety Directive 2001/95/EC, Regulation (EC) 765/2008 and many sector-specific pieces of Union harmonisation legislation into a single legal instrument that applies horizontally across all sectors;</li> <li>• Establishment of a uniform framework for enforcement activities by national authorities, avoiding double checks of products and</li> </ul>

	<p>improving cooperation between authorities and economic operators;</p> <ul style="list-style-type: none"> <li>• Establishment of a framework for regular consultation with business (incl. SMEs) and other stakeholders on implementation, including through the European Market Surveillance Forum;</li> <li>• Streamlined procedures for the notification of dangerous products, and synergies between the existing Rapid Alert Information System (RAPEX) and the Information and Communication System for Market Surveillance (ICSMS).</li> </ul>
REFIT objectives	<ul style="list-style-type: none"> <li>• Better protection of business, in particular SMEs, against unfair competition from non-compliant products;</li> <li>• Clarity regarding procedures leading to product recall or withdrawal subject to the principle of proportionality, right to be heard and access to legal remedies.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	1 <sup>st</sup> reading position adopted on 15 April 2014: No amendment to REFIT objectives, some amendments concerning penalties could be counter-productive to a level playing field for businesses.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Animal health law</b>	
Existing/Proposed legislation	Proposal for a Regulation of the European Parliament and of the Council on Animal Health
Status	Adopted by the Commission on 6 May 2013 - COM(2013)260, pending in legislative procedure
Main objectives of the proposal	<ul style="list-style-type: none"> <li>• Establishing a single framework with proportionate, sound and efficient animal health rules to ensure a safe and smooth functioning of the internal market for live animals and animal products.</li> <li>• Legislative simplification (more than 40 legal acts to be streamlined into one basic act);</li> <li>• Emphasis on prevention to reduce disease-related losses for farmers and other operators.</li> </ul>

REFIT objectives	<p>Reducing administrative burdens by making use of new technological tools and removing unnecessary administrative obligations where the health risks involved permit (identification and movement of animals, registration and approval procedures).</p> <p>Specific administrative burden reduction to be laid down in delegated and implementing acts:</p> <ul style="list-style-type: none"> <li>• Removal of the requirement for movement certificates for low-risk movements (for example, movements for direct slaughter);</li> <li>• Reduction of administrative obligations if increased biosecurity measures are implemented;</li> <li>• Possibilities for Member States to no longer require approval procedures for certain low-risk operators or transporters;</li> <li>• Possibilities for certain operators to derogate from registration and record keeping obligations.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Ordinary legislative procedure - 1 <sup>st</sup> reading adopted on 15 April 2014. In general, the EP position supports the main REFIT objectives of the proposal; however, the proposed extension of the scope to e.g. rules on the use of veterinary medicines, animal welfare, national disease control measures restricting EU trade and measures against antimicrobial resistance may affect the simplification objectives of the proposal. The proposal for an obligation for Member States to register dogs, and a record keeping obligation for low-risk operators would increase regulatory burden.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Plant reproductive material</b>	
Existing/Proposed legislation	Proposal on the production and making available on the market of plant reproductive material (plant reproductive material law), by consolidating Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 1999/105/EC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC, 2008/90/EC
Status	Adopted by the Commission on 6 May 2013 - COM(2013)262, pending in legislative procedure
Main objectives	Codification, simplification and harmonisation – from 12 Directives to one Regulation;

REFIT objectives	<ul style="list-style-type: none"> <li>• Increasing flexibility for all operators, reducing burdens for competent authorities – operators can carry out tasks under official supervision; nevertheless competent authorities have to provide services for those operators requesting them</li> <li>• Access of new varieties to the market – speedier access due to the increased flexibility and to the improved varieties registration system;</li> <li>• Easier access to the market for traditional varieties - registration only on the basis of officially recognised description, no tests and no quantitative restrictions, flexibility in designation of the region of origin</li> <li>• Micro-enterprises - subject to exemptions of variety registration fees and have the possibility to market niche-market material subject to very light requirements.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	1 <sup>st</sup> reading adopted on 11 March. The EP rejected the Commission proposal. The EP based its rejection on the presence of too many empowerments for secondary acts, and heavy requirements on small enterprises and traditional varieties
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Official controls on the agri-food chain</b>	
Existing/Proposed legislation	<p>Proposal for a Regulation on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products,</p> <p>repealing Regulations (EC) No 882/2004 and No 854/2004, Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Decision 92/438/EEC</p> <p>amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)</p>
Status	Adopted by the Commission on 6 May 2013 - COM(2013)265, pending in legislative procedure
Main objectives	<ul style="list-style-type: none"> <li>• Create a single framework for all official controls along the entire agri-food chain (1 Regulation replacing 7 Directives, 2 Regulations and 1 Decision) ;</li> </ul>

	<ul style="list-style-type: none"> <li>• Modernise, harmonise, simplify and clarify the system ;</li> <li>• Strengthen enforcement tools ;</li> <li>• Improve efficiency of controls ;</li> <li>• Tackle food fraud ;</li> <li>• Ensure appropriate resources for control authorities ;</li> <li>• Improve transparency on official controls and their financing.</li> </ul>
REFIT objectives	<ul style="list-style-type: none"> <li>• Better allocation and use of resources collected through fees. The generalisation of risk based official controls across the entire agri-food chain will allow cross sector risk assessments and prioritisations of controls. In addition full transparency on the calculation and use of fees and arrangements on their efficient use will increase the accountability of competent authorities.</li> <li>• Obligation for competent authorities to perform official controls as much as possible in a manner that minimises the burden on enterprises.</li> <li>• Exemption of microenterprises from mandatory official control fees.</li> <li>• Mandatory consultation of operators by competent authorities on the method of calculation of fees.</li> <li>• Creation of a common set of integrated, harmonised and modernised rules and tools for official controls of animals and goods at their entry into the Union.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>1<sup>st</sup> reading adopted on 15 April 2014. Several amendments proposed by the EP would have an impact on the REFIT objectives:</p> <ul style="list-style-type: none"> <li>• Extension of the scope of official controls to marketing standards for agricultural products subject to the single common market organisation. This amendment may strengthen the aim of ensuring a more effective and efficient risk-based use of resources across the entire agri-food chain through cross sector risk assessments and prioritisation of controls;</li> <li>• Removal from the scope of official controls on plant reproductive material (PRM) may weaken the aim of ensuring a more effective and efficient risk-based use of resources across the entire agri-food chain;</li> <li>• Replacing the obligation for competent authorities to collect fees as well as the obligation for Member States to exempt microenterprises by an option to use these instruments may lead to potential market distortions due to calculation and collection of fees in a non-uniform manner that allows discriminatory treatment between operators;</li> <li>• Introduction of the obligation for physical checks at borders on products of animal origin to be performed by official veterinarians and the obligation of a permanent presence of an official veterinarian during <i>ante-</i> and <i>post mortem</i> inspections in slaughterhouses may negatively impact a more flexible and efficient use of control resources;</li> </ul>

	<ul style="list-style-type: none"> <li>• Introduction of a mandatory channelling and of systematic border controls on all foods containing products of animal origin would disrupt trade and impose unnecessary administrative burdens.</li> </ul>
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Plant health</b>	
Existing/Proposed legislation	<p>Proposal for a Regulation of the EP and of the Council on protective measures against pests of plants.</p> <p>Codification of Directives 2000/29/EC, 69/464/EEC, 69/466/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2007/33/EC</p>
Status	Adopted by the Commission on 6 May 2013 - COM(2013)267, pending in legislative procedure
Main objectives	<p>Codification and simplification of procedures</p> <ul style="list-style-type: none"> <li>• Seven Council Directives are replaced by a single Regulation</li> <li>• Better protection against new plant pests while streamlining rules</li> <li>• Harmonisation, simplification and modernisation of plant passport system: number of entries will be cut by more than half, plant passport unique may now be replaced by hologram or chip from the operator, operator responsibility for traceability of lots has been introduced</li> <li>• Possibility of including the plant passport in the official label issued for plant reproductive material in accordance with provisions set out in the proposal on plant reproductive material law.</li> </ul>
REFIT objectives	<ul style="list-style-type: none"> <li>• Simplification and harmonisation of plant passports and other types of certification; plant passport and official certification labels to be included in one document</li> <li>• Joint registration of professional operators dealing with all types of plants / plant reproductive material</li> <li>• Joint certification schemes for plant reproductive material and plants subject to plant health provisions</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	1 <sup>st</sup> reading adopted on 15 April 2014. The amendments 90-95 proposed by the EP may impose disproportionate burdens on professional operators for the phytosanitary transit of plants/plant products moving from third countries, through the EU, and moving towards third countries again. Ordinary procedure - First reading ongoing.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Clinical Trials</b>	
Existing/Proposed legislation	<p>Proposal for a Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use.</p> <p>Replacing the Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use.</p>
Status	Adopted by the Commission on 17 July 2012 - COM(2012)369. First reading agreement reached in April 2014.
Main objectives	<p>Ensure that Europe remains an attractive place for clinical research by providing a single set of harmonised rules. The agreed proposal provides for:</p> <ul style="list-style-type: none"> <li>• streamlined application procedures via a single entry point,</li> <li>• single authorisation procedure for all clinical trials,</li> <li>• improved conditions for conducting multinational clinical trials,</li> <li>• strengthened rules on the protection of patients and informed consent;</li> <li>• more transparency on the conduct and results of the clinical trial,</li> <li>• possibilities for the Commission to conduct controls in Member States and third countries to ensure the rules are being properly supervised and enforced</li> </ul>
REFIT objectives	<ul style="list-style-type: none"> <li>• Facilitating the work of all actors, especially SMEs, by creating a unique set of rules applicable across Europe.</li> <li>• Reduction of administrative burden through the creation of a one-stop shop (submit a single set of documents via a single</li> </ul>

	portal) for the authorisation of clinical trials.
	<ul style="list-style-type: none"> <li>Improving transparency and legal certainty of the authorisation process through clear rules and binding deadlines</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Mid-2016, subject to the provisions of Article 99 of the Regulation.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	EP vote on agreed compromised text on 2 April 2014.
Council Position	Council vote on agreed compromised text on 14 April 2014.
Assessment of final outcome	The agreed text is in line with the proposal from the Commission. All the refit objectives have been achieved. Only the timelines for the authorisation of clinical trials have been extended compared to the initial proposal following the amendments introduced by Council.

<b>Zootechnical legislation</b>	
Existing/Proposed legislation	Codification of 11 Union acts regulating zootechnics in the EU amending Directives 89/608/EEC, 90/425/EEC and 91/496/EEC as regards references to zootechnical legislation
Status	Adopted by the Commission on 11 February 2014 - COM(2014)5 final, pending in legislative procedure
Main objectives	<p>To consolidate existing rules for the promotion of free trade of breeding animals and of their genetic material and to align these rules with the requirements of the Lisbon Treaty: One single Regulation will replace 11 Directives (specific to different animal species), thus simplifying the legislative framework.</p> <p>The rules on official controls will be streamlined under a specific chapter of the Regulation.</p> <p>With its direct application, the Regulation will avoid divergence in transposition by Member States and thus facilitate cross border trade for business.</p>
REFIT objectives	Simplification and Codification.
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	



EP Position	Not yet applicable as this stage in the procedure has not been reached.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Veterinary medicines</b>	
Existing/Proposed legislation	Directive 2001/82/EC of the European parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products
Status	Preparation of proposal ongoing.
Main objectives	<p>The revision of the legislative framework on veterinary medicines aims at:</p> <ul style="list-style-type: none"> <li>• reducing administrative burdens to the industry,</li> <li>• improving innovation,</li> <li>• improving the functioning of the internal market and increasing the availability of veterinary medicines for animals,</li> <li>• respond to the problem of antimicrobial resistance.</li> </ul>
REFIT objectives	<p>This proposal will:</p> <ul style="list-style-type: none"> <li>• reduce red tape for placing and maintaining on the market of veterinary medicines,</li> <li>• facilitate internet retail of veterinary medicines across the Union,</li> <li>• provide better rewards for innovative products,</li> <li>• allow restrictions to be placed on the authorisation and use of certain antimicrobials critical for use in human medicine.</li> </ul> <p>SMEs will benefit from:</p> <ul style="list-style-type: none"> <li>• the overall simplification measures and in particular from the harmonisation of clinical trials for veterinary medicines,</li> <li>• the introduction of national helpdesks to advice on authorisation issues.</li> </ul>
Source(s)	REFIT Communication - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<p><b>Amendments to REFIT objectives by co-legislator</b> (not yet applicable as this stage in the procedure as not yet been reached)</p>	

### *Repeals and withdrawals*

<b>Cooperation on scientific information for food</b>
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Existing/Proposed legislation	Repeal of Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food
Status	Repeal planned in 2014 (Repeal proposal adopted by the Commission on 5 May 2014 - COM(2014) 246 final).
Main objectives	Repeal.  The creation of the European Food Safety Authority, who took the responsibility of scientific advice on food, resulted in the termination of the Commission Scientific Committees on food. As a result, this legislation on the cooperation between the Member States and the Commission in order to provide scientific support to the former Scientific Committees is obsolete.
Source(s)	REFIT Communication - COM(2013)685

<b>Information on medicinal products</b>	
Existing/Proposed legislation	Withdrawal of two proposals regarding information to the general public on medicinal products subject to medical prescription: COM(2012)48 and COM(2012)49
Status	Withdrawn on 30 April 2014.
Comment	Discussions in Council have shown that an agreement on this proposal cannot be reached.
Source(s)	REFIT Communication - COM(2013)685

*Evaluations and Fitness Checks:*

<b>General food law</b>	
Scope	Fitness Check of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Status	Fitness Check planned to start in 2014 and expected to be finalized mid 2015
Source(s)	REFIT Communication - COM(2013)685  A Fitness Check of the Food Chain - State of play and next steps (SWD(2013) 516

## 13. JUSTICE

### 1. Smart regulation activity and simplification efforts in 2013-2014

Future legislative objectives in this area are set out in the EU justice agenda for 2020<sup>46</sup>. The Commission proposes to base future EU justice policy on consolidating what has been achieved, codifying EU law and practice where necessary and complementing the existing framework with new initiatives where appropriate.

Legislation in the area of justice brings important benefits to SMEs, such as in the area of payments, debt recovery and enforcement:

- The *European order for payment* makes it easier and quicker for creditors to recover uncontested monetary debts in cross-border cases. It creates a uniform simplified judicial procedure and is automatically enforceable everywhere in the EU. It has improved, simplified and accelerated the handling of uncontested claims in cross-border disputes. Without the existence of the European payment order, companies would have to file claims in accordance with 28 different national legal regimes, and the resulting national judgment or order would have to go through intermediate proceedings before being enforceable in other Member States.
- The *European enforcement order* enables judgments, court settlements and authentic instruments on uncontested claims to be recognised and enforced automatically in another Member State, without any intermediate proceedings.
- The *European Small Claims Procedure* improves access to justice by simplifying cross-border small claims litigation in civil and commercial matters and reducing costs. The Commission has recently proposed a number of improvements to the procedure to increase its usefulness<sup>47</sup>. These include increasing the existing threshold for a small claim from €2 000 to €10 000, which would allow a considerable increase of its use by SMEs; and further simplifying the procedure, thereby substantially reducing the costs of court proceedings.

The e-justice portal already facilitates access to justice and makes cross-border cooperation easier, for example by providing citizens and practitioners with templates and forms translated in all official languages of the EU. European e-Justice is moving towards a system with tools and applications for citizens, businesses, legal practitioners and the judiciary: giving the portal a clear legal basis will clarify its scope and objectives, its organisation and governance, as well as issues such as data protection, ownership and liability.

### 2. Planned REFIT Actions

The EU justice agenda for 2020 includes a general outlook on the future challenges of the EU Justice policy and indicates specific methods on how to address these challenges, for example,

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<sup>46</sup> COM (2014) 144.

<sup>47</sup> COM (2013) 794.

by consolidating existing instruments or, where appropriate, by codifying current legislation in certain areas.

More specifically, the Commission will consider the following legislative actions for simplification and burden reduction under REFIT:

- *Identity and Travel Documents*: Legislative proposal to simplify travel formalities for EU citizens and third country family members on the basis of article 77 TFEU in conjunction with article 21 TFEU completing the existing acquis on uniform formats for identity and residence documents<sup>48</sup>;
- *Emergency Travel Documents*: Legislative proposal for the communitarisation of the *sui generis* decision on emergency travel documents<sup>49</sup>.

The following proposal by the Commission pending in legislative procedure could be considered for withdrawal:

- Proposal for a revised Directive on pregnant workers (COM(2008)600/4)

As of 1 December 2014, the date of expiry of the five year transitional period of the Lisbon Treaty, the judicial powers of the Court of Justice and the Commission's enforcement powers will fully apply with regard to the "ex-third pillar" acquis in the field of judicial cooperation in criminal matters and police cooperation.. As part of the preparations for the expiry of this transition period on 1 December 2014, the Commission is examining whether some of these legal acts could be repealed without hampering the effective operation of the EU area of freedom, security and justice, or of EU law in general.

The Commission plans to carry-out the following evaluations under REFIT:

- Evaluation of Directive 2008/122/EC of the European Parliament and of the Council on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts – 2014;

### 3. Scoreboard

*Legislative Actions:*

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<sup>48</sup> Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States and Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals. The Lisbon Treaty provides for a legal basis (Art. 77 TFEU) for establishing measures related to documents with a view to facilitating the right to free movement.

<sup>49</sup> Decision of the Representatives of the Governments of the Member States (96/409/CSFP) meeting within the Council of 25 June 1996 on the establishment of an emergency travel document (OJ L 168 of 6 July 1996, p. 4)

<b>Personal data protection</b>	
Proposed legislation	Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, amending Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
Status	Proposal COM(2012)11 adopted on 25 January 2012 pending in legislative procedure.
Main objectives	The proposed legal instruments will strengthen personal data protection rights and boost Europe's digital economy. This involves promoting growth and innovation and strengthening the free flow of personal data within the digital market while at the same time ensuring the protection of data.
Main REFIT objectives	<p>The proposal provides legal certainty, clarity and consistency, both for individuals and business, and strengthens the internal market dimension of the data protection rules through the adoption of a single law for Europe to replace the current patchwork of 28 different national laws. The proposal will also create a regulatory one-stop-shop for business allowing companies to deal with a single supervisory authority. It will abolish a number of existing requirements in terms of notifications and prior authorisation.</p> <p>To ensure minimal regulatory burden for SMEs, the proposal includes the following lighter regimes and exceptions:</p> <ul style="list-style-type: none"> <li>• An exemption for SMEs from the Data Protection Officer;</li> <li>• A risk-based approach for SMEs on the Data Impact Assessment;</li> <li>• Specific measures for SMEs in the context of the Commission delegated acts such as lighter documentation requirements;</li> <li>• Provisions included for Subject Access Request Fees that businesses can request.</li> </ul>
Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	In first reading, approved on 12 March 2013, the exemptions and lighter regimes proposed by the Commission for SMEs were changed by Parliament to a general risk-based approach not differentiating between the size of companies. Lighter regimes and exemptions would apply therefore to "an enterprise or an organisation that is processing personal data only as an activity ancillary to its main activities". This was explained by the argument that a small organization with just a few employees can control a huge amount of sensitive personal data and vice versa.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Women on company boards</b>	
Proposed legislation	Proposal for a Directive of the EP and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures
Status	Proposal COM(2012) 614 adopted on 14 January 2012, pending in legislative procedure
Main objectives	This proposed Directive sets a 40% objective for the percentage of female members on non-executive boards of publically listed companies by 2020.
Main REFIT objectives	SME exemption from the requirement for companies with less than 40 % of non-executive directors to apply transparent selection procedures based on neutral selection criteria in order to attain 40 % by 1 January 2020.
Source(s)	SME Scoreboard - SWD(2013)60
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	First reading report and legislative resolution: amendments by the EP do not increase administrative burden for companies. SMEs remain excluded from the scope of the directive. However, Member States should put in place policies to support and incentivise SMEs to significantly improve gender balance on their boards and management (amendment 27). Moreover, there are references in recitals that the Commission should assess whether non-listed public undertakings and non-listed large undertakings should be included in the scope in the future (amendments 33 and 34).
Council Position	Not yet applicable as this stage in the procedure has not been reached.

Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.
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<b>Package travel</b>	
Proposed legislation	Proposal for a Directive of the EP and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours
Status	Proposal COM(2013)512 adopted on 9 July 2013, pending in legislative procedure
Main objectives	<p>The proposal seeks to establish a level playing field between operators, remove legal obstacles to cross-border trade and reduce compliance costs for businesses.</p> <p>The proposal is complementary to existing EU law, in particular the Unfair Contract Terms Directive, the Unfair Commercial Practices Directive, the Consumer Rights Directive, the Regulations in the area of passenger rights as well as Directives on electronic commerce and on services in the internal market.</p>
Main REFIT objectives	<p>The Package Travel proposal will reduce compliance costs for businesses by</p> <ul style="list-style-type: none"> <li>• creating a level playing field between different operators,</li> <li>• abolishing outdated requirements to reprint brochures, thereby saving tour operators and travel agents an estimated €390 million per year,</li> <li>• excluding managed business travel from the Directive, which is expected to lead to savings of up to €76 million per year,</li> <li>• providing EU-wide rules on information, liability and mutual recognition of national insolvency protection schemes, thus facilitating cross-border trade.</li> </ul>
Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	In first reading on 12 March 2014, the European Parliament proposed amendments aimed at strengthening the Commission proposal.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final	Not yet applicable as this stage in the procedure has not been reached.

outcome	
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<b>Small claims</b>	
Proposed legislation	Proposal for a Regulation of the EP and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure
Status	Proposal COM(2013)794 adopted on 19 November 2013, pending in legislative procedure
Main objectives	The proposal aims to correct shortcomings in the original Regulations regarding legal certainty, language barriers and transparency of proceedings and increase the utilisation of the European Small Claims Procedure.
Main REFIT objectives	<ul style="list-style-type: none"> <li>• The proposal increases the existing threshold of €2.000 up to €10.000, which would allow a considerable increase of its use by SMEs.</li> <li>• It will result in a reduction of costs of court proceedings by €1.250 per case which otherwise would be dealt with in national ordinary civil proceedings.</li> <li>• Moving the number of court cases from ordinary civil proceedings to simplified proceedings will reduce also workload of courts.</li> <li>• It provides for further simplifications of the procedure, making it lighter and cheaper for the parties. It enhances the use of modern communication technologies in the court procedure in particular for service of documents and for carrying out oral hearings reducing the cost of proceedings by between €300 and €700 per case.</li> <li>• The use of electronic service will shorten the court proceedings at least for 9 days.</li> </ul>
Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Not yet applicable as this stage in the procedure has not been reached.
Council Position	Not yet applicable as this stage in the procedure has not been reached.



Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.
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<b>Misleading and Comparative Advertising</b>	
Proposed legislation	Revision of Directive 2006/114/EC concerning misleading and comparative advertising (“Business Marketing Directive”)
Status	In preparation
Main objectives	The Business Marketing Directive seeks to bring improved protection, simplification and clarity in relation to misleading marketing practices and comparative advertising
Main REFIT objectives	The Business Marketing Directive will simplify and streamline the scope of protection in business-to-business transactions. It will clarify what is prohibited (including through the definition of a “black-list” of prohibited practices), and make it easier for businesses to find out where to complain and how to obtain help if they have been the victim of misleading advertising. The benefit of the Business Marketing Directive for the SMEs, (to reduce costs relating to the misleading marketing practices where SMEs cannot themselves enforce their right effectively) amount to <del>€</del> 19- <del>€</del> 77 million per year.
Source	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached	

*Evaluations and Fitness Checks:*

<b>Consumer Contracts and Marketing Practices</b>	
Scope	<p>Fitness Check on legal acts related to consumer rights and advertising including:</p> <ul style="list-style-type: none"> <li>• Directive 2005/29/EC on unfair business to consumer commercial practices;</li> <li>• Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees;</li> <li>• Directive 93/13/EC on unfair terms in consumer contracts.</li> </ul>
Status	Results are expected in Q4/2016.
Source(s)	Communication on REFIT - COM(2013)685

<b>Equal Treatment in Social Security</b>	
Scope	<ul style="list-style-type: none"> <li>Evaluation of legislation regarding equal treatment in social security covering Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security</li> </ul>
Status	Evaluation scheduled to start in Q4/2014, results expected in Q4 2015
Source	Communication on REFIT - COM(2013)685

<b>European Enforcement Order for Uncontested Claims</b>	
Scope	Evaluation of legislation on a European Enforcement Order for uncontested claims covering Regulation (EC) No 805/2004 of 21 April 2004 creating a European Enforcement Order for uncontested claims
Status	Evaluation scheduled to start in 2016/2017
Source	Communication on REFIT - COM(2013)685

## 14. HOME AFFAIRS

### 1. Smart regulation activity and simplification efforts in 2013-2014

Substantial progress was made in the area of legal migration. . In particular, new Directives intra-corporate transferees (ICT)<sup>50</sup> and on seasonal workers<sup>51</sup> were agreed. The former, by harmonising admission conditions and procedures for highly-skilled migrants will greatly facilitate the transfer and the mobility of ICTs (e.g. managers, specialists) within the EU thereby reducing obstacles encountered by businesses in relation to the complexity and diversity of existing national rules. The Directive on Seasonal Workers will harmonise and streamline the rules for the admission, and successive re-entry, of low-skilled seasonal workers, while at the same time setting clear rules on their rights thereby preventing exploitation. The 2013 proposal on a recast Directive on students, researchers, school pupils, trainees, volunteers and au pairs remains in legislative procedure.

Amendments to the visa list moving several countries to the visa free regime and the introduction of the visa reciprocity and suspension mechanism were adopted. This was accompanied by a proposal for the revised Visa Code and for establishing a new Touring visa, both aiming at more harmonised and swift issuance of visas and simplified entry of legitimate travellers to the EU. In 2014, the EU also concluded a number of international agreements on readmission and visa facilitation.

In the area of internal security the co-legislators adopted the directive on the freezing and confiscation of proceeds of crime, while two important proposals – on Europol and EU-PNR remain in legislative procedure.

### 2. Planned REFIT Actions

As the area of home affairs is relatively young, it is important to focus on the appropriate transposition and implementation of the newly enacted measures and to allow a reasonable period of full application of these acts in order to be able to draw robust conclusions on their actual efficiency and effectiveness.

#### *Legislative proposals*

The Commission considers the codification of the following Regulation to improve its legibility and transparency:

- Codification of Council Regulation n° 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from this requirement.

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<sup>50</sup> Political agreement on April 15.4.2014

<sup>51</sup> Directive 2013/36/EU. OJ L94, 28.3.2014, p. 375

### *Repeal of former third pillar measures*

According to the Protocol n°36 on transitional provisions to the Treaty of Lisbon, as from 1 December 2014 with respect to measures in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty, full powers of the Commission and the Court of Justice will apply to these acts. The Commission is currently reviewing the former Third pillar acquis to identify possibly measures. As it is very important to ensure legal certainty the Commission will present in the coming months a list of obsolete former Third pillar acts to be repealed by the Co-legislators before the end of the transitional period.

### *Evaluations and Fitness Checks*

The Commission plans to carry-out the following new evaluation under REFIT:

- Evaluation of Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence and of Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;

As set out in the 2013 Communication on work of the Task Force Mediterranean, the Commission will carry out the evaluation and possible modification of the EU acquis on the facilitation of unauthorised entry, transit and residence, with a view to reconciling effective fight against smuggling with the need to avoid criminalising humanitarian assistance. The Commission is currently in the phase of gathering updated information on the transposition of this legislation.

### **3. Scoreboard**

#### *Legislative Actions:*

<b>Entry and stay in the EU for third-country nationals students, researchers and other groups</b>	
Existing/Proposed legislation	Proposal for a Directive of the EP and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training , voluntary service and au pairing  Recasting:  Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research  Directive 2004/114 of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service
Status	Proposal adopted by the Commission on 25 March 2013 -

	COM(2013)151 final - 2013/0081/COD	
Main objectives	The proposal aims at aligning, simplifying and improving the provisions for entry and stay of third-country national researchers, students, school pupils, unremunerated trainees and volunteers. Its overall objective is to support social, cultural and economic relationships, foster the transfer of skills and know-how and promote competitiveness while, at the same time, providing for appropriate safeguards to ensure fair treatment.	
Main REFIT objectives	<p>Proposal recasting Directives 2004/114/EC and 2005/71/EC, thereby streamlining and simplifying the legislative framework.</p> <p>The proposal</p> <ul style="list-style-type: none"> <li>• streamlines admission procedures and makes them more transparent for applicants (clearer deadlines, information to be provided to applicants);</li> <li>• provides for fast track and easier procedures in cases where applicants are beneficiaries of EU mobility programme.</li> <li>• facilitates mobility across Member States, based on a single authorisation.</li> </ul>	
Source(s)	REFIT Communication– COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
EP Position	<p>The EP fully supports the proposed simplification of the existing framework and to improve speed and transparency to applicants,</p> <p>The European Parliament adopted its first reading position in March 2014 proposing to extend family reunification also to students, to extend the period allowed for job-seeking and to set up a business to 18 months and to provide intra-EU mobility rules not only for researchers, students and remunerated trainees, but also for unremunerated trainees and volunteers. The report also calls for 30 days deadline for decisions on applications whereas the Commission proposed 60 days.</p>	
Council Position	Not yet applicable as this stage in the procedure has not been reached.	
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.	

<b>Revision of Visa code</b>	
Existing/Proposed legislation	Proposal for amending:

	<p>Regulation (EC) N° 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on visa</p> <p>Regulation amending Regulation (EC)810/2009 establishing a Community Code on visas (Visa Code)</p>	
Status	<p>Proposal adopted by the Commission on 1 April 2014 – COM(2014)164</p>	
Main objectives of the initiative	<p>The proposal takes into account the increased political emphasis given to the economic impact of visa policy on the wider European Union economy, and in particular on tourism, to ensure greater consistency with the growth objectives of the Europe 2020 strategy, in line with the Commission's communication Implementation and development of the common visa policy to spur growth in the European Union.</p> <p>The proposal also clarifies for the Schengen Member States the procedural facilitations that apply to family members of EU citizens under Directive 2004/38/EC in relation to the Visa Code.</p>	
Main REFIT objectives	<p>As a result of the proposal to recast the Visa Code, the common visa policy will become more user-friendly and efficient for both the visa applicants and the visa issuing authorities .</p> <p>The proposal will introduce a distinction between first-time travellers and regular travellers whereby the latter will benefit from a number of procedural facilitations, including having to submit less supporting documents and receiving semi-automatically a multiple entry visa (MEV) with a long period of validity.</p> <p>By issuing more MEVs with a long period of validity (up to 5 years), the administrative burden for both applicants and issuing authorities will be greatly diminished.</p>	
Source(s)	<p>REFIT Communication– COM(2013)685</p>	
Date of entry into application	<p>Not yet applicable as this stage in the procedure has not been reached.</p>	
<p><b>Amendments to REFIT objectives by co-legislator</b> (Not yet applicable as this stage in the procedure has not been reached)</p>		

<b>Codification of Schengen borders Code</b>	
Existing/Proposed legislation	<p>Codification of Regulation (EC) N° 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders</p>
Status	<p>Planned for adoption in 2014</p>
Main objectives and REFIT objectives of the	<p>Codification of the Schengen Borders Code. The objective will compile several amendments to the Schengen Borders Code, such as</p>

initiative	the use of the Visa Information System (81/2009) and 2013 amendments, into one legal text.	
Source(s)	REFIT Communication– COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
Not yet applicable as this stage in the procedure as not yet been reached		

*Repeal:*

<b>Cooperation between financial intelligence units of Member States</b>		
Existing/Proposed legislation	Repeal of Council Decision (2000/642) of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information	
Status	Repeal planned in 2015	
Main objectives	To the extent that cooperation between Financial Intelligence Units (FIUs) for preventive purposes will be regulated in the proposed 4th anti-money laundering Directive (COM/2013/045), the legal provisions contained in Council Decision 2000/642 become obsolete. To the extent that the rules on cooperation between FIUs concern cooperation for law enforcement purposes, their practical scope of application is so limited that the Commission considers it unnecessary to maintain them.	
Main objectives of the REFIT initiative	Repeal	
Source(s)	REFIT Communication– COM(2013)685	
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.	
<b>Amendments to REFIT objectives by co-legislator</b>		
Not yet applicable as this stage in the procedure as not yet been reached)		

*Evaluations and Fitness Checks:*

<b>Legal migration</b>
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Scope	<p>Fitness check<sup>52</sup> of</p> <ul style="list-style-type: none"> <li>- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (<b>Blue Card</b>)</li> <li>- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents</li> <li>- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (<b>Single Permit</b>)</li> </ul>
Status	Fitness Check planned for launch in 2016.
Source(s)	REFIT Communication– COM(2013)685

### Visa Information System

Scope	Evaluation of Regulation 767/2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) and 2004/512/EC Council Decision of 8 June 2004 establishing the Visa Information System (VIS)
Status	Evaluation planned to start in 2014
Source(s)	REFIT Communication– COM(2013)685

### FRONTEX including Rapid Border Intervention Teams

Scope	Evaluation of Council regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
Status	Evaluation planned to start in 2014
Source(s)	REFIT Communication– COM(2013)685

### Residence permits for victims of trafficking in human beings

<sup>52</sup> The Scope might be reviewed upon launch of Fitness Check in 2016



Scope	Evaluation of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
Status	Ongoing - a second implementation report on the application of Directive 2004/81/EC is expected in October 2014.
Source(s)	REFIT Communication – COM(2013)685

<b>Council Framework decision on combatting terrorism</b>	
Scope	Evaluation of Council Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA
Status	On going – an implementation report is expected in June 2014
Source(s)	REFIT Communication – COM(2013)685

<b>Framework Decision on fight against organised crime</b>	
Scope	Evaluation of Council Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA and Council Framework Decision 2002/475/JHA
Status	On-going – an implementation report is expected in July 2014
Source(s)	REFIT Communication – COM(2013)685

## 15. AGRICULTURE AND RURAL DEVELOPMENT

### 1. Smart regulation activity and simplification efforts in 2013-2014

In December 2013 the legislative proposals by the Commission on a new CAP were adopted by the co-legislator. In the course of the reform process new elements were kept as simple as possible whereas some complication was added in the course of the legislative procedure.

For the purpose of exchanging views on simplification and sharing best practices on the implementation of the CAP a group of Member States' simplification experts has been set up in DG AGRI. In order to involve these experts more actively in the simplification process a pilot working group was organised in spring 2014 on simplification in the fruit and vegetables sector which will in future be mainstreamed as a first step in the revision process of Commission regulations for all significant sectors in the framework of the CMO. This exercise allows Member States to come forward with concrete suggestions for simplification in an early phase of the revision process and to take their responsibility to contribute to better regulation.

The new CAP includes the following main elements of simplification. In many cases the implementation choices made by Member States will determine whether the simplification benefits will be achieved:

- *Greening*: The Commission proposed three simple and easily controllable greening measures which could be applied to all farmers. However, Member States requested in the course of the negotiations that greening practices were adapted to their national and regional conditions. This prompted the legislators to introduce various thresholds, exemptions and options which Member States may apply when implanting the greening requirements, some could possibly limit the compliance costs for farmers, but complicate management and controls and could also have an impact on the controllability of the scheme.
- *Flexibility*: The negotiations resulted in giving Member States large discretion when implementing the new direct payment regulation. This concerns both the choice of payment schemes on which money should be spent (as some are optional) and the way that these schemes are to be implemented. Flexibility for Member States could mean a certain potential for simplification (in particular for beneficiaries), but experience shows that it generally tends to complicate management and controls for both the national authorities and the Commission. The final results in terms of costs and burden will very much depend on the political choices made at national and regional levels.
- *Active farming*: Significant simplification was achieved in the course of negotiations with regard to the definition of "active farmer", through the inclusion of a mandatory 'negative list' comprising airports, railway services, water works etc. No direct payment will be granted to these operators unless they can prove that they carry out an agricultural activity that is not marginal. The 'negative list' is a both simple and efficient tool to achieve the fundamental objective of a better targeted support to

farmers. However, other elements of the active farmer provision as it emerged from the legislative process are likely to be more complicated to apply in practice, notably the possibility for Member States to further adjust the definition at national level

- *Small farmers' scheme:* Farmers opting for the scheme will be exempted from greening and cross compliance and will face less stringent obligations with regard to aid applications and controls. This will reduce the regulatory and administrative constraints for a large number of farmers. Estimates show that the scheme could potentially reach 39% of farmers. It will also make the system less prone to error, which means cost savings for national administrations. However, the scheme is optional (not mandatory as proposed by the Commission) and now includes certain options for Member States how to implement it in their territory which risk to limit the simplification effect of the scheme. The end result will therefore depend on whether and how Member States decide to apply the scheme.
- *Reduction of controls:* The Horizontal regulation provides that Member States with properly functioning control systems and lower error rates could be allowed to reduce the number of on the spot checks. In the future, farmers in Member States with a good track record would face less risk of being interrupted by control visits. Fewer on-the-spot checks would also mean saving in resources for Member States.
- *Simplified costs: standard scales of cost units, lumps sums and flat rate financing (Rural Development):* The reform has widened the scope for use of simplified costs under the EAFRD. Flat rates calculation will be applicable to all types of costs and not only to indirect costs. The use of simplified cost options should ease the administrative burden for managing authorities and beneficiaries and could also contribute to lower error rates<sup>53</sup>. The results will depend on whether, and to which extent, the Member States make use of this possibility. In the course of the programme negotiations, the Commission services will encourage Member States to make use of the simplified cost option. A possible source of complexity introduced in the course of negotiations is the possibility for Member States to have national and regional programmes in parallel.

The new Common Market Organisation (CMO) streamlines provisions covering more than one sector (intervention schemes, exception measures, producer organisation and inter branch organisations) as far as possible.

- *Vine yard authorisation system:* The Commission proposal to abolish the planting rights for vine was replaced by the co-legislators with a new vine authorisation system. It is clear that the outcome of the reform is more burdensome than the proposal of the Commission. However, the new authorisation system includes some simplification compared to the planting right system (e.g. transfers of authorisations

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<sup>53</sup> The European Court of auditors recently stated that projects whose costs are declared under Simplified costs are less error prone

are not allowed and there is a possibility to opt-out for certain Member States). Currently the delegated and implementing acts for the vine yard authorisations are being established. The draft texts include simplifications elements compared to the previous planting right system (e.g. no obligation to lodge security when planting new vine/grubbing up, less controls).

- *Quota regimes:* The quota regimes for the other two sectors, milk and sugar, will expire, though for sugar two years later than initially envisaged.
- *Delegated and implementing acts:* In 2014 and 2015 work will start on reviewing Commission delegated and implementing acts pursuant to the CMO Regulation (Reg. 1308/2013 of the EP and Council). This will be an opportunity for substantial simplification.

Simplification initiatives in other areas include:

- *Quality policy:* A new Regulation on quality schemes for agricultural products and foodstuffs entered into force in the beginning of 2013. It achieved a simplified regime for several quality schemes by putting them under one single legal instrument. It also resulted in more coherence and clarity to the EU quality schemes.
- *Promotion policy:* In November 2013 the Commission presented its proposals for new legislation on promotion and information for agricultural products. These proposals include several initiatives that aim at reducing the administrative burden for MS. For example, under the old system, twice a year, the national authorities of the Member States pre-selected the campaigns which could benefit from EU support. These were then transmitted to the European Commission, who in turn evaluated them and then selected the projects to be accepted. This proposal aims to simplify the process with a one-step selection of programmes by the Commission, only once a year. It is also proposed that Multi programmes (programs introduced by several MS) will be managed directly by the Commission, which will significantly reduce the administrative burden for applicants (for example, they will no longer have to submit their project in each relevant Member State and in each national language). There is a political compromise between EP, Council and Commission. The proposal is planned to be formally adopted after the EP recess. The revised promotion policy will enter into force on January 1, 2016.
- *EU school schemes:* The Commission adopted a proposal in January 2014 to bring together the school Fruit Scheme and the School Milk scheme in a joint legal and financial framework, improving and streamlining the administrative requirements under the two existing schemes. This single framework will reduce the management and organisational burden for national authorities, schools and suppliers. Participation in the scheme is proposed to be voluntary for Member States, which will also have flexibility to choose the products they wish to distribute. Finally, the number of products eligible for the scheme is reduced compared to the current situation, which also simplifies the system.

- *Voluntary beef labelling*: An amendment of Regulation (EC) No 1760/2005 concerning voluntary beef labelling will repeal the notification requirement with regard to the use of voluntary labelling indications (other than compulsory ones such as labelling on origin).

A horizontal action of declaring the obsolescence of a 107 defunct Commission acts has been carried out in 2013 (OJ 2014/C 73/01).

## 2. Planned REFIT Actions

The following areas could be considered for future legislative initiatives under REFIT to simplify and reduce regulatory burden:

- A horizontal action repealing a number of defunct Council acts is ongoing and planned to be finalised by the end of 2014.

The following areas could be considered for future evaluations and Fitness Checks under REFIT:

- *Programme d'Options Spécifiques à l'Éloignement et l'Insularité (POSEI)*: The EU's outermost regions benefit from the POSEI programme in the agricultural sector. These programs are designed to take account of their geographical and economic handicaps such as remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products. The POSEI programme will be subject to an evaluation which will be followed by an impact assessment in 2015 with the aim of reviewing the POSEI policy if needed. ;
- *Veal marketing standards and beef labelling*: An evaluation of trade implication of veal marketing standard rules is currently ongoing. Another evaluation on beef labelling rules is foreseen to start in the second semester of 2014. The aim of both evaluations is to assess the impact of the rules for the meat supply chain, trade and consumers and take account of these results in possible future steps that may be taken, including possible simplification.

## 3. Scoreboard

*Legislative Actions:*

<b>State aid rules in agriculture</b>	
Existing/Proposed legislation	<p><i>'De Minimis' Regulation:</i></p> <ul style="list-style-type: none"> <li>• Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector. This Regulation is replacing Commission Regulation (EC) n° 1537/2007.</li> </ul>

	<p><i>State Aid Guidelines and Regulation on block-exemptions:</i></p> <ul style="list-style-type: none"> <li>• Proposal for European Union Guidelines for State aid in the agriculture and forestry sector 2014-2020 with the view to replace Community Guidelines for state aids in the agriculture and forestry sectors 2007 to 2013 - (2006/C 319/01)</li> <li>• Proposal for a block exemption Regulation on the application of Article 107 and 108 of the Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of agricultural products and forestry (C(2014)660).</li> </ul>
<p>Status</p>	<p><i>'De Minimis' Regulation:</i></p> <ul style="list-style-type: none"> <li>• Adoption by the Commission on 18 December 2013 (Regulation (EU) No 1408/2013). Entry into application on 1 July 2014.</li> </ul> <p><i>State Aid Guidelines and Regulation on block-exemptions</i></p> <ul style="list-style-type: none"> <li>• Proposals by the Commission are in preparation and are scheduled for adoption in June 2014 with entry into application on 1 July 2014.</li> </ul>
<p>Main objectives</p>	<p>Overall review of the state aid legislation in the agricultural sector.</p> <ul style="list-style-type: none"> <li>• The revised rules on de minimis state aid for the agricultural sector will allow Member States to grant rapidly small amounts of support without distorting competition. This will simplify procedures.</li> <li>• The block exemption regulation and the guidelines both expire on 30 June 2014. The proposed initiatives aim at the adoption of a new regulation and new guidelines for the period 1 July 2014 to 31 December 2020. The rules are in that context be revised with a view to making them more economically significant, focusing on cases with real impact on competition and trade in the Single Market as well as simplifying rules and procedures and relieving burden on SMEs as well as MS' administrations and the Commission. The revision is carried out in the context of the the CAP reform and the horizontal project of State Aid Modernisation (SAM) and aims at achieving in particular the following objectives: <ul style="list-style-type: none"> <li>○ to align the agricultural state aid rules with the new horizontal state aid instrument;</li> <li>○ to contribute to the achievement of the objectives of the recently adopted CAP reform;</li> <li>○ to ensure that the agricultural state aid rules are</li> </ul> </li> </ul>

	<p>coherent with the support measures under the new rural development regulation;</p> <ul style="list-style-type: none"> <li>○ to take into account certain new needs, such as aid for damage caused by protected wild animals;</li> <li>○ to simplify procedures and allow the Commission to focus on the most distortive aid measures.</li> </ul>
REFIT objectives	<p><i>'De Minimis' Regulation:</i></p> <p>The regulation allows MS to grant smaller amount of support without having to comply with any of the procedural requirements for granting state aid. The <i>de minimis</i> threshold has been raised to EUR 15 000 under the revised rules in order to further simplify the granting procedures. The rules have also been aligned with those of the new general <i>de minimis</i> regulation.</p> <p><i>State Aid Guidelines and Regulations on block-exemption:</i></p> <p>The agricultural state aid guidelines and the block exemption regulation are being aligned with the new horizontal state aid instruments, such as the general block exemption regulation and various horizontal state aid guidelines.</p> <p>The rules are also being adapted in order to ensure coherence with the support measures established under the new rural development regulation. This will make it possible to streamline procedures as regards state aid clearance and the approval of rural development programmes, so as to improve overall effectiveness and efficiency.</p> <p>The scope of the guidelines has been extended to include aid for damage caused by protected wild animals. This aid had previously to be approved directly on the basis of the TFEU. The inclusion in the guidelines will result in enhanced transparency and legal certainty, as there will be clear conditions for the granting of the aid.</p> <p>The scope of the block exemption regulation is extended to cover new categories, such as forestry, culture and heritage conservation and aid linked to natural disasters. The extension of the block exemptions will reduce "red tape" and allow the Commission to focus on the most distortive aid measures, in line with the SAM objectives.</p>
Source(s)	Communication on REFIT - COM(2013)685
Transposition/entry into force date	<p><i>'De Minimis' Regulation:</i></p> <ul style="list-style-type: none"> <li>● Entry into force on: 1 January 2014</li> <li>● <i>State Aid Guidelines and Regulation on block-exemptions:</i></li> <li>● Entry into force on: envisaged for 1 July 2014 .</li> </ul>

<b>Organic farming</b>	
Existing/Proposed legislation	<p>Commission proposal to revise:</p> <ul style="list-style-type: none"> <li>• Council Regulation (EC) No 834/2007 of 28 June 2007 on production and labelling of organic products and repealing Regulation (EEC) No 2092/91; - Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control</li> <li>• Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries</li> </ul>
Status	Proposed by the Commission on 24 March 2014 – COM(2014) 180
Main objectives	<p>Review and simplification of the legal framework for organic farming.</p> <p>Specifically, the proposal intends to:</p> <ul style="list-style-type: none"> <li>• remove obstacles to the sustainable development of organic production in the European Union,</li> <li>• guarantee fair competition for farmers and operators improving the functioning of the internal market,</li> <li>• maintain or improve consumer confidence in organic products.</li> </ul>
REFIT objectives	<p>The proposal includes the following simplification benefits:</p> <ul style="list-style-type: none"> <li>• Improvements to the overall quality of the legislation including clarifications and the filling of legislative gaps, improved accessibility as the specific organic production rules are gathered in one Annex of the Regulation;</li> <li>• production rules: removal of ineffective provisions and simplification of procedures for operators and national administrations, limited possibilities for Member States to grant exceptions, reinforcement of a risk-based approach on controls;</li> <li>• imports: simplification of compliance regime for control bodies;</li> <li>• small farmers: significant simplification through group certification allowing for more proportionate inspection and record-keeping requirements;</li> </ul>



Source(s)	Communication on REFIT - COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.

<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Not yet applicable as this stage in the procedure has not been reached.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

### *ABRplus*

<b>Egg labelling</b>	
Existing/Proposed legislation	<p>Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007</p> <p>Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs</p> <p>This Regulation was repealing Commission Regulation (EC) No 557/2007 of 23 May 2007 laying down detailed rules for implementing Council Regulation (EC) No 1028/2006 on marketing standards for eggs.</p>
Status	<p>Adopted.</p> <p>ABRPlus follow-up on Member State implementation.</p>
Main objectives and REFIT objectives	<ul style="list-style-type: none"> <li>• Member States can exempt small egg producers from the requirement to mark eggs with the producer code, when the eggs are sold directly to the consumer on a local market;</li> <li>• Introduction of a single 10-day-limit for collecting, grading, marking, packing of eggs and marking of packs, in order to allow producers and packing stations to better organise their daily work by planning the collection, grading marking and packing of eggs in a more rational way;</li> <li>• Introduction of less rigid requirements as regards equipment for packing stations and increased flexibility for operators as regards record keeping, in order to facilitate the organisation of business activities;</li> <li>• The estimated total cost savings at the time of the Commission proposal were EUR 1,29 billion. Taking into account the "business as usual factor", which was considered to be 53 %, the total administrative burden reduction was estimated to</li> </ul>

	EUR 607 million.
Source(s)	ABR+ Programme
Date of entry into application	1 July 2007

## 16. MARITIME AFFAIRS AND FISHERIES

### 1. Smart regulation activity and simplification efforts in 2013-2014

In 2011 a major reform of the EU Common Fisheries Policy (CFP) started which continues efforts to simplify and reduce unnecessary burdens. The new basic Regulation and the “Common Markets Organisation Regulation” were adopted by the co-legislator in December 2013 and the legislative proposal for a new regionalised framework for technical conservation measures is under preparation.

In 2013, an internal Action Plan for the simplification of legislation in the area of maritime affairs and fisheries was launched. A comprehensive and systematic screening to identify candidates for repeals, fitness checks and evaluations focusing on the reduction of regulatory and/or administrative costs and burdens is now taking place.

The adoption of the new common fisheries policy (CFP Basic Regulation) and the regulation on the common organisation of the markets in fishery and aquaculture products has resulted in repeals of 23 acts<sup>54</sup>. In addition 650 obsolete Commission acts<sup>55</sup> with limited validity have been identified.

### 2. Planned REFIT Actions

The Commission plans to carry-out the following new evaluations under REFIT:

- Evaluation of the control regulation (Council Regulation (EC) No 1224/2009 of 20 November 2009).

### 3. Scoreboard

*Legislative actions:*

<b>Reform of the Common Fisheries Policy</b>	
Adopted legislation	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC
Status	Adopted on 11 December 2013

<sup>54</sup> Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC have been repealed by Regulation (EU) No 1380/2013 (Basic Regulation); Council Regulation (EC) No 104/2000 has been repealed by Regulation (EU) No 1379/2013; Regulations (EC) No 347/96, (EC) No 1924/2000, (EC) No 1925/2000, (EC) No 2508/2000, (EC) No 2509/2000, (EC) No 2813/2000, (EC) No 2814/2000, (EC) No 150/2001, (EC) No 939/2001, (EC) No 1813/2001, (EC) No 2065/2001, (EC) No 2183/2001, (EC) No 2318/2001, (EC) No 2493/2001, (EC) No 2306/2002, (EC) No 802/2006, (EC) No 2003/2006, (EC) No 696/2008 and (EC) No 248/2009 have been repealed by Commission Implementing Regulation (EU) No 1420/2013.

<sup>55</sup> These acts concerned by regulations prohibiting fishing in certain areas ("fishing stops") as well as regulations fixing prices or amounts to be granted during an established period.

Main objectives	To ensure that fishing and aquaculture activities provide long-term sustainable environmental, economic and social conditions and contribute to the availability of food supplies;
Main REFIT objectives	<p><u>Simplify the implementation procedures of the Common Fisheries Policy (CFP)</u> covering from conservation of marine biological resources through market organisation to aquaculture.</p> <p><u>Introduce a regional</u> approach to management. Decentralisation and empowerment of stakeholders is expected to increase compliance. The Regulation will set the general principles, overall targets and timeframes, Member States will decide, in cooperation with the local industry, the measures to achieve targets on deadline. This approach will reduce regulatory burden and increase flexibility, acceptance and ownership by operators and thus better compliance.</p> <p><u>Simplify the acquis</u> by integrating in the CFP Regulation the measures on conservation and sustainable exploitation of fisheries resources, the measures on the management of fishing fleets registered in the Community outermost regions; the measures concerning the Regional Advisory Councils; and the Data collection framework (the integration of the latter was not retained in the adopted text).</p>
Source(s)	REFIT Communication– COM(2013)685
Date of entry into application	1 January 2014
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Simplification objectives generally supported by the European Parliament.
Council Position	Simplification objectives generally supported by the European Council.
Assessment of final outcome	The proposed simplification objectives were generally achieved

<b>Common market organisation in fishery and aquaculture</b>	
Existing/Proposed legislation	Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000
Status	Adopted on 11 December 2013

General objective	To ensure that the common organisation of the common markets for fisheries and aquaculture products contributes to achieving the objectives of the new CFP. It aims to strengthen the competitiveness of the EU industry, improve the transparency of the markets, and ensure a level playing field for all products marketed in the Union.
Main objectives of the REFIT initiative	<p>As part of the Reform package of the CFP, it reduces 27 legal acts (four Council Regulations and 23 Commission implementing Regulations) to 3 legal Acts (1 co-decided Regulation and 2 implementing acts).</p> <p>The yearly Regulations fixing the parameters for the operation of the intervention mechanisms (i.e. one Council Regulation and 6 Commission implementing Regulations) are abolished. The 6 intervention mechanisms are reduced to a single storage one. This strongly reduces the notification and reporting obligations for both Member States and producer organisations.</p> <p>The CMO instruments will be financed by a single fund (the European Maritime and Fisheries Fund) instead of the current European Agricultural Guarantee Fund and the European Fisheries Fund.</p>
Source(s)	REFIT Communication– COM(2013)685
Date of entry into application	1 January 2014, with the exception of Chapter IV on consumer information and Article 45 (Amendments to Regulation (EC) No 1224/2009 'the control regulation') which shall apply from 13 December 2014.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Simplification objectives generally supported by the European Parliament. However, a new information obligation was introduced to indicate the fishing gear in the labelling of products
Council Position	Simplification objectives generally supported by the European Council. In the negotiations the information obligation was limited to a list of seven gears.
Assessment of final outcome	<p>The Regulation contributes to a major simplification of the acquis by integrating 27 legal acts (four Council Regulations and 23 Commission implementing Regulations) into 3 legal Acts (1 co-decided Regulation and 2 implementing acts).</p> <p>In addition, the yearly Regulations fixing the parameters for the operation of the intervention mechanisms (i.e. one Council Regulation and 6 Commission implementing Regulations) have been repealed and the 6 intervention mechanisms are reduced to a single storage one. This increases transparency and despite the new information obligation on fishing gears introduced by the co legislator, the new Regulation strongly reduces the notification and reporting obligations for both Member States and producer organisations.</p>

## Technical Measures for the Protection of Maritime Organisms

Existing/ Proposed legislation	Proposal for a simplified framework of technical measures amending:  Council Regulation (EC) No 850/98 for the conservation of fishery resources through <u>technical measures</u> for the protection of juveniles of marine organisms.
Status	Adoption planned for 2014
General objectives	To ensure the protection and conservation of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine ecosystems provisions
Main objectives of the REFIT initiative	To develop a new simplified technical measures framework in the context of the reform of the CFP. Integrating the different technical measures regulations in an overall regulation and implementing rules per sea-basins. A similar integration was achieved as regards control in 2009 with dispersed control provisions being gathered into a single consistent instrument. Control techniques will evolve in line with technological developments.  As the new landing obligation requires removing any legal and practical impediments on a transitional basis while the new framework is being developed, the Commission has recently adopted a proposal for a “Omnibus Regulation” to amend, among other, the existing technical measures. This is a first step to adapt the “acquis” on this area to the new CFP.
Source(s)	REFIT Communication – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached	

<b>Fishing authorisation</b>	
Existing/ Proposed legislation	Proposal for a Regulation of the European Parliament and of the Council replacing Council Regulation (EC) No 1006/2008 on fishing authorisations.
Status	Adoption planned for 2014
Main objectives	Recast of the current Fishing Authorisation Regulation (FAR)
Main objectives of the REFIT initiative	<p>Recast of the current Fishing Authorisation Regulation (FAR) to simplify the current system, harmonise highly variable data requirements from Member States and improve the efficiency of sanctions.</p> <p>The proposed Regulation will ensure consistency between the FAR, the IUU (rules to combat illegal, unreported and unregulated fishing) and control legal frameworks; as well as with the objectives of the External Dimension of the CFP policy in terms of sustainability and enforcement.</p> <p>The proposal will also prevent repetitive and abusive reflagging, and regulate private authorisations (granted outside FPA) and simplify and clarify tasks between the Commission and Member States' authorities.</p>
Source(s)	REFIT Communication – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>  Not yet applicable as this stage in the procedure as not yet been reached	



## 17. TRADE

### 1. Smart regulation activity and simplification efforts in 2013-2014

The Commission proposals regarding implementation of the Lisbon Treaty in the area of trade policy led to the identification of 26 proposals for codification, recast or repeal and to a streamlining of reporting requirements which are spread over various pieces of legislation. This work may lead to further initiatives. The review of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports transfer, brokering and transit of dual-use items in follow-up to the evaluation conducted in 2013 is ongoing (see scoreboard).

### 2. Planned REFIT Actions

Legislation in the area of trade is subject to continuous scrutiny for simplification and burden reduction under REFIT. The Commission focuses on the implementation of the initiatives already identified (see scoreboard).

For example, the following legislative actions could be considered under REFIT:

- Recast of Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries – simplification of the Regulation further to the expiry of the WTO agreement on textile and clothing;
- Review of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports transfer, brokering and transit of dual-use items in follow-up to the evaluation conducted in 2013 (see scoreboard);
- Repeal of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries.

### 3. Scoreboard

#### *Legislative Actions*

<b>Reform of the Trade Defence Instruments - Anti-dumping regulation and Anti-subsidy regulation</b>	
Existing/Proposed legislation	Proposal for a Regulation of the EP and of the Council amending <ul style="list-style-type: none"><li>• Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (Basic AD Regulation) and</li><li>• Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community (Basic AS Regulation)</li></ul>
Status	Proposal adopted by the Commission on 10 April 2013 - COM(2013)192, pending in legislative procedure.

Main objectives	<p>Improvement and update of the two key trade defence instruments with a view of notably:</p> <ul style="list-style-type: none"> <li>• Increasing transparency and predictability. Interested parties will be informed 2 weeks in advance of decision to impose (or not) provisional or definitive measures and will be allowed to comment;</li> <li>• Preventing retaliation. Special circumstances to initiate ex officio investigation will include threat of retaliation;</li> <li>• Ensuring effectiveness and enforcement by removing the lesser duty rule in case of raw material distortions or subsidisation;</li> <li>• Facilitating cooperation;</li> <li>• Optimising review practice by reimbursing duties collected during the investigation to importers where measures are not extended after a review;</li> <li>• Increasing legal certainty through the codification of practices stemming from ECJ and WTO rulings.</li> </ul>
Main REFIT objectives	<p>Assist SMEs in dealing with Trade Defence cases, both in their capacity as European producers as well as importers liable to payment of duties imposed.</p> <p>Improve transparency and predictability of the two instruments by adopting and publishing guidelines in due course.</p>
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Several amendments aim at further reducing the burden for SMEs when initiating and cooperating in trade defence investigations, these include standard forms or questionnaires in all EU languages. Suggested web-access to information aims at simplifying procedures for all interested parties. The Parliament adopted its first reading resolution on 16 April 2014.
Council Position	Not yet applicable as this stage in the procedure has not been reached.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Codification, recast and repeal of Trade legislation</b>	
Existing/ Proposed legislation	<p>Codification, recast and repeal of the legislation amended by two enabling regulations bringing trade legislation in line with the TFEU (EP and Council Regulation (EU) No 37/2014 of 15 January 2014 and EP and Council Regulation (EU) No 38/2014 of 15 January. Both entered into force on 20 February 2014).</p> <p>The review of this legislation led to the identification of 26<sup>56</sup> proposals for codification, recast or repeal. These include the area of trade defence, the EU's Generalised System of Preferences, market access under the Economic Partnership Agreement, Trade Barriers, Blocking statute responding to legislation with extra-territorial effect and, a number of regulations implementing safeguard clauses and managing the implementation of bilateral agreements.</p>
Status	The proposals for codification/recast/repeal will be made by the Commission in 2014.
Main objectives	<p>Both Regulations have introduced amendments to several regulations of the trade policy area which need to be codified:</p> <ul style="list-style-type: none"> <li>• Omnibus I updated the way decisions on trade policy are adopted in the EU following the changes introduced by the Lisbon Treaty;</li> <li>• Omnibus II is the result part of a broader exercise that reviewed all legislation containing comitology in the light of the entry into force of the Treaty of Lisbon.</li> </ul>
Main REFIT objectives	Repeal, codification and recast.
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage of the procedure has not been reached.
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure as not yet been reached</p>	

<b>Export for recovery of non-hazardous waste</b>	
Existing/Proposed legislation	Proposal for a Regulation amending Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which

<sup>56</sup> 24 of these proposals come under trade policy. One proposal was withdrawn as it will expire in 2015.

	the OECD Decision on the control of transboundary movements of wastes does not apply
Status	Proposal planned for adoption in 2014.
Main objectives	<p>Periodical update of Commission Regulation (EC) No 1418/2007 as required by Regulation (EC) No 1013/2006, on the basis of information submitted by partner countries or by third parties</p> <p>Regulation 1418/2007 will be updated and completed to</p> <ul style="list-style-type: none"> <li>• ensure legal certainty for economic operators exporting non-hazardous waste from the EU to partner countries;</li> <li>• update and streamline the Regulation to minimise error-risk</li> </ul>
Main REFIT objectives	<p>As required by Regulation 1013/2006, this Commission Regulation is updated periodically, usually once a year. In the first years, the Commission carried out these updates on the basis of information submitted by partner countries on their own initiative or by third parties and subsequently checked with the partners.</p> <p>In 2012, following a substantive extension in the scope of Regulation 1013/2006 (inclusion of a number of mixtures of non-hazardous waste in Annex IIIA), and based on the five-year experience of application of Regulation 1418/2007, the Commission decided to pro-actively address the non-OECD countries with a detailed questionnaire in order to update and complete the Regulation. In 2013, the Commission decided to repeat this comprehensive exercise and it is currently ongoing.</p> <p>The overall aim is to ensure complete, accurate and updated information in the Regulation for the benefit of legal certainty of EU waste exporters. The updating and streamlining of the Regulation brings administrative cost savings and protects against possible liability risks and associated costs.</p>
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure as not yet been reached</p>	

### *Evaluations*

<b>Dual Use Export Controls</b>	
Scope	Evaluation of Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items

Status	<ul style="list-style-type: none"> <li>• Staff Working Document-SWD (2013)7 reporting on the conclusions of a public consultation published on 17 January 2013;</li> <li>• Implementation report on the EU export controls Regulation adopted on 16 October 2013 - COM (2013)710.</li> <li>• Commission Communication COM/2014/244 of 24 April 2014</li> </ul>
Results	<p>Initial steps in the export control policy review have been completed, with the publication of the Staff Working Document SWD (2013)7 and the adoption of a report to the Council and Parliament, and the findings have fed into a Communication outlining a long-term vision for EU strategic export controls and to update the EU's export control regime to rapidly changing technological, economic and political circumstances (COM/2014/244 of 24 April 2014).</p> <p>The Communication aims at mapping the direction for EU export controls, and identifies concrete policy options for their modernisation and their adaptation to rapidly changing technological, economic and political circumstances, including a number of options with potential impact on regulatory burden and simplification of procedures.</p> <p>The Commission will now conduct an impact assessment (including a cost benefit analysis notably as regards potential regulatory simplification and burden reduction) of these review options in order to identify the most suitable regulatory and non-regulatory actions to bring them into effect.</p>
Source(s)	Communication on REFIT – COM(2013)685

<b>Trade Diversion of certain key medicines</b>	
Scope	Evaluation of Council Regulation (EC) No 953/2003 to avoid trade diversion into the European Union of certain key medicines.
Status	Evaluation planned to start in 2014 and expected to be finalized second half-2015.
Source(s)	Communication on REFIT – COM(2013)685

## 18. BUDGET

Legislation in the area of budget is subject to continuous scrutiny for simplification and burden reduction under REFIT. At the moment, no new REFIT initiatives can be identified and the Commission focuses on the implementation of the initiatives already decided (see scoreboard).

### 1. Scoreboard

*Legislative Actions:*

<b>Proposal of the Commission for a new own resource based on VAT</b>	
Proposed legislation	<ul style="list-style-type: none"> <li>• COM(2011)737 Proposal for a Council Regulation on the methods and procedure for making available the own resource based on the value added tax</li> <li>• COM(2011)739 Amended proposal for a Council Decision on the system of own resources of the European Union</li> <li>• COM(2011)740 Amended proposal for a Council Regulation laying down implementing measures for the system of own resources of the European Union</li> </ul> <p>Existing legislation:</p> <ul style="list-style-type: none"> <li>• Council Decision 2007/436/EC; Council Regulations 1150/2000/EC; and 1553/89/EC</li> </ul>
Status	<p>Proposals made by the Commission on 9 November 2011, pending in legislative procedure.</p> <p>In line with the joint declaration on own resources of 2 December 2013 which was part of the political agreement between the Council and the EP on MFF 2014-2020, a high-level Group was established on 25 February 2014 and the first meeting took place on 3 April 2014. The group will undertake a general review of the own resources system.</p>
Main objectives of the initiative	<p>The Commission proposal for a new VAT own resource simplifies the current statistical VAT-based own resource system. Its calculation is much simpler as it is linked to actual VAT receipts in real time. The new method proposed would rely to a great extent on data readily available in the Member States, in particular VAT receipts and the standard rate used. The proposed method would constitute a considerable simplification of the current system and make it more transparent and predictable.</p>
Main REFIT objectives	Simplification
Source(s)	Communication on REFIT – COM(2013)685

Date of entry into application	Not yet applicable as this stage in the procedure has not been reached.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	The European Parliament has demanded the introduction of new, genuine own resources for the EU budget at numerous occasions and is generally supportive of a simple, transparent and fair VAT-based own resource. The debate may resurface in the context of the High Level Group meetings.
Council Position	Pursuant to the conclusions of the European Council of 7/8 February 2013 the current system shall be maintained during the next MFF. No new own resource will be introduced through the new Own Resource Decision presently under discussion. However, the European Council Conclusions of 7/8 February 2013 also call upon the Council to continue working on the proposal of the Commission for a new own resource based on value added tax and to make it as simple and transparent as possible.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

## 19. COMPETITION

### 1. Smart regulation activity and simplification efforts in 2013-2014

Legislation in the area of competition is subject to continuous scrutiny for simplification and burden reduction under REFIT. At the moment, no new REFIT initiatives can be identified and the Commission focuses on the implementation of the initiatives already decided (see scoreboard).

### 2. Scoreboard

*Legislative Actions:*

<b>Simplified procedure for Merger Control (competition)</b>	
Existing/ Proposed legislation	Commission Implementing Regulation (EU) No 1269/2013 of 5 December 2013 amending Commission Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings.
Status	Adopted on 5 December 2013
Main objectives of the initiative	Simplify and expedite the examination of concentrations that are unlikely to raise competition concerns by widening the scope of its simplified notification procedure to review unproblematic mergers. The Commission has also reduced the amount of information required for notifying transactions in all cases, whether under the simplified procedure or not.
Main REFIT objectives	To make merger rules and procedures less burdensome for business. The simplification package will reduce the in-house work that companies undertake before they notify a merger and could also lead to a reduction of lawyers' fees by up to one third.
Source(s)	Communication on REFIT – COM(2013)685
Date of entry into application	1 January 2014.

*Evaluations:*

<b>Merger Control</b>	
Scope	White paper evaluating aspects of the Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings. In particular relating to minority shareholdings and the referral system.
Status	Adoption planned for July 2014. After adoption, a public consultation will take place.



Results	The White Paper proposes to allow the Commission to review, at EU level, acquisitions of non-controlling minority shareholdings which raise competition concerns and to enhance the effectiveness of the case referral system between Member States and the Commission.
Source(s)	Communication on REFIT – COM(2013)685

## 20. Overview of Implementation of REFIT Actions

### • Legislative Initiatives

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
<b><i>Agriculture</i></b>			
State Aid rules in the agricultural sector: <ul style="list-style-type: none"> <li>• 'De Minimis' Regulation</li> <li>• State Aid Guidelines and Regulations on block-exemptions</li> </ul>	Simplification	18 December 2013 in preparation	
Legal framework for organic farming	Simplification	24 March 2014	
Egg Labelling (ABR+)	Simplification		1 July 2007
<b><i>Budget</i></b>			
New own resource based on VAT	Simplification	9 November 2011	
<b><i>Climate Action</i></b>			
CO2 emissions from cars	Simplification (exemptions, lighter regimes)	11 July 2012	10 March 2014/ 8 April 2014
CO2 emissions from vans	Simplification (exemptions, lighter regimes)	11 July 2012	26 February 2014/ 23 March 2014
Fluorinated greenhouse gases	Simplification (exemptions)	7 November 2012	14 April 2014 1 January 2015
Emissions monitoring and reporting of greenhouse gases	Simplification (exemptions)	21 June 2012	21 June 2012 1 January 2013
Verification and accreditation of CO2 emissions	Simplification (exemptions)	21 June 2012	21 June 2012 1 January 2013
<b><i>Communications Networks, Content and Technology</i></b>			
Network and information security	Simplification (exemptions)	7 February 2013	
<b><i>Competition</i></b>			
Simplified procedure for Merger Control	Simplification	5 December 2013	5 December 2013 1 January 2014.
<b><i>Employment and Social Affairs</i></b>			

<b><i>Initiative</i></b>	<b><i>REFIT Objective</i></b>	<b><i>Commission Adoption</i></b>	<b><i>Final Adoption/ Application</i></b>
Information and consultation of workers	Envisaged consolidation/ Simplification	in preparation, taking into account the results of the social partners' consultation	
Organisation of working time	Simplification	in preparation	
Posting of workers	Simplification	21 March 2012	13 May 2014
<b><i>Energy</i></b>			
Registration of carriers of radioactive materials	Simplification	28 September 2012	
Safety standards in field of radioprotection	Consolidation	30 May 2012	5 December 2013/ 1 February 2018
Community target for a reduction in the consumption of primary sources of energy	Repeal	In preparation	
<b><i>Enterprise and Industry</i></b>			
Combating late payment in commercial transactions	Simplification/ Recast	8 April 2009	16 February 2011 16 March 2013
Marketing of construction products	Simplification (Lighter regimes)	23 May 2008	9 March 2011 1 July 2013
Classification, packaging and labelling of dangerous preparations	Repeal	In preparation	
<b><i>Environment</i></b>			
Environmental Impact Assessment (EIA)	Simplification	26 October 2012	16 April 2014 15 May 2014
Shipment of waste	Simplification	11 July 2013	
Waste electrical and electronic equipment	Simplification/ Recast (exemption)	3 December 2008	4 July 2012 14 February 2014
Soil Framework Directive	Withdrawal	21 May 2014	21 May 2014
Access to justice in the area of environment	Withdrawal	21 May 2014	21 May 2014
<b><i>Health and Consumers</i></b>			
Clinical Trials	Simplification	17 July 2012	awaiting publication in OJ
Animal health	Simplification	6 May 2013	

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Plant reproductive material	Simplification (exemptions)	6 May 2013	
Official controls	Codification/ Simplification (exemptions)	6 May 2013	
Plant health	Codification/ Simplification	6 May 2013	
Consumer Product Safety	Simplification	13 February 2013	
Market Surveillance	Simplification	13 February 2013	
Zootechnical legislation	Consolidation/ Simplification	11 February 2014	
Food Hygiene	Simplification	In preparation	
Veterinary medicines	Simplification	In preparation	
Cooperation on scientific information for food	Repeal	5 May 2014	
Information on medicinal products	Withdrawal	21 May 2014	21 May 2014
<b><i>Home Affairs</i></b>			
Entry and stay in the EU for third-country national students, researchers and other groups	Simplification/ Recast	25 March 2013	
Visa Code	Simplification/ Recast	1 April 2014	
Schengen Borders Code	Codification/ Simplification	In preparation	
Cooperation between financial intelligence units of the Member States	Repeal	In preparation	
<b><i>Internal Market and Services</i></b>			
Professional Qualifications	Simplification (lighter regimes)	19 December 2011	28 December 2013 18 January 2016
Public Procurement	Simplification (lighter regimes)	20 December 2011	26 February 2014 17 April 2014

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Copyright in musical works for online use	Simplification (exemption)	11 July 2012	26 February 2014 10 April 2016
Initial Public Offerings (IPOs) for SMEs / Prospectus and disclosure requirements	Simplification (exemption)	3 March 2012 (I) 4 June 2012 (II)	3 March 2012 (I) 4 June 2012 (II)  1 July 2012 (I) 22 Sept 2012 (II)
Insurance mediation	Simplification/ Recast	9 December 2012	
Long-term Investment Funds	Simplification	26 June 2013	
Undertakings for collective investment in transferable securities (UCITS)	Simplification	29 January 2014 (1 <sup>st</sup> part)	
Company law	Simplification/ Codification	In preparation	
Community patent	Withdrawal	21 May 2014	21 May 2014
Legal protection of designs	Withdrawal	21 May 2014	21 May 2014
Statute of a European private company	Withdrawal	21 May 2014	21 May 2014
Company accounts (ABR+)	Simplification		July 2006
Annual accounts of micro-enterprises (ABR+)	Simplification		14 March 2012 1 April 2012
<b><i>Justice</i></b>			
Small Claims Procedure	Simplification	19 November 2013	
Package travel	Simplification (exemption)	9 July 2013	
Data Protection	Simplification (exemptions, lighter regimes)	25 January 2012	
Women on company boards	Simplification (exemption)	14 January 2012	
Misleading and comparative advertising	Simplification	In preparation	
<b><i>Maritime Affairs and Fisheries</i></b>			
Reform of the Common Fisheries Policy	Simplification	13 July 2011	11 December 2013 1 January 2014
Common Market Organisation in fishery and	Simplification	13 July 2011	11 December 2013

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
aquaculture products			1 January 2014
Technical measures for the protection of marine organisms	Simplification	In preparation	
Fishing Authorisation Regulation	Simplification/ Recast	In preparation	
<b><i>Mobility and Transport</i></b>			
Recording equipment in road transport	Simplification (exemption)	19 July 2011	4 February 2014 24 February 2014
Cabotage rules in road transport	Simplification	In preparation	
Retrofitting of mirrors to heavy goods vehicles	Repeal	In preparation	
Driving licences which include the functionality of a driver card	Withdrawal	30 April 2014	30 April 2014
Abolition of discrimination in transport rates and conditions (ABR+)	Simplification		20 June 2008
<b><i>Statistics</i></b>			
Integrating Business Statistics (FRIBS)	Simplification	In preparation	
Social Statistics	Simplification	In preparation	
Farm Survey System	Simplification	In preparation	
Steel Statistics	Repeal	In preparation	
European statistics on safety from crime	Withdrawal	21 May 2014	21 May 2014
Statistics on intra-EU trade (ABR+)	Simplification		4 November 2013/ 26 November 2013
Survey on Industrial Production (ABR+)	Simplification		11 July 2008/ 11 February 2009
<b><i>Taxation and Customs Union</i></b>			
Common consolidated corporate tax base (CCCTB)	Simplification	16 March 2011	
Standard EU VAT declaration	Simplification	23 October 2013	
VAT obligations	Withdrawal	21 May 2014	21 May 2014
Common system of value added tax (ABR+)	Simplification	28 January 2009	13 July 2010 31 December 2012

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Refund of value added tax (ABR+)	Simplification	29 October 2004	12 February 2008 1 January 2010
<b>Trade</b>			
Reform of the trade defence instruments	Simplification	10 April 2013	
Codification of Trade legislation	Codification/ Repeal	In preparation	
Export for recovery of non-hazardous waste	Simplification	In preparation	

- **Evaluations and Fitness Checks**

<i>Evaluation / Fitness Check</i>	<i>Completed/Ongoing/Planned</i>
<b>Communications Networks, Content and Technology</b>	
Evaluation of the Privacy and Electronic Communications Directives	Planned to start in 2014-2015
Evaluation of Audio-visual Media Services Directive 2010/13/EU	Planned to start in 2015
<b>Competition</b>	
Evaluation of Merger Regulation: referral system and minority shareholdings	Completed. Adoption of White Paper planned for June 2014.
<b>Employment and Social Affairs</b>	
Evaluation of Directive 2008/104/EC99 on temporary agency work	Adopted in March 2014
Evaluation of Directives 97/81/EC on part-time work and 99/70/EC on fixed-term work	Ongoing and expected to be completed in 2014
Evaluation of Directive 91/533/EEC regarding information obligations for employers in relation to employment contracts	Ongoing and expected to be completed Q3 2015
Evaluation of legislation in the area of health and safety at work	Ongoing and expected to be completed end 2015
<b>Energy</b>	
Evaluation of Directive 2009/28/EC on Renewable Energy	Ongoing and expected to be completed Q4 2014/Q1 2015
<b>Enterprise and Industry</b>	
REACH Review	Completed in February 2013

Cumulative cost assessment on the steel sector	Completed in June 2013
Cumulative cost assessment of the aluminium sector	Completed in October 2013
Fitness check on the type-approval system for motor vehicles	Completed in November 2013
Evaluation of regulations regarding internal market for industrial products	Adopted on 22 January 2014
Fitness check on the oil refining industry	Ongoing and expected to be completed in 2014
Evaluation of the firearms legislation	Ongoing and expected to be completed in 2014
Cumulative cost assessments in the area of chemical industry	Ongoing and expected to be completed in Q2 2015
Fitness Checks on the most relevant chemicals legislation not covered by REACH as well as related aspects of legislation applied to downstream industries	Planned to start in June 2014 and expected to be completed in Q4 2015
Cumulative cost assessments in the area of forest-based industry (woodworking, furniture, pulp/paper and printing)	Planned to start Q4 2014 and to be finalised in Q1 2016
Evaluation of the machinery Directive	Planned to start in 2015 and expected to be finalised in 2016
<b><i>Environment</i></b>	
Fitness Check on Waste Policy	Ongoing and expected to be completed in 2014
Evaluation of Directive 2004/35/EC on environmental liability	Ongoing and expected to be completed in 2014
Evaluation of Directive 2007/2/EC on Infrastructure for Spatial Information	Ongoing and expected to be completed in 2014
Evaluation of Directive 2002/49/EC in relation to environmental noise	Expected to start in 2014
Evaluation of Directive 2009/126/EC on volatile organic compound emissions	Expected to start in 2014
Evaluation of Regulation (EC) No 166/2006 on the European Pollutant Release and Transfer Register (EPRTR)	Expected to start in 2014
Fitness Check on EMAS and EU Eco-label	Ongoing and expected to be completed early 2015
Fitness Check on Natura 2000	Ongoing and expected to be completed late 2015/early 2016
Evaluation of Directive 1999/22/EC in relation to keeping wild animals in zoos	Expected to start in 2015/2016



<b><i>Health and Consumers</i></b>	
Fitness Check of the General Food Law Regulation (EC) No 178/2002.	Planned to start in 2014 and expected to be finalised mid 2015
<b><i>Home Affairs</i></b>	
Evaluation of Council directive 2004/81/EC on residence permits for victims of trafficking in human beings	Ongoing and expected to be completed in June 2014
Evaluation of the Council Framework Decision 2008/919/JHA on the fight against organised crime	Ongoing and expected to be completed in July 2014
Evaluation of the Council Framework Decision 2008/919/JHA on combatting terrorism	Ongoing and expected to be completed in June 2014
Evaluation of Council Regulation (EC) No 2007/2004 on FRONTEX including Rapid Border Intervention Teams	Ongoing
Evaluation of the Visa Information System	Planned to start in 2014
Fitness Check of legislation on legal migration	Planned to start in 2016
<b><i>Humanitarian Aid</i></b>	
European Consensus on Humanitarian Aid	Completed in June 2014
<b><i>Internal Market</i></b>	
Evaluation of Regulation (EC) No1606/2002 on the application of international accounting standards (IAS)	Ongoing and expected to be completed by end 2014.
Evaluation of the new Remedies Directive 2007/66/EC	Planned to start in 2014
Evaluation of Directive 86/653/EEC on commercial agents	Planned to start in 2014
Review of Financial Services legislation	Completed in May 2014
<b><i>Justice</i></b>	
Evaluation of Directive 79/7/EEC regarding equal treatment in social security	Planned to start in Q4 2015 and expected to be completed in Q4 2015
Fitness Check of the legislative framework related to consumer rights and advertising	Ongoing and expected to be completed in Q4 2016
Evaluation of Regulation (EC) No 805/2004 on a European Enforcement Order for uncontested claims	Planned to start in 2016/2017
<b><i>Mobility and Transport</i></b>	
Evaluation of Directive 2004/54/EC on tunnel safety	Ongoing, results expected Q2 2015.
Fitness check of Passenger Ships Safety Legislation	Ongoing, results expected Q2 2015.
Evaluation of the Council Directive 92/106/EEC on	Planned to start Q3 2014 and expected to be finalized

Combined Transport of goods	Q1 2015
Evaluation of the Directive on the Promotion of clean and energy-efficient road transport vehicles	Under preparation – results expected by second semester 2015
<b><i>Taxation and Customs Union</i></b>	
Evaluation of Council Directive 2008/118/EC on general excise duty arrangements	Ongoing and expected to be completed by the end of 2014
Evaluation of the Council Directive 2011/64/EU on the structure and rates of excise duty applied to manufactured tobacco	Ongoing and expected to be completed Q4 2014/Q1 2015
<b><i>Trade</i></b>	
Evaluation of Regulation (EC) No 428/2009 on Dual Use	Completed on 16 October 2013
Evaluation of Council Regulation (EC) No 953/2003 on avoiding trade diversion into the European Union of certain key medicines	Evaluation planned to start in 2014 and expected to be finalised mid-2015

## 21. Overview of Areas under consideration for future REFIT initiatives

- **Legislative Initiatives**

<i>Policy Area / Initiative</i>	<i>Possible Action</i>
Agriculture	<ul style="list-style-type: none"> <li>• Repeals of defunct Council acts as part of a horizontal exercise.</li> </ul>
Energy	<ul style="list-style-type: none"> <li>• Repeal of Directive 2003/66 amending Directive 94/2/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations;;</li> <li>• Repeal of Directive 1999/9 amending Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household dishwashers;</li> <li>• Repeal of Directive 96/89 amending Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household washing machines)</li> <li>• Legislative update / review of the Regulation of the Supply Agency of the European Atomic Energy Community of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials (OJ P 032 11/05/1960 p. 0777 – 0779)</li> <li>• Legislative update / review of the Regulation of the Supply Agency of the European Atomic Energy Community amending the rules of the Supply Agency of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials, (O.J. L 193, 25/07/1975, p. 0037 – 0038)</li> </ul>
Home Affairs	<ul style="list-style-type: none"> <li>• Codification of Council Regulation n° 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from this requirement</li> </ul>
Justice	<ul style="list-style-type: none"> <li>• Identity and Travel Documents: Legislative proposal to simplify travel formalities for EU citizens and third country family members on the basis of article 77 TFEU in conjunction with article 21 TFEU completing the existing acquis on uniform formats for identity and residence documents;</li> <li>• Emergency Travel Documents: Legislative proposal for the communitarisation of the sui generis decision on emergency travel documents (96/409/CFSP)</li> </ul>
Mobility and Transport	<ul style="list-style-type: none"> <li>• Discrimination in Transport Rates and Conditions: Repeal of Council Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community of 16 August 1960</li> </ul>

Statistics	<ul style="list-style-type: none"> <li>The development of a new comprehensive architecture for business statistics</li> </ul>
Taxation	<ul style="list-style-type: none"> <li>Extension of the one-stop-shop to all business to consumer (B2C) supplies, notably to distance sales of goods, including imports of small consignments (2014-2016)</li> </ul>
Trade	<ul style="list-style-type: none"> <li>Recast of Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries;</li> <li>Review of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports transfer, brokering and transit of dual-use items in follow-up to the evaluation conducted in 2013 (see scoreboard)</li> <li>Repeal of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries.</li> </ul>

- Withdrawals**

<i>Policy Area / Initiative</i>	<i>Possible Withdrawal</i>
Health and Consumer Affairs	<ul style="list-style-type: none"> <li>Proposal for a Regulation amending Regulation 852/2004/EC on the Hygiene of Foodstuffs – COM(2007)90 final / 2007/037 COD</li> </ul>
Internal Market	<ul style="list-style-type: none"> <li>Proposal for a Directive amending Directive 97/9/EC on Investor Compensation Schemes – COM(2010)371, 2010/0199 COD</li> </ul>
Mobility and Transport	<ul style="list-style-type: none"> <li>Proposal for a Directive on Aviation Security Charges – COM(2009)217, 2009/0063 COD</li> <li>Proposal for a Regulation on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures – COM(2002)313 / 2000/0326 COD</li> </ul>

- Evaluations and Fitness Checks**

<i>Policy Area / Initiative</i>	<i>Possible Action</i>
Agriculture	<ul style="list-style-type: none"> <li>Evaluation of the POSEI programme;</li> <li>Evaluation of the market and trade implication of veal marketing standards rules,;</li> </ul>
Climate action	<ul style="list-style-type: none"> <li>Evaluation of the Carbon Capture and Storage Directive 2009/31/EC</li> <li>Evaluation of the Regulation on Light Commercial Vehicles 510/2011/EC and of the Regulation on New Passenger Cars 443/2009/EC</li> <li>Evaluation of the Fuel Quality Directive 2009/30/EC (once fully implemented and transposed)</li> </ul>
Communication Networks	<ul style="list-style-type: none"> <li>Evaluation of the Telecoms Package of 2009;</li> </ul>

Content and Technology	<ul style="list-style-type: none"> <li>• Study on rules on audiovisual commercial communication for alcoholic beverages;</li> <li>• Study on the efficacy of co- and self-regulation aspects in promoting effective implementation of the Audiovisual Media Services Directive.</li> </ul>
Enterprise	<ul style="list-style-type: none"> <li>• Evaluation of the Late Payments Directive (to be completed 2016);</li> <li>• Evaluation of the relevance of standardisation activities (to be completed 2015/2016);</li> <li>• Evaluation of the legal framework for pre-packaging (to be completed 2015);</li> <li>• Cumulative Cost Assessment of glass/ceramics (to be completed in 2015/2016);</li> <li>• Evaluation of the mutual recognition regulation of goods;</li> <li>• Cumulative Cost Assessment of the construction sector (to be completed in 2016).</li> </ul>
Environment	<ul style="list-style-type: none"> <li>• Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos;</li> <li>• Directive on the Protection of Animals used for Scientific Purposes (Directive 2010/63/EU): The Directive took full effect in January 2013 with national transposing measures pending for some Member States. An evaluation under REFIT could be carried out in preparation of the review of the Directive required by November 2017;</li> <li>• Strategic Environmental Assessment Directive (Directive 2001/42/EC): The second implementation report scheduled for 2016 will evaluate the application and effectiveness of the Directive across the EU and assess potential for simplification;</li> <li>• The evaluations scheduled for Flood risks (Directive 2007/60/EC), Bathing water (Directive 2006/7/EC) and Marine environment policy (Directive 2008/56/EC) will focus on identifying simplification and burden reduction potential (2017-2019);</li> <li>• Standardised Reporting Directive (Directive 91/692/EEC);</li> <li>• Volatile organic compound emissions - Stage I Petrol Vapour Recovery (VOCs) – Directive 94/63/EC.</li> </ul>
Home affairs	<ul style="list-style-type: none"> <li>• Evaluation of Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence and Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</li> </ul>
Internal Market	<ul style="list-style-type: none"> <li>• Design system in EU;</li> <li>• Prospectus Directive – 2003/71/EC;</li> <li>• Insurance legislation (Fitness Check once sufficient experience is gained with the implementation).</li> </ul>

Justice	<ul style="list-style-type: none"> <li>• Evaluation of Directive 2008/122/EC of the European Parliament and of the Council on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts – 2014;</li> <li>•</li> </ul>
Maritime affairs and fisheries	<ul style="list-style-type: none"> <li>• Evaluation of the control regulation (Council Regulation (EC) No 1224/2009 of 20 November 2009)</li> </ul>
Mobility and Transport	<ul style="list-style-type: none"> <li>• Evaluation on training, qualification, licenses in road transport covering: Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers;</li> <li>• Evaluation of Maritime Transport and Safety Rules;</li> <li>• Evaluation of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues;</li> </ul>
Taxation	<ul style="list-style-type: none"> <li>• REFIT evaluation of the VAT e-invoicing directive (2010/45/EU) – 2016/2017</li> <li>• Assessment of the implementation of the Mini One Stop Shop (2008/8/EC) – 2015/2016</li> </ul>