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**COMMISSION STAFF WORKING DOCUMENT**

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

*Accompanying the document*

**Better Regulation for Better Results – An EU Agenda**

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## 1. INTRODUCTION

This second edition of the REFIT scoreboard shows the state of play in implementing 164 initiatives for simplification and regulatory burden reduction identified by the Commission.<sup>1</sup> 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, as well as contributing to transparency on the whole regulatory cycle.

In each policy area, the scoreboard also includes an overview of smart regulation activities and simplification efforts in 2014-2015.

Since end 2012, REFIT has achieved the following results:

- 58 legislative initiatives have been proposed by the Commission under REFIT; of those 25 have been adopted by the legislator and 22 have been implemented on the ground in Member States. These 58 legislative initiatives contain 17 exemptions or lighter regimes for SMEs.
- 2 measures have been repealed, while 4 measures are still pending repeal with the legislator, 10 proposals have been withdrawn, 11 evaluations and Fitness Checks have already delivered results and 31 evaluations and Fitness Checks are planned to be concluded in 2015.

In addition, since end 2012, the Commission withdrew 141 proposals which were pending in legislative procedure. Within its Work Programme for 2015 alone, the Commission withdrew 73 pending proposals on 25 February 2015. Six of those withdrawals had been identified through the REFIT programme<sup>2</sup> further proposals may be withdrawn in June 2015 if no agreement in legislative procedure can be reached.

Considerable savings to business could be assessed in 11 areas where initiatives taken under the Administrative Burden Reduction (ABR) Programme have already been implemented in Member States. These assessments were provided at a general level of estimation and do not

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<sup>1</sup> This includes initiatives launched in response to the 'Top10' Consultation of most burdensome EU legislative acts for SMEs and the initiatives covered by the Administrative Burden Reduction Plus Programme ('ABRPlus'). See the Commission's 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).

<sup>2</sup> This concerns pending proposals in the areas of hygiene of foodstuffs, plant reproductive material, registration of carriers of radioactive material, aviation security and establishment of a fund for the compensation of oil pollution damage. The items in question have consequently been withdrawn from the scoreboard.

allow for an overall estimate of the burden reduction achieved across all Member States or for a quantification of savings in absolute numbers.<sup>3</sup>

Simplification and burden reduction benefits proposed by the Commission in the context of REFIT have in several cases been subject to amendments in the legislative process.

Out of 25 initiatives adopted by the legislator, simplification and burden reduction benefits to business were maintained in the legislative process in 10 cases (42%), decreased in 9 cases (37%) and increased in 4 cases (16%).

Out of 25 legislative initiatives pending in the legislative process, the prospect of maintaining the simplification and burden reduction benefits proposed by the Commission is positive in 3 cases (12%), in 9 cases (36%) these benefits are threatened and in 4 cases (16%) they are likely to increase.

The Commission will continue to work with the Member States extending and refining the assessment of savings to every initiative where implementation is sufficiently advanced.

The Commission invites comments and suggestions to its REFIT Programme. They can be posted at: [http://ec.europa.eu/smart-regulation/refit/index\\_en.htm](http://ec.europa.eu/smart-regulation/refit/index_en.htm)

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<sup>3</sup> This assessment was made under the 'ABRPlus' programme by which the Commission and Member States followed-up on the implementation in Member States of the EU measures already adopted. The savings identified are summarized in the beginning of each relevant chapter of the scoreboard.

## 2. INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context, the implementation by Member States of the new Public Procurement framework which includes lighter regimes for small companies led to cost reductions to business in a range between 29% and 58% according to assessments made by Member States.

Concerning the initiatives that the Commission committed to undertake under REFIT, several new evaluations, Fitness Checks and Cumulative Cost Assessments were identified in the area of the internal market for goods and services. These cover the legal frameworks for pre-packaging, late-payments, the mutual recognition principle for goods, designs, standardisation, the construction sector and the glass/ceramics sector. These evaluations are mostly ongoing and the majority of them will deliver results in the course of 2015.

The evaluation of the firearms Directive concluded in December 2014 assessed the implementation of the Directive in Member States. While fostering the harmonisation of legislation and procedures concerning firearms, the implementation of a Directive left a number of significant differences resulting both from national choices about how to implement the various provisions and from pre-existing national approaches. These differences could be a source of security or market concerns. The Commission will report on the follow-up to this evaluation in a report to Parliament and Council in July 2015.

In addition to the REFIT programme, the Commission has been undertaking a number of legislative simplification actions in the area of internal market for goods and services.<sup>4</sup>

### 2. Facilitating the implementation of the Regulation on Registration, Evaluation, Authorization and Restriction of Chemicals (REACH)<sup>5</sup>

On the basis of the results of the comprehensive review of REACH in 2013<sup>6</sup>, the Commission is implementing a number of actions to facilitate the implementation of this Regulation in

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<sup>4</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>5</sup> REACH falls under joint responsibility of the policy areas of internal market, industry, entrepreneurship and SMEs and of environment.

<sup>6</sup> COM(2013)49 accompanied by SWD(2013)25.

areas where business has concerns and make it easier, simpler and less costly. The Commission regularly reports progress on the delivery of these actions in collaboration with Member States and stakeholders.

These actions include :

- Registration: Enhanced support to SMEs to make it easier and simpler for them to meet the 2018 registration deadline for substances placed on the market in quantities of up to 100 tons/year:
  - An implementing act clarifying the operation of Substance Information Exchange Forums (SIEF) with rules on transparency, fairness and non-discrimination of cost-sharing will be adopted in the course of 2015;
  - Guidance on the application of EU competition rules within the SIEFs is being developed for more clarity and improved good practices;
  - ECHA has published a roadmap for the registration deadline of 2018 for small quantities<sup>7</sup> which list actions for ECHA, Commission and Member States in order to support more effectively companies with their obligations;
  - The Directors Contact Group (informal exchange group composed of ECHA, the Commission and industry representatives) takes an increased focus on SMEs to solve priority issues related to registration;
  - The Commission is considering further measures to reduce costs related to the compilation, communication and use of extended Safety Data Sheets (eSDS).
  - Guidance has been developed by ECHA on REACH and other chemicals legislation for Enterprise Europe Network advisers, with the view to improve communication with SME stakeholders, .
- Actions to improve the authorisation process under REACH to make it simpler, less costly and more predictable:
  - The Commission and ECHA are implementing<sup>8</sup> the roadmap for the identification of Substances of Very High Concern (SVHC) and of REACH management measures<sup>9</sup>. ECHA has improved its communication with stakeholders and the general public in this area via a dedicated web-portal on

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<sup>7</sup> [http://echa.europa.eu/documents/10162/13552/reach\\_roadmap\\_2018\\_web\\_final\\_en.pdf](http://echa.europa.eu/documents/10162/13552/reach_roadmap_2018_web_final_en.pdf)

<sup>8</sup> [http://echa.europa.eu/documents/10162/19126370/svhc\\_roadmap\\_2015\\_en.pdf](http://echa.europa.eu/documents/10162/19126370/svhc_roadmap_2015_en.pdf)

<sup>9</sup> <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205867%202013%20INIT>

substances of potential concern<sup>10</sup> providing information on potential regulatory actions on substances early in the process.

- The Commission is working on proposing simplified procedures for substances subject to authorisation that are used in low volumes or for the production of legacy spare parts to decrease costs related to the application for authorisation in those cases. Further streamlining of the process for all applications for authorisation is also under consideration. Possibilities for simplifying the authorisation regime for substances contained in recycled materials will be looked at via the circular economy package.
  - The Commission is exploring whether and how some socio-economic elements could be taken into account before adding substances to the Authorisation list (Annex XIV<sup>11</sup>). The Commission will analyse such information before presenting a proposal for amending Annex XIV to the REACH Committee and will adapt the frequency of amendments to this Annex.
  - The Risk Management Expert Meetings (RIME) organized jointly by ECHA and Member States, with Commission participation, allows for technical and scientific discussions in order to choose the most appropriate measure among the several EU legislative options related to the management of risk arising from hazardous chemicals.
  - To increase synergies between REACH and other legislation related to chemicals, the Commission works on clarifying the relationship between REACH and legislation on Occupational Safety and Health. The interface with the waste legislation will be clarified in the framework of the upcoming proposal on the circular economy. The interface between REACH and the POP (Persistent Organic Pollutants) Regulation and the RoHS (Restriction of Hazardous Substances) Directive have been clarified via the publication of two ‘common understanding papers’<sup>12</sup>.
- Better consideration of SME needs and input in the REACH restriction process:
    - Tools for Member States to better evaluate the potential impacts of their restriction proposals on SMEs are being prepared and should be available by Q2 2015, to improve the quality of their proposal;

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

<sup>11</sup> <http://echa.europa.eu/addressing-chemicals-of-concern/authorisation/recommendation-for-inclusion-in-the-authorisation-list>

<sup>12</sup> [http://ec.europa.eu/growth/sectors/chemicals/reach/special-cases/index\\_en.htm](http://ec.europa.eu/growth/sectors/chemicals/reach/special-cases/index_en.htm)

- Public consultations launched by ECHA include summary cover sheets with key information about the restriction proposal and questions are better targeted in order to increase the participation of SMEs and to facilitate their input;
- The Commission closely monitors the implementation of all recommendations made to improve the overall efficiency of the REACH restriction procedure

The impacts of these measures taken to facilitate the implementation of REACH will be evaluated in the framework of the upcoming report on the performance of REACH foreseen for 2017, with the view to assess whether they are effective in alleviating business concerns and whether additional adjustments are needed.

### 3. 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 in legislative procedure 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> <li>• the possibility to exclude claims for interest of less than €5 is abolished.</li> </ul>
<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 outcome of legislative procedure	<b>The discretion given to Member States to extend the time limit for payments by public authorities to businesses from 30 days up to a maximum of 60 calendar days is likely substantially to reduce the benefits of the proposal for businesses and to affect smaller businesses particularly hard. However, the introduction of the 60 day maximum is an improvement on the previous position.</b>
<b>Member State Implementation</b>	
Date of application	16 March 2016
Implementation reported by Member States	In order to gather some first results, the Commission has launched a study to assess the state of play on the implementation of the Late Payments Directive. The results of this study will be compiled along with other findings in a report which will be submitted to the European Parliament by 16 March 2016.

<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	It applies with effect from 1 July 2013 – 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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Approved by the European Parliament without material change.

\* All marked measures have been taken in connection with SME concerns identified in the context of the Top10 Consultation (See: SWD(2013)60 and COM(2013)446 final).

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 outcome of legislative procedure	<b>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 which may reduce the value for micro-enterprises.</b>
<b>Member State Implementation</b>	
Date of application	1 July 2013
Implementation reported by Member States	No data available yet.

<b>Recognition of professional qualifications<sup>*</sup></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 in legislative procedure on 20 November 2013 - 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>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Supportive.
Council Position	Supportive.
<b>Assessment of outcome of legislative procedure</b>	<b>The adopted Directive includes all of the main REFIT objectives proposed by the Commission.</b>
<b>Member State Implementation</b>	
Date of application	18 January 2016
Implementation reported by Member States	No data available yet.

<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> </ul>
Status	<p>The following apply with effect from 17 April 2014:</p> <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>
Main objectives of the initiative	<p>Simplification of procedures and greater flexibility to make public procurement more efficient and more strategic, respecting the principles of transparency and competition to the benefit of both public purchasers and economic operators. 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.</p>
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>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>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.</p>
Council Position	<p>The Council expressed broad support for the REFIT objectives. There was, however, no uptake for the European Procurement Passport which</p>

	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.
<b>Assessment of outcome of legislative procedure</b>	<p><b>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.</b></p> <p><b>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.</b></p>
<b>Member State Implementation</b>	
Date of application	17 April 2014
Transposition deadline for Member States	18 April 2016
Implementation reported by Member States	No data yet available.

*ABRPlus follow up*

<b>Public Procurement*</b>	
Existing/Proposed legislation	<p>Commission proposals:</p> <ul style="list-style-type: none"> <li>• <b>Proposal COM/2011/0896 final from 20 December 2011 for a Directive of the European Parliament and of the Council on public procurement</b></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>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</p> <p>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</p>

Status	<p>It applies with effect from 17 April 2014:</p> <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>
Main objectives of the initiative	<p>Simplification of procedures and greater flexibility to make public procurement more efficient and more strategic, respecting the principles of transparency and competition to the benefit of both public purchasers and economic operators. 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.</p>
<b>Member State Implementation</b>	
Date of application	17 April 2014
Transposition deadline for Member States	18 April 2016
Implementation reported by Member States	<p>The follow-up in the ABRplus exercise covered the provisions described in COM(2011)896 of the requirement that only the winning bidder needs to provide the original documents of eligibility.</p> <ul style="list-style-type: none"> <li>• 12 Member States already implemented the relevant provisions between 2007 and 2014 even though MS only need to transpose the directive by April 2016 (DE, IE, ES, CY, LV, LT, MT, NL, AT, PT, RO, SK).</li> <li>• For 2 Member States the degree of implementation is unclear while 10 Member States have not yet implemented the provision (EL,SE).</li> <li>• 1 Member States indicated that they include additional requirements when implementing the provision that can lead to an increase in administrative burden (CZ).</li> </ul> <p>In 5 Member States cost reductions were estimated to range between 29% and 58% (CY, DE, PT, SK, NL), while the initial estimation by the Commission predicted savings of administrative burden of 50%.</p>

*Repeals*

## Classification, labelling and packaging of dangerous preparations

Existing/Proposed legislation	Repeal of Directive 1999/45/EC on dangerous preparations
Status	The Directive will be automatically repealed in accordance with article 60 of the CLP Regulation (EC) No 1272/2008 on 1 June 2015.
Main objectives	Repeal

*Evaluations / Fitness Checks:*

<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 planned to be finalised in 2016.

<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	Ongoing and planned to be finalised by June 2015.

<b>Forest-based industries</b>	
Scope	Cumulative cost assessment of the cost impacts of the most relevant EU legislation and policies for the EU forest-based industries (woodworking, furniture, pulp and paper and printing) in relation to international competitors
Status	Ongoing and planned to be finalised in Q1 2016

<b>Chemical industry*</b>	
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Scope	Cumulative cost assessment of the most relevant EU legislation and policies relevant for the European chemicals industry.
Status	Ongoing and planned to be finalised in Q4 2015

<b>Chemicals legislation (other than REACH)*</b>	
Scope	Fitness Check on the most relevant chemicals legislation <sup>13</sup> (excluding REACH) as well as related aspects of legislation applied to downstream industries
Status	Started in March 2015 and planned to be finalised in Q1 2017.

<b>Firearms</b>	
Scope	Evaluation of Directive 91/477/EEC on control of the acquisition and possession of weapons as amended by Directive 2008/51/EC of the EP and of the Council of 21 May 2008 (Firearms Directive)
Status	Finalised in Q1 2015.
Results	<p>The evaluation concluded that the Firearms Directive has positively contributed to the functioning of the internal market and minimised the risks associated with the civilian firearms market. Legislation at EU level has also contributed to the creation of an EU identity for all producers, dealers and brokers operating within the sector that currently share common requirements and standards. However, the Directive sets only minimum requirements which has resulted in important differences in Member States' implementation of the Directive (in particular regarding marking, deactivation, convertibility of alarm weapons). These differences have been identified by the study as sources of security or market concerns.</p> <p>In terms of efficiency, the overall results have been achieved at reasonable costs. The directive does not prescribe any major infrastructure investment except for the creation of a computerised data-filing system. Costs related to the implementation of different provisions serve various objectives and are distributed fairly among interested stakeholders. The administrative burden and costs perceived by stakeholders are more linked to the different and sometimes inefficient administrative procedures implementing the directive at national level rather than to the Directive itself.</p> <p>The Commission is analysing how to best address the recommendations highlighted by the evaluation study and will report on planned follow-up actions in the implementation report due to be</p>

<sup>13</sup> DG GROW and DG ENV are co-responsible for this fitness check.



	submitted to the EP and the Council by 28 July 2015.
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<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	Ongoing and expected to be finalised end of 2015.

<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	Ongoing and expected to be finalised mid-2015.

<b>Late Payments Directive</b>	
Scope	Evaluation of the Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payments in commercial transactions
Status	Ongoing and expected to be finalised in Q4 2015

<b>Standardisation</b>	
Scope	Evaluation of the relevance of standardisation activities
Status	Ongoing and planned to be finalised in Q4 2015

<b>Pre-packaging</b>	
Scope	Evaluation of the legal framework for pre-packaging
Status	Ongoing and planned to be finalised in Q4 2015

<b>Glass and Ceramics</b>	
Scope	Cumulative cost assessment of the most relevant EU legislation for the

	EU glass and ceramics industries
Status	Planned to start in Q4 2015 and to be finalised in 2017

<b>Mutual Recognition for goods</b>	
Scope	Evaluation of the application of the principle of mutual recognition in goods in the non-harmonised area
Status	Ongoing and planned to be finalised in Q2 2015

<b>Construction sector*</b>	
Scope	Fitness Check on the construction sector
Status	Planned to start Q2 in 2015 and to be finalised in 2016.

<b>Design System</b>	
Scope	Evaluation of Directive 98/71/EC on the legal protection of designs and of Regulation 6/2002 on Community Designs
Status	Ongoing and planned to be finalised by mid-2016.

### 3. FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKET UNION

#### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context, the follow-up on the implementation by Member States of the Company Accounts Directive shows that cost reductions were calculated at rates between 8% and 66% per Member State. The Directive introduced lighter regimes and exemptions for SMEs from certain accounting and disclosure requirements, some of those are optional for Member States.

The proposed regulation for European Long-Term Investment Funds will harmonise the investment proposal and create a common label for such funds, thus enhancing cross-border access to long-term funding for the economy. Parliament adopted its position on 10 March 2015. It will now be for the Council to take the final decision.

Since the financial crisis in 2008 a large supervisory and regulatory reform has been put forward. A banking union and three European Supervisory Authorities have been established, capital requirements have been increased and multiple other rules have been put in place. Much of the financial regulation that is currently in place has recast previous legislation, reducing the number of directives and regulations that are in application. For example, the new Accounting Directive (2013/34/EU), which enters into force in July 2015, repeals 7 directives; and the Solvency II Directive (2009/138/EC), which entered into force in June 2014 and will apply in principle as of 1 January 2016, repeals 13 Directives.

In other key areas where wider policy reviews are in preparation such as the Capital Markets Union it will be important to search for cost reduction and simplification potential. The planned revision of the Prospectus Directive in this year's work programme is an example.

#### 2. Scoreboard

##### *Legislative Initiatives*

<b>European Long Term Investment Funds (ELTIF)</b>	
Existing/Proposed legislation	Proposal for a Regulation of Parliament and Council on European Long-term Investment Funds
Status	Adopted in legislative procedure on 20 April 2015. Awaiting publication in OJ.
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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	The European Parliament has adopted the legislative resolution on 10 March 2015.
Council Position	A Council position followed by final adoption is expected.
Assessment of outcome of legislative procedure	<b>Changes introduced by the co-legislators do not affect the Commission REFIT objectives. They reinforce the approach towards the protection of retail investors and enlarge the range of eligible assets for long-term investments thereby extending the benefits to be achieved.</b>
<b>Member State Implementation</b>	
Date of application	6 months after entry into force (publication is planned for mid-May 2015)
Implementation reported by Member States	No data available yet.

<b>Undertakings for collective investment in transferable securities (UCITS) – "UCITS 6 Review"</b>	
Existing/Proposed legislation	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)  UCITS has an important place in the new Capital Markets Union Green Paper, and on the basis of the comments the Commission will decide what actions to take.
Status	A consultation on CMU is ongoing. This consultation also covers certain UCITS issues. There has been no decision on possible legal proposals relating to UCITS. Any such possible actions will be in the context of CMU rather than UCITS 6.
Main objectives of the initiative	The initial aim of the UCITS review is to align the investment profile of a UCITS with a prudent policy on risk exposure suitable for retail investors and ensure the clarity of the rules. The starting point for possible UCITS actions would be that these contribute to economic growth and reduce administrative burden.

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.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not been reached	

<b>Initial Public Offerings (IPOs) for SMEs / Prospectus and Disclosure requirements</b>	
Existing/Proposed legislation	Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC ; 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	It applies with effect from 22 September 2012: <ul style="list-style-type: none"> <li>• Commission Delegated Regulation (EU) No 862/2012 of 4 June 2012</li> </ul>
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.
<b>Member State Implementation</b>	

Date of application	22 September 2012
Implementation reported by Member States	No data available yet.

<b>Insurance mediation</b>	
Existing/Proposed legislation	Directive 2002/92/EC on insurance mediation Commission proposal for the recast of Directive 2002/92/EC
Status	Proposal from the Commission of 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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament 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	A general approach was adopted on 7 November 2014. Trilogue negotiations have been launched on 26 February 2015.
Assessment of final outcome	Not yet applicable.

*ABRPlus follow up*

<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	It applies with effect from July 2006.
Main REFIT objectives of the initiative	The main REFIT benefit of the finally adopted Directive was the increase by around 20% of the maximum size criteria ("thresholds") for balance sheet and net turnover that 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 differentiated treatment 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.
<b>Amendments to REFIT objectives 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 proposed by the EP to be inserted in Directive 78/660/EC, providing a 20 % increase of the thresholds for small and medium-sized companies.</p>
Assessment of final outcome	<b>Parliament introduced an increased threshold for exemptions from certain disclosure requirements. Other main changes concern proportionality in transparency on related parties' transactions, clearer provisions on the collective responsibility of board members towards the company in respect of annual reports and financial statements, and improved corporate governance report. The savings potential of this new element was calculated by the Centre for European Policy Studies in 2009 as amounted to €863 million across the EU.</b>
<b>Member State Implementation</b>	
Date of application	July 2006
Date of transposition by Member States	Between 2008 and 2014
Implementation	The Directive contains flexibility for Member States in the implementation of the provisions for simplification of company

<p>reported by Member States</p>	<p>accounts for SMEs. Member States have transposed the Directive between 2008 and 2014. Due to late transposition in the majority of Member States companies could not profit as early as expected from the savings.</p> <ul style="list-style-type: none"> <li>• 8 Member States have fully implemented the simplification provision, (CZ, DK, DE, ES, NL, SK, SE, UK), while for 7 Member States the degree of implementation is not clear. (HR, CY, LU, MT, AT, PT, SL).</li> <li>• 6 Member States have only implemented certain provisions and not taken up the option to raise exemption thresholds. (BG, IE, EL, IT, LV, LT).</li> <li>• 3 Member States did not implement the provisions (EE, HU, FI). They either applied other simplification measures in the area of annual accounts or the permitted increase in exemption thresholds for SMEs was relatively small, thereby undermining potential or perceived benefits of the measure by Member States.</li> <li>• 2 Member States introduced additional requirements that can lead to an increase in administrative burden (CY, MT).</li> </ul> <p>In the five Member States that provided assessments of the cost reduction it was estimated to range between 8% and 82% (CZ, LV, SK, SE, UK), while the initial estimation by the Commission predicted overall savings of administrative burdens of around 47%. Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>
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<b>Annual accounts of micro-enterprises</b>	
<p>Existing/Proposed legislation</p>	<p>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</p>
<p>Status</p>	<p>It applies with effect from April 2012.</p>
<p>Main REFIT objectives of the initiative</p>	<p>The Commission proposal provided for Member States to have the possibility to exempt micro-companies from certain accounting requirements in order to simplify their financial reporting.</p>
<b>Amendments by co-legislator</b>	
<p>EP Position</p>	<p>Parliament proposed maintaining the obligation for companies to keep records showing the company's business transactions and financial situation.</p>



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><b>The amendments by the legislator reduced the scope of application and the number of SMEs to benefit from the simplification.</b></p> <p><b>The thresholds were reduced to EUR 350 000 for balance sheets and EUR 700 000 for the net turnover.</b></p> <p><b>An obligation for companies to keep records showing the company's business transactions and financial situation with the obligation for micro entities to prepare a balance sheet and a profit &amp; loss account were maintained in the final act.</b></p> <p><b>Therefore both Council and Parliament introduced significant limitations in the main administrative burden reduction elements in the Commission proposal.</b></p> <p><b>The Directive nevertheless 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 publication system.</b></p> <p><b>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.</b></p>
<b>Member State Implementation</b>	
Date of application	1 April 2012
Implementation reported by Member States	<p>The Directive introduces 4 simplification requirements, however Member States are free to chose if they want to transpose the Directive and implement the requirements. 8 MS indicated to have transposed the Directive in 2013 or 14.</p> <ul style="list-style-type: none"> <li>• 7 Member States have partially implemented the measure implementing between 1 and 3 of the provisions (DE, FR, LV, HU, AT, SK, UK). For 1 Member State the degree of implementation is unclear (PT).</li> <li>• 15 Member States have not implemented the measure the majority indicating their intention to implement together with another directive linked to accounting (Directive 2013/34/EU) with a transposition date of June 2015 (BE, BG, CZ, DK, EE, IE, EL, ES, IT, CY, LT, LU, MT, RO, SE).</li> </ul> <p>In the five Member States that provided information on their partial</p>

	implementation of the provisions (FR, LV, AT, SK, UK), cost reductions were estimated to range between 42% and 70%, while the initial estimation by the Commission predicted overall savings of administrative burden of around 38%. Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.
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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	Planned to be finalised in June 2015.

<b>Prospectus directive</b>	
Scope	Directive 2003/71/EC of 4 November 2003 (as amended by the Directive 2010/73/EU) on the prospectus to be published when securities are offered to the public or admitted to trading
Status	The evaluation of the Prospectus Directive (PD) will be performed as part of the IA for the revision of the PD. The Commission launched the public consultation on 18 February 2015.

## 4. TAXATION AND CUSTOMS UNION

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context the implementation by Member States of the new rules for a **Common system of VAT** has been assessed as having delivered savings between 30% and 35% to industry. The Directive suppresses certain requirements on invoices and enables wider use of electronic invoicing.

The implementation of the Directive on the **refund of VAT** by Member States has produced savings in the range between 2% and 35% according to calculations by Member States. The Directives provides several options of implementation to Member States. 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.

Reduction of regulatory burden in the area of taxation and customs requires 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 legislative debate of the **EU standard VAT declaration** has shown strong and diverging positions in Council. The Commission has stressed throughout the negotiations that the standard VAT return needs to remain simple with a minimum number for mandatory fields and an adequate number of optional boxes and that a standardised format is of major importance. If Member States in Council will not be able to agree on the proposed simplification, estimated 15 billion EUR savings for industry and public administration will not materialise.

Further progress is also in preparation in the following areas:

**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 1 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) is a big step forward in simplifying VAT compliance rules in the EU. The initial One Stop Shop system that was limited to non-EU providers of electronic services is now extended to EU businesses and to broadcasting and telecom services. It allows businesses to declare and pay the VAT in the Member State where

they are established rather than where their customer belongs. The estimated savings on administrative burden are €463 million. The initial proposal of the Commission foresaw a more extensive application of the One Stop Shop together with exemptions for smaller businesses. An evaluation is therefore being carried out to assess its performance.

**A definitive regime for VAT:** Options are being considered for a Commission proposal for a definitive regime for VAT that would ensure a more solid basis for the VAT regime, reducing costs for business while also improving security against fraud.

**Union Customs Code:** Following the Commission's proposal of February 2012, the European Parliament and the Council adopted Regulation (EU) No 952/2013 laying down the Union Customs Code on 9 October 2013. 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. In 2014, the Commission progressed with the preparation of the Union Customs Code related delegated and implementing acts. Member States and all other relevant stakeholders have been duly involved and been consulted on both the preliminary draft delegated and implementing acts. The adoption of those acts is planned for Q2 2015. The new rules will be applied as of 1 May 2016 with a phased deployment of IT systems according to the UCC work programme<sup>14</sup> until 31 December 2020.

## 2. 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	Proposal from the Commission of 16 March 2011 - COM(2011)121
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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Introduction of several amendments by the EP under the consultation procedure, these include notably an obligation to use CCCTB except

<sup>14</sup> 2014/255/EU: Commission Implementing Decision of 29 April 2014 establishing the Work Programme for the Union Customs Code, *OJ L 134, 7.5.2014, p. 46–53*

	<p>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	Discussions in the Council have stalled. The Commission announced in the Commission Work Programme (CWP) for 2015 that it would come forward before the summer with an Action Plan for fair corporate taxation, including a renewed approach to the CCCTP project.
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	Proposal from the Commission of 23 October 2013 - COM(2013)721
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>
<b>Amendments by co-legislator</b>	
EP Position	Parliament 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	<p>The debate in Council shows strong and diverging positions on several issues of the Commission proposal: number of compulsory and optional boxes, need for standard format, filing periods.</p> <p>The Commission has stressed throughout the negotiations that the standard VAT return needs to remain simple with a minimum number for mandatory fields and an adequate number of optional boxes and that a standardised format is of major importance. If both simplicity and harmonisation are not achieved, then the aim to simplify compliance and reduce administrative burdens for businesses and tax administration will be lost.</p>
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Modernising VAT for cross-border B2C (Business to Consumer) E-Commerce</b>	
Existing/Proposed legislation	Future proposal to amend Council Directive 2006/112/EC
Status	In preparation, adoption planned for 2016.
Main objectives of proposal	To extend the single electronic registration and payment system to all business to consumer (B2C) supplies, notably for cross border supplies of goods, including imports of small consignments.
REFIT objectives	<p>The aim of this initiative is to break down VAT barriers for cross border trade and make it easier for businesses to register and account for VAT in respect of cross-border B2C supplies of goods and services.</p> <p>This initiative was recommended by the Commission expert group on taxation of the digital economy. It will facilitate the Digital Single Market and to provide a level playing field for business.</p> <p>This 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 currently being examined as part of the on-going study.</p>
<p><b>Amendments by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure has not been reached.</p>	

*ABRPlus follow up*

<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 adopted on 13 July 2010
Status	It applies with effect from 1 January 2013 - Council Directive 2010/45/EU
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>
<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 Parliament amendments.
Council Position	<p>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.</p> <p>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.</p>
Assessment of final outcome	<p><b>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.</b></p> <p><b>Council could not agree on further simplification as proposed by Commission and Parliament.</b></p>
<b>Member State Implementation</b>	
Date of transposition by Member States	1 January 2013
Implementation reported by Member	The Directive provides several provisions for Member States to enable electronic invoicing. Member States have transposed the Directive into

States	<p>national law between 2011 and 2013. Only one Member State had implemented as late as 2014.</p> <p>In five Member States cost reductions were estimated to range between 30% and 35% (ES, FR, CY, LV, SE), while the initial estimation by the Commission predicted savings of administrative burdens of 63%.</p> <p>Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>
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<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 adopted on 12 February 2008.
Status	It applies with effect from 1 January 2010 - Directive 2008/9/EC
Main objectives and REFIT objectives	<p>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.</p> <p>The estimated savings are €447 million.</p>
<b>Amendments by co-legislator</b>	
EP Position	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.
<b>Assessment of final outcome</b>	<b>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.</b>
<b>Member State Implementation</b>	
Date of application	1 January 2010
Implementation reported by Member	The Directive provides several options for Member States for the refund procedure. Member States have transposed the Directive into



States	<p>national law between 2009 and 2010 to varying degrees.</p> <p>In the five Member States that produced information on cost reductions these were estimated to range between 2% and 35% (EL, HU, NL, AT, UK), while the initial estimation by the Commission predicted overall savings of administrative burdens of around 56%.</p> <p>Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>
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*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 expected to be finalised by end Q2 2015.

<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	<p>External study finalised at the end of 2014</p> <p>Commission report expected to be finalised in Q2 2015</p>

<b>Mini One Stop shop</b>	
Scope	<p>Assessment of the implementation of the Mini One Stop Shop (2008/8/EC) which is applied since 1 January 2015.</p> <p>The assessment covers the implementation of the Mini One Stop Shop to ensure that it meets its primary objective of simplifying the payment of tax for B2C supplies of telecommunications, broadcastings and electronically supplied services under the new place of supply rules. It will be prepared back-to-back to the IA work on the proposal to extend the single electronic registration and payment system to all business to consumer (B2C) supplies, notably to distance e-commerce of goods (end 2016).The results of the assessment will be integrated in the IA report.</p>

Status	Ongoing and expected to be finalised by end 2016.
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<b>VAT e-invoicing directive (2010/45/EU)</b>	
Status	Expected to start in 2017/18

## 5. STATISTICS

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context, the implementation by Member States of the reduction proposals for Statistics on Intra-EU trade and the Survey on industrial production have led to cost reductions to business in a range between 28% and 43% for 'Intrastat' and 32% and 52% for 'Prodcom'.

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.

It is foreseen to deliver this modernisation through a Framework Regulation integrating Business Statistics (FRIBS). Within this framework, the Single Market Statistics (SIMSTAT) project will deliver the modernised business architecture for Intrastat. Intrastat costs annually 334 million € and imposes an administrative burden on enterprises evaluated at 317 million € per year<sup>15</sup>.

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>16</sup> and Prodcom<sup>17</sup> where data collected by respondents serve both national and EU needs. 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.

Within the strategic framework of modernising the European Statistical System (ESS)<sup>18</sup>, the following other areas require further investment:

- More efficient organisation of activities within the ESS. In the context of the ESS Vision 2020 implementation, Eurostat is working together with Member States on defining and operationalising co-operation models such as collaborative networks and

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<sup>15</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)

<sup>16</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>17</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 statistics on production (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.

<sup>18</sup> See: “ESS Vision 2020” endorsed by the European Statistical System (ESS) on 15 May 2014

centres of excellence. The modernisation process provides the right opportunity to rethink what could be better done at national and what at European level in considering also new ways of working together.

- On 9 December 2014, the Commission adopted a proposal on Harmonised Indices of Consumer Prices (HICP). The proposal aims at 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 proposed also takes 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).

## 2. Scoreboard

### *Legislative Actions*

<b>Single Market Statistics (SIMSTAT)</b>	
Existing/Proposed legislation	Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91.
Status	Under preparation.
Main objectives	<p>SIMSTAT will deliver a modernised business architecture for Intrastat. It will be implemented in the framework of FRIBS (see below).</p> <p>A pilot exchange of micro-data on intra-EU trade between 20 Member States will be carried out April-September 2015. The results of this exercise will provide valuable information on the final burden reduction potential of SIMSTAT. If SIMSTAT confirms its added value and cost-effectiveness, its introduction will be prepared through a proposal for a Framework Regulation Integrating Business Statistics. A decision on the way forward is planned for 2016.</p>
Main REFIT objectives	<p>(i) reduce sizeably the administrative burden on enterprises and at the same time;</p> <p>(ii) guarantee that the statistical information that it will provide is of high quality and fit for the purpose of measuring the intra-EU trade.</p> <p>This will be achieved through:</p> <ul style="list-style-type: none"> <li>• simplifying the reporting requirements for Member States on the import side.</li> <li>• creating 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</li> </ul>

	Member States compulsory.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not yet been reached.	

<b>Integrating business statistics (FRIBS)</b>	
Existing/Proposed legislation	Proposal for a Framework Regulation integrating Business Statistics (FRIBS) repealing; 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	Under preparation.
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, including the provision on higher quality statistics on services, globalisation and entrepreneurship.</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.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached.	

<b>Integrating Social statistics</b>	
Existing/Proposed legislation	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)  Affected European surveys; possibly repealed/modified legislation: <ul style="list-style-type: none"> <li>• <i>EU Labour Force Survey</i></li> </ul> Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of

	<p>a labour force sample survey in the Community</p> <ul style="list-style-type: none"> <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;</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; <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;</li> </ul>
Status	Under preparation.
Main objectives	<p>The preparatory work is focusing on:</p> <ul style="list-style-type: none"> <li>• consolidate and integrate statistical legislation on the production of European statistics relating to persons and households</li> <li>• enable progressive methodological and organisational integration of statistical surveys</li> <li>• increasing accountability, efficiency and responsiveness of statistical production and output.</li> </ul>
Main REFIT objectives	<p>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.</p>
<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>	

### Framework Regulations in Agricultural Statistics to 2020 and beyond

Existing/Proposed legislation	<p>Two Proposals for Framework Regulation on agricultural statistics</p> <p>The aim is to repeal the current legal acts in the field of agricultural statistics, The scope of these two framework proposals is still being considered.</p>
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Status	In preparation.
Main objectives	<p>As the current Farm Structure Survey Regulation will become obsolete in 2018, and as it is crucial that an agricultural census be organised in 2020, the Commission will propose a two-phased approach with the objective of integrating the existing legal acts and new statistical data needs under two Framework Regulations and related delegated/implemented acts. The aim is to:</p> <ul style="list-style-type: none"> <li>• permit collection of existing and new data requested by users for new needs by having most data collection covered by legislation;</li> <li>• increase the efficiency of the statistical system and quality of collected data by keeping the burden on respondents and National Statistical Institutes moderate;</li> </ul> <p>increase the coherence and comparability of agricultural statistics by ensuring that common essential elements such as scope, precision and quality requirements are the same.</p>
Main REFIT objectives	The proposals will increase the availability of quality data needed for agricultural, environmental and climate change policies while simplifying the statistical system and keeping the burden moderate.
<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>	

*ABRPlus follow up*

<b>Statistics on intra-EU trade*</b>	
Existing/Proposed legislation	Regulation (EC) No 222/2009 of 11 March 2009 amending Regulation (EC) No 638/2004 of 31 March 2004 on Community statistics relating to the trading of goods between Member States adopted in March 2009
Status	<p>It applies with effect from March 2009 - Regulation (EC) No 222/2009.</p> <p>Included in the on-going project for Integrating Business Statistics.</p>
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	Reduction in the minimum coverage rate of intra-EU imports from 97 per cent to 95 per cent in 2009
<b>Member State Implementation</b>	
Date of application	March 2009

Implementation reported by Member States	<ul style="list-style-type: none"> <li>• 17 Member States fully implemented the simplification requirements, (BG, CZ, DK, DE, IE, EL, CY, LV, LT, HU, NL, AT, PT, RO, SL, SE, UK), while for 1 Member State the degree of implementation is unclear (EE).</li> <li>• 4 Member States did not implement the reduction in the minimum coverage rate to 95% (ES, IT, MT, FI).</li> </ul> <p>In five Member States cost reductions were estimated to range between 28 and 49% (CZ, EL, LV, HU, SE), while the initial estimation by the Commission predicted savings of administrative burdens of around 42%. Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>
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<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	Implementation by Member States.
Main objectives	Reducing reporting requirements on industrial production in the EU.
REFIT objectives	<p>The aim of the initial basic PRODCOM Regulation was to ensure the comparability of national statistics on industrial production and to gain greater insight into the development of certain branches of industry or products at European level. The first Council Regulation (EEC) No 3924/91 on the establishment of a Community survey of industrial production, was adopted on 19 December 1991. In 2004, a new Regulation aimed at clarifying issues concerning coverage and observation units was adopted. This aimed to facilitate the update of PRODCOM lists on an annual basis.</p> <p>Additionally various simplification measures were announced as part of the review in 2004 regarding the number of products surveyed, the information required on each product and the frequency.</p> <p>The Commission Regulations governing the Prodcom list - Regulation (EC) No 317/2006 of 22 December 2005, Regulation (EC) No 294/2007 of 20 February 2007, Regulation (EC) No 36/2009 of 11 July 2008, Regulation (EC) 830/2011 of 27 July 2011; Regulation (EC) 907/2012 of 20 August 2012; Regulation (EC) 936/2013 of 12 September 2013 and Regulation (EU) No 842/2014 of 4 July 2014 - 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 reduction of the number of respondents, the transition from quarterly to annual data requirements and the exchange of information between administrations as well as process improvements, such as</p>



	promoting electronic tools for data collection and pre-filled tailored questionnaires.
<b>Member State Implementation</b>	
Date of application	Different dates of application following the annual gradual simplification
Implementation reported by Member States	<p>The Regulation introduces 4 requirements simplifying reporting requirements on statistical information.</p> <ul style="list-style-type: none"> <li>• 12 Member States fully implemented the simplification requirements (BG, IE, EL, IT, LV, LT, HU, NL, PT, RO, SE, UK);</li> <li>• 6 Member States implemented some provisions (CZ, DK, DE, EE, AT), while 2 Member States did not implement the simplified reporting requirements at all (EL, SL);</li> <li>• 3 Member States are exempted in general from reporting statistical information to EUROSTAT and simplification measures are thus not relevant for them (CY, LU, MT);</li> <li>• 4 Member States introduced additional requirements that can lead to an increase in administrative burden (DK, EE, EL, HU).</li> </ul> <p>Quantitative evidence on the impacts of ABRplus7-PRODCOM was generally sparse, although four Member States (CZ, EL, LV and PT) were able to provide an indication of the magnitude of realised savings since the introduction of the measure. Bulgaria and Spain provided evidence related to savings potential only (not actual savings on the ground). Four other Member States – DK, AT, SE and the UK – provided estimations of annual savings generated through the implementation of ABRplus7-PRODCOM. Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>

### *Repeal*

<b>Steel statistics</b>	
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	This Regulation will be repealed by Framework Regulation integrating business statistics (FRIBS). The Proposal is in preparation.
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.
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## 6. MOBILITY AND TRANSPORT

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context, savings to business in implementing the rules for recording equipment for road transport range between 2% and 56%. In a further simplification initiative in this area, an exemption from tachograph obligations for craftsmen was decided while the proposed merger of driving licence and drivers card was not endorsed by the legislator. Simplified rules in submitting information on road transport saved business between 2% and 59% following estimates based on information from Member States. Regarding the Abolition of discrimination in transport rates and conditions, savings range between 2% and 75%.

Several pending proposals have been withdrawn in this area in 2014-2015<sup>19</sup>, two repeals are being prepared or assessed and five evaluations will produce results in 2015 to lead to further simplification and burden reduction initiatives.

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 transport rules, like for instance on market access and cabotage<sup>20</sup> by Member States has led to a number of practical difficulties for transport companies<sup>21</sup> which the Commission intends to address in its REFIT proposal on market access in preparation. Several seminars with Member States in 2014 and 2015 focused on simplification and burden reduction initiatives.

### 2. 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)

<sup>19</sup> This notably concerns the withdrawal of a proposal on driving licenses with a functionality of drivers cards (COM(2011)710) and the withdrawals as part of the CWP 2015 of proposals for a Directive on Aviation Security Charges – COM(2009)217 – and for a Regulation on the compensation of oil pollution damage – COM(2002)313. These initiatives have been withdrawn from the scoreboard.

<sup>20</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 Chapter III of Regulation (EC) No 1072/2009.

<sup>21</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).

	No 561/ of 15 March 2006 on the harmonisation of certain social legislation relating to road transport
Status	Entered into force on 1 March 2014 - Regulation (EU) No 165/2014
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	<p>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.</p> <p>The so-called "form of attestation of activities", major source of administrative burden according to stakeholders, is no longer compulsory.</p> <p>Member States should have the option to exempt lorries of less than 7.5 ttonst 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>
<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 tonnes. In its Second Reading resolution of 15 January 2014, Parliament adopted the exemption for craftsmen, a total weight of less than 7.5 tonnes, 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 proposal for an extension of the radius from 50 to 100 km was adopted on the basis that will keep the same optional regime as currently.
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 outcome in legislative procedure	<b>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 compulsory nature of the "form of attestation of activities". The option to exempt craftsmen driving within a radius of 50 km from their base has been extended into a right to Member States to grant an exclusion of vehicles used by craftsmen within a radius of 100 km from the base of the undertaking from the need to equip the vehicles with a tachograph, thereby substantially improving on the Commission proposal.</b>

<b>Member State Implementation</b>	
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.
Implementation reported by Member States	No data available yet.

<b>Market access rules in road freight transport</b>	
Proposed legislation	Proposal amending Regulations (EC) 1071/2009 on access to the occupation of road transport operator and 1072/2009 on common rules for access to the international road haulage market with a view to simplify and clarify a number of provisions and hence ensure a more uniform application and a more effective enforcement.
Status	Under preparation; evaluation ongoing and a proposal is scheduled for 2016.
Main objectives of the initiative	The proposal would aim to clarify and simplify certain 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 the 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 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.
Date of application	To be determined
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached.	

### *Repeals*

<b>Abolition of discrimination in transport rates and conditions</b>	
Existing/Proposed legislation	Regulation No 11(1960) concerning the abolition of discrimination in transport rates and conditions as amended by Council Regulation (EC) 569/2008

Status	Under consideration.
Main objectives of the proposal	To ensure the documentation of transport and to allow enforcement authorities to do on the spot controls.
REFIT objectives	Repeal

<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	The merits of a possible repeal are being assessed. <sup>22</sup>
Main objectives of the proposal	Ensuring that older trucks are equipped with mirrors in order to avoid blind-spot accidents when the truck is turning.
REFIT objectives	Repeal of an EU regulation fully implemented and therefore could be considered obsolete.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not yet been reached.	

### *ABRPlus follow up*

<b>Market access rules in road freight transport</b>	
Existing legislation	Regulation (EC) No 1071/2009 of 21 October 2009 and Regulation (EC) No 1072/2009 of 21 October 2009.
Status	It applies with effect from 4 December 2011.
Main objectives of the initiative	The establishment of a European Register of Road transport Undertakings (ERRU) to facilitate the cooperation and exchange of information at the European level and to improve the effectiveness of the monitoring of undertakings operating in several Member States. It also allows targeted checks and foresees a simplified authorising procedure for coach services.  Lay down common rules for access to the international road haulage market in order to create a level playing field.
Main REFIT objectives	Reduce the time for completing and submitting information for road

<sup>22</sup> Under this Directive Trucks registered between 2000 and 2007 must be retro-fitted. Trucks placed on the EU market since 2007 must be equipped with blind spot mirrors under Directive 2003/97/EC.

	haulage and road passenger transport due to the use of an electronic, rather than a paper-based system
<b>Member State Implementation</b>	
Date of application	4 December 2011
Existing legislationImplementation reported by Member States	<p>Regulations (EC) 1071/2009 and (EC) No 1072/2009 provide for the establishment of national electronic registers that should simplify transmission of information. Member States reported implementation difficulties and additional costs for setting up the required IT systems. This resulted in the delay of certain social legislation relating to its implementation.</p> <ul style="list-style-type: none"> <li>• 12 Member States fully implemented the simplification requirements (CZ, DE, IE, EL, IT, LV, LT, HU, MT, NL, AT, SK);</li> <li>• 4 Member States implemented the requirements to an unknown extent (EE, PT, SL, UK) while 1 Member State did not fully implement the simplification requirement (ES);</li> <li>• 3 Member States did not implement the electronic system at all(BG - to be implemented, DK, SE);</li> <li>• 2 Member States introduced additional requirements to obtain authorisations to engage in road transport amending Regulation (EEC) 3821/85 that may lead to an additional administrative burden.</li> </ul> <p>In five Member States cost reductions were estimated to range between 2% and 59% (IE, LV, HU, SL, UK), while the initial estimation by the Commission predicted saving in the range of 56%.</p>

<b>Recording Equipment in Road Transport</b>	
Existing legislation	<p>Regulation (EC) No 561/2006 of 15 March 2006 on the harmonisation of certain social legislation relating to road transport amending Regulation (EEC) 3821/85 of 20 December 1985 introducing and simplifying the use of digital tachographs.</p> <p>Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport</p>
Status	<p>It applies with effect from 11 April 2007:</p> <p>Regulation (EC) No 561/2006 has been amended by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2015 of tachographs in road transport (OJ L 60 of 28.02.2014, p. 1) with effect from 2 March 2015, reducing the scope of vehicles which are required to be equipped with a tachograph.</p> <p>Council Regulation (EEC) No 3821/85 will be repealed and replaced by Regulation (EU) No 165/2014 applicable as of 2 March 2015.</p>

Main objectives of the initiative	<ul style="list-style-type: none"> <li>• Enhancing road safety and drivers' working conditions (by ensuring better compliance with rules on driving times and rest periods); also create equal conditions of competition between transport companies</li> <li>• Preventing fraud (by detecting and preventing abuses of the system); and</li> <li>• Reducing the administrative burden related to the tachograph's use.</li> </ul>
Main REFIT objectives	Reducing the administrative burden related to the use of the tachograph by introducing the digital tachograph and simplifying and streamlining its application.
<b>Member State Implementation</b>	
Date of application	11 April 2007
Existing legislation Implementation reported by Member States	<ul style="list-style-type: none"> <li>• 14 Member States fully implemented the provisions on the digital tachographs (BG, CZ, DK, IE, EI, CY, LV, HU, Mt, AT, PT, SL, FI, UK), for 5 Member States the degree of implementation is unclear (DE, ES, LT, NL, SE), while 3 did not implement the provisions;</li> <li>• 2 Member States introduced additional requirements that may lead to an additional administrative burden (DK, ES).</li> </ul> <p>In five Member States cost reductions were estimated to range between 2% and 56% (CZ, DK, Es, PT, FI), while the initial estimation by the Commission predicted saving in the range of 77%.</p>



<b>Abolition of discrimination in transport rates and conditions</b>	
Existing 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	It applies with effect from 20 June 2008.
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 the internal transport market and reduce 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>
<b>Member State Implementation</b>	
Date of application	20 June 2008
Implementation reported by Member States	<p>The Regulation provides two simplifications for aspects related to notifications of transport tariffs and documentation.</p> <ul style="list-style-type: none"> <li>• 2 Member States fully implemented the simplification requirements (HU, SL);</li> <li>• 5 Member States implemented the requirements to an unknown extent (EE, IT, NL, SK, UK);</li> <li>• 6 Member States did not implement the requirements ( CZ, DE, ES, CY, LV, LT), of which 3 were mentioning the absence of transport tariffs in their country (DE, CY, LV).</li> </ul> <p>In five Member States cost reductions were estimated to range between 2% and 75% (HU, NL, SL, SK, UK), while the initial estimation by the Commission predicted saving in the range of 27%.</p>

*Evaluations and Fitness Checks:*

<b>Safety Rules and Standards for Passenger Ships</b>	
Scope	<p>Fitness Check of:</p> <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> </ul>

	<ul style="list-style-type: none"> <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	Ongoing and planned to be finalised in Q2 2015.

### Combined Transport

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	Ongoing and planned to be finalised in Q3 2015.

### Tunnel Safety

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	Ongoing and planned to be finalised in Q2 2015.

### Promotion of Clean and Energy-efficient Road Transport Vehicles

Scope	Evaluation of 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	<p>Ongoing and planned to be finalised by Q3 2015.</p> <p>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 is being conducted to determine the further course of action. A revision of the Directive is foreseen for 2017 in the Energy Union Communication “A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy”</p>

### Port Reception Facilities

Scope	Evaluation of Directive 2000/59/EC on port reception facilities
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Status	Ongoing and planned to be finalised Q2 2015.
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<b>Training, Qualification, Licensing in Road Transport</b>	
Scope	Evaluation of Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers
Status	Evaluation finalised in October 2014.
Results	The Directive was implemented without major problems, its scope remains relevant and sufficient to ensure increased road safety and level playing field. However, the Directive was only partially effective ensuring free movement of drivers given the difficulties of recognition of training undergone in different countries. In addition, provisions on topics, duration and frequency for the training and testing are only partially relevant to ensure road safety. Due to the lack of prospect to receive a recognized diploma at the end of the training and due to additional training and financial burden the attractiveness of the sector was not improved. Standards for professional competence need to be defined.

<b>Access to Road Transport</b>	
Scope	<p>Evaluation of Regulations (EC) 1071/2009 on access to the occupation of road transport operator and 1072/2009 on common rules for access to the international road haulage market</p> <p>The evaluation will identify the provisions of Regulations (EC) No 1071/2009 and 1072/2009 which need simplification and clarification with a view to achieving a more uniform application across the EU.</p> <p>Possible improvements could reduce the administrative burden both for public authorities and private operators. It will be examined whether the duration of checks is too long, as they are insufficiently targeted and whether control provisions are applied in a sufficiently uniform way throughout the EU.</p>
Status	Ongoing and planned to be finalised Q3 2015

## 7. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

### 1. Smart regulation activity and simplification efforts

Copyright of musical works for online use in the internal market<sup>23</sup>: Exemptions for micro-companies for setting up a supervisory function and for certain financial reporting obligations were removed by the legislator.

Legislative discussions on the proposal for Network and Information Security lead to the reduction in scope of an exemption for microenterprises from certain security and notification requirements originally proposed by the Commission.

The evaluation of the Audiovisual Media Services Directive will be carried out in conjunction with a new proposal in this area included in the CWP 2015. In addition, the evaluation of the regulatory framework for electronic communications networks and services will start this year.

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"<sup>24</sup>. It includes a proposal for a regulation laying down measures concerning the European single market for electronic communications. The proposal is entering a critical phase of negotiation/trilogues between the co-legislators essentially on the roaming and Net Neutrality components.

In May 2014, co-legislators adopted Directive 2014/61/EU<sup>25</sup> on measures to reduce the cost of deploying high speed electronic communication infrastructures, which has significant potential for simplifying rules and reducing deployment costs.

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. The conclusions indicate that these elements should already be included at an early phase in any assessment of the need for legislation at EU level. The principles for better self- and co-regulation<sup>26</sup> are now referred to in the impact assessment guidelines. An interactive web-based platform hosts a library, the information about the plenary meetings and a forum<sup>27</sup>.

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<sup>23</sup> Directive 2014/26/EU on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.

<sup>24</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Telecommunications Single Market Brussels of 11 September 2013 - COM(2013) 634 final

<sup>25</sup> Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks Text with EEA relevance

<sup>26</sup> <https://ec.europa.eu/digital-agenda/principles-better-self-and-co-regulation-1>

<sup>27</sup> <http://ec.europa.eu/digital-agenda/en/community-practice-better-self-and-co-regulation-0>

A study to measure the potential and impact of Information and Communication Technologies (ICT) across policy areas to optimise legislative processes and outcomes was finished in April 2014. The aim of the study<sup>28</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. The main idea is to place Internet at the heart of the EU policy cycle by further integrating the Internet as a medium, content and approach into the REFIT agenda, thereby bringing together the necessary - and existing tools - for Adaptive Governance and Internet-Inclusive Legislation.

**2. Scoreboard**

*Legislative Actions*

<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	Proposal from the Commission of 7 February 2013 - COM(2013) 48
Main objectives of the initiative	The aim of the Directive is to reinforce cyber-security in the Union by ensuring that all Member States have minimum capabilities and a strategy for a high level of NIS in their territory, 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 (as defined in Commission Recommendation 2003/361/EC) are exempted from the security and notification requirements under Article 14(1) and 14(2), which provide that public administrations and market operators</p> <ul style="list-style-type: none"> <li>• 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>• notify to the competent authority incidents having a significant impact on the security of the core services they provide</li> </ul>
<b>Amendments to REFIT objectives by co-legislator</b>	

<sup>28</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>

EP position regarding main REFIT objectives	Parliament proposes to reduce 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> ".
Council position regarding main REFIT objectives	The Council proposes to delete Article 14(8) as part of its overall approach to the scope of the Directive. According to this approach, Member States would identify, for all the sectors listed in Annex II, which entities on their territory meet the definition of "operator", by assessing them against certain criteria set out in Article 3(8) [Council's definition of "operator"].
Assessment of final outcome regarding main REFIT objectives	Not yet applicable as this stage in the procedure has not been reached.

<b>Copyright</b>	
Existing legislation	Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market
Status	Adopted in legislative procedure on 26 February 2014 - Directive 2014/26/EU
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 was proposed for setting up a supervisory function and for certain financial reporting obligations.
<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.
<b>Assessment of final outcome</b>	<b>The exemption for micro-companies proposed by the Commission was removed by the legislator.</b>
<b>Member State Implementation</b>	
Date of application	10 April 2016

Implementation reported by Member States	No data available yet.
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*Evaluations:*

<b>Audiovisual Media Services Directive</b>	
Scope	<p>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).</p> <ul style="list-style-type: none"> <li>• The Commission has launched a study to assess whether rules on <i>audiovisual</i> commercial communication for alcoholic beverages have afforded minors the level of protection required, and thereby contribute to the Audiovisual Media Services Directive's regulatory fitness;</li> <li>• Furthermore, a study has been launched to assess the effectiveness and efficiency of co- and self-regulation aspects in promoting effective implementation of the Audiovisual Media Services Directive, to show the extent to which these mechanisms can reduce regulatory complexity while ensuring that objectives are met.</li> <li>• A study on self-regulation will review existing self-regulation approaches in a range of Member States and provide information and relevant evidence of existing schemes and their effectiveness.</li> <li>• A study on standardisation will collect data on the different standards for TV sets which have Internet connectivity. Furthermore, it will document national and industry specification requirements and the cost of adapting them. The reasons for applying diverging standards will be explored and the need for further research in the sector outlined, with a view to overcoming fragmentation challenges.</li> <li>• Finally, a study on advertising monitoring will identify criteria (including economic impact, policy relevance, infringement risks etc.) in order to select the topics and rules requiring monitoring in the Member States for compliance with the AVMSD advertising rules. It will also provide an overview of monitoring by national regulatory authorities and ascertain whether those monitoring practices led to decisions on remedies.</li> </ul>
Status	Ongoing and expected to be finalised in 2015.

**Regulatory Framework for electronic communications networks and**

<b>services</b>	
Scope	<p>Evaluation of the regulatory framework for electronic communications networks and services (EP and Council Directives 2002/19/EC, 2002/20/EC, 2002/21/EC, 2002/22/EC as amended by Directive 2009/140/EC and 2009/136/EC).</p> <p>The Commission Work Programme 2015 identifies the work on the Digital Single Market as a key priority for the Commission. Ensuring access and connectivity, not least via a reform of the regulatory framework for electronic communications, will be a major pillar of this work. Evaluating the functioning of the regulatory framework is therefore essential.</p> <p>The review of the regulatory framework will build on the outcome of the Connected Continent legislative work, as well as on studies; it will involve a broad stakeholder consultation.</p>
Status	Expected to start in 2015.

<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	Expected to start subsequent to agreement on the Data Protection Reform proposal by the Commission.



## 8. ENERGY

### 1. Smart regulation activity and simplification efforts

The proposal for the establishment of a common European system for the registration and authorisation for carriers of radioactive substances simplifying existing national rules was withdrawn by the Commission in March 2015 given insufficient support to the proposal by Member States.

Legislation on Safety Standards for radiation protection has been consolidated, the new simplified rules will apply as of 1 February 2018.

In 2015, the repeal of obsolete legislation will be proposed as well as the legislative update of the modalities of the implementing framework for Articles 41-44 of the EURATOM Treaty so as to provide clarity and legal certainty for investors in the nuclear field as well as transparency and equality of treatment. Additionally, the evaluation of renewable energy legislation will deliver results.

The Commission adopted on 25 February 2015 the Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy<sup>29</sup>. Better Regulation is at the core of this Strategy, focusing on the full implementation and strict enforcement of existing legislation.

The Roadmap on the Energy Union Framework Strategy of 25 February 2015<sup>30</sup> foresees revision of the Security of gas supply Regulation<sup>31</sup>, of the Security of electricity supply Directive<sup>32</sup>, and of the Decision establishing an information exchange mechanism with regard to intergovernmental agreements (IGAs)<sup>33</sup>.

The Roadmap also comprises the review of the energy efficiency framework for products (2015), the review of the Energy Efficiency Directive (2016) and the review of the Directive on Energy Performance of Buildings (2016).

Following the Commission's Communication on the 2030 Framework for Climate and Energy of 22 January 2014<sup>34</sup>, the European Council approved on 24 October 2014 the 2030

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<sup>29</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the European Investment Bank on "A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy – COM/2015/080 final

<sup>30</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the European Investment Bank on "A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy – COM/2015/080 final – Annex 1

<sup>31</sup> Regulation (EU) No 994/2010 of 20 October 2011 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC

<sup>32</sup> Directive 2005/89/EC of the European Parliament and the Council of 18 January 2006 concerning the measures to safeguard security of electricity supply and infrastructure investment.

<sup>33</sup> Decision 994/2012/EU of the European Parliament and the Council of 25 October 2012 establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy

<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

Framework for Climate and Energy with three targets and one infrastructure objective to be met by 2030 with the energy efficiency target to be reviewed by 2020 having in mind 30% of energy savings. The European Council also agreed and confirmed on the 19 of March 2015 the development of a reliable and transparent governance system without additional administrative burden in order to help ensure that the EU meets its energy policy goals. Against this background, the Commission intends to evaluate the options for streamlining planning and reporting obligations in the post-2020 period.

## 2. Scoreboard

### *Legislative Actions*

<b>Regulation of the Supply Agency of the European Atomic Energy Community</b>	
Existing/Proposed legislation	<p>Legislative update 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, and OJ L 193 25/07/1975 p. 0037-0038)</p> <p>Initial proposals to be discussed in the ESA Advisory Committee on 28 April 2015.</p> <p>Pursuant to Art. 60 (sixth subparagraph) of the Euratom Treaty, ESA's rules are issued by the Agency, subject to approval by the Commission. Before such a Decision is taken, the Advisory Committee of the Agency "shall be consulted and convened" [Art. 13, (3), (a) of the Agency's Statutes].</p>
Status	Under preparation
Main objectives of the initiatives	The existing Rules of the Supply Agency have not been modified since 1975, and therefore it is necessary to update and clarify them to take into account changes in the functioning of the nuclear fuel market. The existing Rules would be repealed and replaced.
Main REFIT objectives	Simplification aspects include the extension of the application of simplified contract procedures from natural uranium to also special fissile materials.
<p><b>Amendments by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure has not yet been reached</p>	

<b>Safety Standards for Radiation Protection</b>	
Existing/Proposed legislation	Council Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to

	ionising radiation, adopted by the legislator on 5 December 2013
Status	Adopted in legislative procedure 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	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.  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.
<b>Amendments by co-legislator</b>	
EP position regarding main REFIT objectives	Parliament recognised the importance of establishing 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.
<b>Assessment of final outcome</b>	<b>The REFIT objectives (simplification through consolidation) proposed by the Commission have been fully adopted.</b>
<b>Member State Implementation</b>	
Date of application	1 February 2018
Implementation reported by Member States	No data available yet.

### *Repeals*

**Community target for a reduction in the consumption of primary sources of energy**

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	Repealed by Council Decision (EU) 2015/632
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.
<b>Amendments by co-legislator</b>	
EP position regarding main REFIT objectives	Not involved in this procedure.
Council position regarding main REFIT objectives	The Council left the REFIT objectives intact.
<b>Assessment of final outcome</b>	<b>The REFIT objectives (reduction of administrative burden) proposed by the Commission have been fully adopted.</b>

<b>Energy labelling acts</b>	
Existing/Proposed legislation	<p>Repeal of:</p> <ul style="list-style-type: none"> <li>• 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>• Directive 1999/9 amending Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household dishwashers;</li> <li>• Directive 96/89 amending Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household washing machines.</li> </ul>
Status	Under preparation, pending adoption by the Commission during first semester 2015.

Main objectives of the initiative	The acts have become obsolete as they were amending older Commission Directives which have been repealed in the past.
<b>Amendments by co-legislator</b>	
Not yet applicable as this stage in the procedure has 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	Planned to be finalised in Q2 2015.

## 9. EMPLOYMENT AND SOCIAL AFFAIRS

### 1. Smart regulation activity and simplification efforts

A proposal to consolidate legislation in the area of information and consultation of workers could be prepared depending on the outcome of the first stage consultation of social partners launched on 10 April 2015. A proposal to clarify and simplify legislation on working time is under consideration.

An enforcement Directive for posting of workers has entered into force in June 2014 to be implemented by Member States by June 2016. In comparison with the original Commission proposal, the final text of the Directive agreed by the co-legislator contains a number of modifications increasing administrative burden on companies and imposing a number of new obligations on public authorities. As regards Directive 96/71/EC on posting of workers, a targeted Review is foreseen in 2015 as part of the Labour Mobility Package.

The evaluation of Directive 2008/104/EC on temporary agency work identified that Member States continue to apply derogations from the principle of equal treatment and maintain most restrictions and prohibitions on the use of agency work. Some employers identified costs linked to the insufficient transposition of the Directive. The Commission will work with Member States to ensure proper implementation of the Directive on temporary agency work.

Evaluations are ongoing in the area of part-time and fixed-term work, information obligations for employers in employment contracts and safety and health at work and will deliver their results in 2015 and 2016. Moreover, an evaluation of the 2009 European Works Council Recast Directive (Directive (EC) No 38/2009) will be launched in 2015. 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 included in some directives, for example regarding Health and Safety risk assessment documentation (Framework Directive 89/391/EEC).

### 2. Scoreboard

#### *Legislative Initiatives:*

<b>Information and consultation of workers</b>	
Existing/Proposed legislation	<p>Possible codification/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</li></ul>

	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
Status	Under preparation Fitness check completed. First stage consultation of social partners launched on 10/04/2015.
Main objectives of the initiative	Taking into account the results of the social partner's consultation, a codification/recast of 3 Information and Consultation directives would improve the coherence of definitions 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.
<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	Under consideration. The proposal by the Commission is scheduled for 2016.
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.
<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	Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative

	cooperation through the Internal Market Information System ('the IMI Regulation' sets out a range of new measures to improve the implementation, application and enforcement in practice of Directive 96/71/EC.).
Status	Implementation by Member States Adopted in legislative procedure on 15 May 2014 - Directive 2014/67/EU
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 aimed at simplifying 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:</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 included 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>
Date of application	Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative



	<p>cooperation through the Internal Market Information System ('the IMI Regulation' sets out a range of new measures to improve the implementation, application and enforcement in practice of Directive 96/71/EC. The deadline for Member States to transpose the Enforcement Directive into national law is <b>18 June 2016</b>.</p>
<p><b>Amendments to REFIT objectives by co-legislator</b></p>	
EP Position	<p>Parliament 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, Parliament 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, Parliament 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, Parliament 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 were 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 subsequent changes;</li> <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</p>

	<p>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>
<b>Assessment of final outcome</b>	<p><b>The Commission's overall REFIT objectives have been reached.</b></p> <p><b>The adopted Directive contains a 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.</b></p> <p><b>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.</b></p>
<b>Member State Implementation</b>	
Date of application	18 June 2016
Implementation reported by Member States	No data available yet.

*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	Ongoing. Results of evaluation expected by end 2015.

<b>Temporary-work agencies*</b>	
Scope	Evaluation of Directive 2008/104/EC on temporary agency work
Status	Finalised in March 2014 (COM(2014) 176 final and SWD(2014) 108 final of 21 March 2014)
Results	<b>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</b>

	<p><b>certain derogations from the principle of equal treatment and maintain most restrictions and prohibitions on the use of agency work.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>
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<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	Ongoing and planned to be finalised in 2015.

<b>Information obligations for employers in relation to employment contracts</b>	
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	Ongoing and planned to be finalised in 2016.

## 10. ENVIRONMENT<sup>35</sup>

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context the Commission recommendations in the area of shipments of waste have reduced costs to business by 70% as estimated by implementing Member States, where an original 50% cost reduction was estimated in the ABR-programme. An additional proposal in this area has been approved by the co-legislators, opening the possibility for creating an electronic data exchange for waste shipments through secondary legislation thereby further reducing administrative burden and costs.

The legislator reduced the scope for simplification in a Directive on Environmental Impact Assessments adopted in April 2014. This notably concerns limitations to the proposed one-stop-shop and the dismissal of specific time-frames which would have improved legal certainty for business and will result in a limitation of the expected cost savings.

Proposals for a Soil Framework Directive and for a Directive on Access to Justice in the area of environment were withdrawn on 21 May 2014.

The Fitness Check of EU Waste Legislation has been concluded in June 2014. The Commission has withdrawn a proposal on waste<sup>36</sup> in order to replace it by a new, more ambitious proposal by end 2015 to promote the circular economy.

Evaluations on Environmental Liability an Infrastructure for Spatial Information and a Fitness Check on EMAS and the EU Eco-Label will be concluded in 2015, ten further evaluations are planned in the area of environment.

Environmental policy is scrutinised also in the way that it interacts with the rest of the acquis, so as to ensure a sound business environment. Resources make up a significant part of the cost base for business: for example, the REFIT Cumulative Cost Assessments on the steel and aluminium sectors show that raw materials make up around 30 to 40 per cent of the sectors' cost structures (not including energy costs), whilst environmental policy accounts for around 1 per cent of the cost of production.

### 2. Scoreboard

*Legislative Actions:*

<b>Shipments of waste*</b>
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<sup>35</sup> REACH is covered in the chapter on Internal Market, Industry, Entrepreneurship and SMEs, however responsibility is shared with the area of Environment Policy.

<sup>36</sup> This concerns: Proposal for a Directive of the European Parliament and of the Council of 28.10.2014 amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment.

Proposed legislation	Proposal for a Regulation amending Regulation (EC) No 1013/2006 on shipments of waste
Status	Adopted in legislative procedure on 15 May 2014 - Regulation (EU) No 660/2014
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.
<b>Amendments to the REFIT objectives by co-legislator</b>	
EP Position	<p>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	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.
Assessment of final outcome	<b>In order to reach a final agreement, the institutions accepted the position of the Council with some minor modifications. Administrative burden is potentially increased due to the new right of competent authorities to require evidence from waste exporters. This improves the likelihood that the environment objectives of the measure will be attained, albeit at increased cost. The possibility of a system of voluntary electronic exchange of data proposed by the Commission to reduce administrative burden is put back to the time when the Commission can confirm the practical arrangements for such a system. The introduction of a mandatory system, supported by Parliament, would seem possible only after the voluntary system had proven its worth.</b>
<b>Member State Implementation</b>	

Date of entry into application	1 January 2016
Implementation reported by Member States	No data available yet.

<b>Environmental impact assessment (EIA)</b>	
Proposed legislation	Directive ...../. of Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment adopted by the legislator on 16 April 2014.
Status	Adopted in legislative procedure on 16 April 2014 - Directive 2014/52/EU.
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> <li>– the introduction of mandatory scoping.</li> </ul> <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>
<b>Amendments to the REFIT objectives by co-legislator</b>	
EP Position	Parliament amendments introduced a margin for discretion for Member States in creating one-stop shops and rejected mandatory scoping.
Council Position	Council opposed some important elements of the efficiency objective of the proposal. In particular:

	<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 and rejected mandatory scoping.</li> </ul>
<b>Assessment of final outcome</b>	<p><b>Compared to the proposal, the adopted directive has not retained some important elements for the efficiency objective of the proposal:</b></p> <ul style="list-style-type: none"> <li>- <b>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;</b></li> <li>- <b>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;</b></li> <li>- <b>mandatory scoping was rejected;</b></li> </ul> <p><b>The direct administrative savings for authorities [€ 4.3 to 5.3 million] and developers [€ 21.4 million] are expected to remain.</b></p> <p><b>Wider socio-economic benefits (in terms of competitiveness, internal 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.</b></p>
<b>Member State Implementation</b>	
Date of application	16 May 2017
Implementation reported by Member States	No data available yet.

<b>WEEE*</b>	
Proposed legislation	Directive 2012/19 of the Parliament and of the Council on waste electrical and electronic equipment (WEEE) Adopted by the legislator on 4 July 2012
Status	It applies with effect from 14 February 2014 - Implementation by Member States
Main objectives of the initiative	The main objectives of the Commission 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 tack-back very small WEEE, though distributors with a larger selling area will have such an obligation.</p>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament proposed the introduction of an obligation for nearest stores to take back used electronic equipment.
Council Position	Council insisted on a national approach to producer responsibilities.
Assessment of final outcome	<p><b>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 on registration and reporting. 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.</b></p> <p><b>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.</b></p>
<b>Member State Implementation</b>	
Date of application	14 February 2014
Implementation reported by Member States	No data available yet.

*Repeals:*

<b>Standardised Reporting Directive</b>	
Existing legislation	Standardised Reporting Directive (Directive 91/692/EEC)
Status	Under preparation



Main objectives of the initiative	The 1991 Standardised Reporting Directive was adopted to streamline information flows before the advent of electronic reporting. Over time, the majority of the reporting requirements in the Directive have been made redundant or obsolete thanks revisions of individual pieces of environmental legislation, which have then taken precedence. Currently, the Directive only has a few active provisions related to asbestos and waste. Currently, the Directive only has a few active provisions related to asbestos and waste which are being examined.
Main REFIT objectives	Repeal

### *ABRPlus follow up*

<b>Shipments of waste</b>	
Existing legislation	Regulation (EC) No 1013/2006 Commission letter of recommendation to Member States of July 2010 Ref. Ares(2010)430067 of 15/07/2010
Status	Entered into force on 15 July 2006.
Main objectives of the initiative	Voluntary electronic data interchange for waste shipments and reduction of administrative burden and costs associated with the repatriation of illegal waste shipments.
<b>Member State Implementation</b>	
Implementation by Member States	<p>The recommendation is voluntary. In view of the intention to adopt the provisions as mandatory requirement within a regulatory measure several Member States have not implemented the recommendation.</p> <ul style="list-style-type: none"> <li>• 11 Member States have fully implemented the simplification requirement (IE, IT, CY, LV, LU, HU, NL, AT, SK, FI, SE), while 9 Member States did not implement them (BG, DK, DE, EE, EL, ES, LT, MT, PT, SL, UK).</li> <li>• For the remaining Member States, it is unknown as to whether the requirements have been implemented.</li> </ul> <p>In 5 Member States that implemented the requirements cost reductions were estimated to be at 70% (IE, IT, LV, SK, SE), while the initial estimation of the Commission predicted savings of administrative burden of 50%.</p>

### *Evaluations and Fitness Checks:*

<b>Waste Policy*</b>	
Scope	Fitness check of Five Waste Stream Directives accompanying the document Proposal for a Directive of the European Parliament and of

	the Council reviewing the targets in Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, and 1999/31/EC on the landfill of waste, amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EC on waste electrical and electronic equipment.
Status	Finalised in 2014 SWD(2014) 209.
Results	<p>The Fitness Check concluded that all five Waste Stream Directives screened have proven to be effective instruments of European waste policy. Yet, there is significant incoherence with regard to definitions and legal concepts in the Waste Framework Directive (WFD) that could be tackled through codification. All the directives assessed have been effective at various degrees in achieving the environmental and resource efficiency objectives for which they were designed.</p> <p>The findings of the Fitness Check will be taken forward in the Circular Economy package to be proposed by the Commission in 2015.</p>

## Natura 2000 / EU Nature Legislation

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 natural habitats and of wild fauna and flora.</p> <p>The mandate for the fitness check has been made publicly available.</p> <p>A key input will be the Commission's "State of Nature in the EU" report, based on Member States' conservation status assessments of the species and habitat types protected by the two nature directives. The mid-term view of the Biodiversity Strategy, foreseen for later in 2015, will also provide further evidence-based information.</p> <p>A study has been contracted to provide support, notably in gathering and assessing evidence on implementation and integration achievements and problems from different sources at both EU and Member State level. The evidence gathering consultation with Member States and key stakeholder groups (both national and EU level) started in January 2015. A public consultation will begin in Spring of 2015.</p>
Status	Started in 2014, and planned to be finalised in Q2 2016.

## 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> <p>The mandate for the fitness check is published. The Commission contracted two studies in particular to support the Fitness Check – one on each Regulation. The studies will provide an evidence base on the effectiveness, efficiency, coherence, relevance and EU value-added, including the results of a public consultation.</p>
Status	Started in 2014, and planned to be finalised in Q3 2015.

### **Environmental liability**

Scope	<p>Evaluation of:</p> <p>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)</p> <p>A number of preparatory studies have been completed, an expert conference was held in November 2014.</p>
Status	Ongoing and is planned to be finalised in Q3 2015.

### **Infrastructure for Spatial Information**

Scope	<p>Evaluation of:</p> <p>Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)</p> <p>A preparatory study by the European Environment Agency has been published, taking into account also stakeholder consultation.</p>
Status	Ongoing and planned to be finalised in Q3 2015.

### **Noise**

Scope	<p>Evaluation of:</p> <p>Directive 2002/49/EC relating to the assessment and management of environmental noise</p> <p>A study has been contracted to provide support.</p>
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Status	Ongoing and planned to be finalised in Q3 2016.
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### **Volatile organic compound emissions - Stage I Petrol Vapour Recovery (VOCs)**

Scope	<p>Evaluation of:</p> <p>Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations</p> <p>A study has been contracted to provide support.</p>
Status	Ongoing and planned to be finalised in Q4 2016.

### **European Pollutant release and Transfer register (EPRTR)**

Scope	<p>Evaluation of Regulation 166/2006/EC concerning the establishment of a European Pollutant Release and Transfer Register</p> <p>A study has been contracted to provide support. Also available is the analysis of data generated by Member States during the 2010 – 2013 period and the related reports provided by Member States on the implementation of the Regulation.</p>
Status	Ongoing and is planned to be finalised in Q4 2016.

### **Protection of Animals used for Scientific Purposes**

Scope	<p>Evaluation of:</p> <p>Directive 2010/63/EU on the Protection of Animals used for Scientific Purposes</p> <p>The Directive took full effect in 2013 with national transposing measures pending for some Member States in the beginning of 2015. As this evaluation will precede the submission of data from Member States to feed into the implementation report due in 2019, the focus will in particular be on scientific progress and whether there are any emerging problems with implementation impacting negatively on science or animal welfare. It will also be informed by the European Citizens Initiative.</p>
Status	Expected to be finalised not earlier than Q4 2017.

### **Drinking Water Directive**

Scope	<p>Evaluation of:</p> <p>Directive 98/83/EC on the quality of water intended for human consumption</p> <p>This evaluation follows on from the European Citizens Initiative on the "Right to Water". A study has been contracted to provide support.</p>
Status	Ongoing and planned to be finalised in Q3 2016.

### Strategic Environmental Assessment

Scope	<p>Evaluation of:</p> <p>Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment</p>
Status	<p>Under preparation</p> <p>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.</p>

### Wild animals in zoos

Scope	<p>Evaluation of:</p> <p>Directive 1999/22/EC relating to the keeping of wild animals in zoos</p> <p>A mandate is being prepared and will be published in 2015 and a study contract will also be launched to provide support in particular through evidence gathering.</p>
Status	Expected to start in 2015 and planned to be finalised in Q4 2016.

### Flood risks

Scope	<p>Evaluation of:</p> <p>Directive 2007/60/EC on the assessment and management of flood risks</p> <p>This evaluation will in particular focus on identifying simplification and burden reduction potential.</p>
Status	Planned to be finalised by 2018, in line with the review clause in the legislation.

### Protection of the environment from asbestos

Scope	<p>Evaluation of:</p> <p>Directive 87/217/EEC on the protection of the environment from asbestos</p> <p>This Directive was subject to 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 Fitness Check on Occupational Safety and Health.</p>
Status	<p>Ongoing</p> <p>(Further details on this Fitness Check are available in the section on employment and social affairs).</p>

### Evaluation of Directive 2009/126/EC on volatile organic compound emissions (VOC II)

Scope	<p>Evaluation of:</p> <p>Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations.</p>
Status	<p>The evaluation is ongoing and is expected to be finalised in Q4 2016. It is combined with an assessment of implementation of the Directive by Member States. A study has been contracted to provide support.</p>

### Bathing water

Scope	Directive 2006/7/EC
Status	Planned to start in 2019.

### Marine environment policy

Scope	Directive 2008/56/EC
Status	Planned to start in 2019

## 11. CLIMATE ACTION

### 1. Smart regulation activity and simplification efforts

Regulations adopted by the legislator in 2014 (Regulations on CO<sub>2</sub> emissions from cars and vans and on fluorinated greenhouse gases) included a number of exemptions and lighter regimes for smaller companies. These will be monitored at the stage of Member State implementation in future editions of the REFIT scoreboard as data becomes available.

Bearing in mind the limited experience with application, the Evaluation of the Carbon Capture and Storage Directive 2009/31/EC concluded that the legislation remains 'fit for purpose', evaluations of the Regulations on Light Commercial Vehicles 510/2011/EC, on New Passenger Cars 443/2009/EC and on the Fuel Quality Directive 2009/30/EC are ongoing and are planned to conclude in 2015.

In its policy framework for climate and energy in the period from 2020 to 2030<sup>37</sup>, the Commission aims at building a competitive and secure energy system that ensures affordable energy for all consumers, increases the security of the EU's energy supplies, reduces dependence on energy imports and creates new opportunities for growth and jobs. This proposal also aims at simplifying the policy framework for climate and energy and improving complementarity and coherence between objectives and instruments.

### 2. Scoreboard

*Legislative Initiatives:*

<b>CO<sub>2</sub> emissions from cars</b>	
Existing/Proposed legislation	Regulation of Parliament 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, adopted on 10 March 2014.
Status	Implementation by Member States Entered into force on 8 April 2014 - Regulation (EU) No 333/2014
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>37</sup> Communication from the Commission "A policy framework for climate and energy in the period from 2020 to 2030" [COM(2014) 15 final]

	<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>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	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 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.
<b>Assessment of final outcome</b>	<p><b>The exemption for small manufacturers has been strengthened in legislative procedure.</b></p> <p><b>The increase of the annual vehicle production threshold to 1000 for a car manufacturer to be covered is likely to bring a small additional number of manufacturers under the scope of the derogation.</b></p>
<b>Member State Implementation</b>	
Date of application	8 April 2014
Implementation reported by Member States	Not yet applicable as this stage in the procedure has not been reached.

<b>CO2 emissions from vans</b>	
Existing/Proposed legislation	Regulation of Parliament 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, adopted 11 February 2014
Status	<p>Implementation by Member States</p> <p>Entered into force on 23 March 2014 - Regulation (EU) No 253/2014</p>
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.



<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament suggested 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 was adopted by the European Parliament at its plenary session of 14 January 2014.
Council Position	The Council agreed to this extension
<b>Assessment of final outcome</b>	<b>The exemption for small manufacturers has been strengthened in legislative procedure.</b> <b>The increase of the annual vehicle production threshold to 1000 for a van manufacturer to be covered is likely to bring a small additional number of manufacturers under the scope of the derogation.</b>
<b>Member State Implementation</b>	
Date of application	23 March 2014
Implementation reported by Member States	Not yet applicable as this stage in the procedure has not been reached.

<b>Fluorinated greenhouse gases</b>	
Existing/Proposed legislation	Regulation of Parliament 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, adopted on 14 April 2014.
Status	Implementation by Member States It applies with effect from 1 January 2015 - Regulation (EU) No 517/2014
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
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	Parliament initially 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. Finally, a maximum threshold of 100 tonnes of CO <sub>2</sub> equivalent was agreed by the European Parliament. This reduction of the threshold should prevent that the quota system being circumvented.
Council Position	The Council agreed to this exemption.
Assessment of final outcome	<b>The market of fluorinated greenhouse gases is dominated by a limited number of large suppliers. The reduction of the reporting threshold from 1000 tons to 100 tons will therefore have a limited impact on business in this area.</b>
<b>Member State Implementation</b>	
Date of application	1 January 2015
Implementation reported by Member States	Not yet applicable as this stage in the procedure has not been reached.

<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 adopted by the Commission on 21 June 2012.
Status	Implementation by Member States It applies with effect from 1 January 2013 - Commission Regulation (EU) No 601/2012 of 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	<b>Small emitters producing less than 25,000 tonnes CO<sub>2</sub> per annum are allowed to produce simplified monitoring plans.</b> <b>Aircraft operators are allowed to produce simplified monitoring plans provided they operate 243 flights or fewer over a four month period.</b>
<b>Member State Implementation</b>	
Date of application	1 January 2013
Implementation reported by Member	Not yet applicable as this stage in the procedure has not been reached.

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<b>Verification and accreditation of CO2 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 adopted by the Commission on 21 June 2012.1
Status	Implementation by Member States. It applies with effect from 1 January 2013 - Commission Regulation (EU) No 600/2012 of 21 June 2012.
<b>Main objectives of the REFIT initiative</b>	<b>The Regulation was proposed in order to establish a simplified system of verification and accreditation of CO2 emissions, drawing on national best practices.</b>  <b>Small emitters and small aircraft operators which produce less than 500,000 tonnes of CO2 per annum are allowed a larger margin of error in emission reports, thereby reducing their audit costs.</b>
<b>Member State Implementation</b>	
Date of application	1 January 2013
Implementation reported by Member States	Not yet applicable as this stage in the procedure has not been reached.

*Evaluations:*

<b>Evaluation of the Carbon Capture and Storage Directive 2009/31/EC</b>	
Title of Evaluation	Contribution to the review of Directive 2009/31/EC on the geological storage of carbon dioxide (CCS Directive)
Status	Finalised on 15 January 2015
Main objectives	The evaluation covers the relevance, effectiveness, efficiency, coherence and EU value added of the Directive.
<b>Main findings</b>	<b>The CCS Directive is considered as fit-for-purpose and as putting the necessary regulatory framework in place for safe CO<sub>2</sub> capture, transport and storage while allowing the Member States sufficient flexibility in the implementation of the CCS Directive.</b>  <a href="http://www.ccs-directive-evaluation.eu/final-report/">http://www.ccs-directive-evaluation.eu/final-report/</a>

**Evaluation of the Regulation on Light Commercial Vehicles 510/2011/EC and the Regulation on New Passenger Cars 443/2009/EC**

Title of Evaluation	Evaluation of Regulations 443/2009 and 510/2011 on CO2 emissions from light-duty vehicles
Status	Ongoing and planned to be finalised in Q2 2015.
Main objectives	The evaluation covers the relevance, effectiveness, efficiency, coherence and EU value added of the Regulations.

**Evaluation of the Fuel Quality Directive 2009/30/EC**

Title of Evaluation	Evaluation of Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels as amended
Status	Ongoing and planned to be finalised end 2015.
Main objectives	The evaluation will cover the relevance, effectiveness, efficiency, coherence and EU value added of the Directive.

## 12. HEALTH AND FOOD SAFETY

### 1. Smart regulation activity and simplification efforts

The legislator adopted the proposal for clinical trials in 2014 and confirmed the Commission's simplification objectives to create a single set of rules and a one-stop-shop for the authorisation procedure. All steps are being taken to ensure that the Regulation applies as of mid 2016.

In March 2015, the Commission decided to withdraw proposals on the Hygiene of Foodstuffs and on Plant Reproductive Material and the legislator repealed an obsolete Directive on the cooperation on scientific information for food on 11 February 2015.

The preparation of a proposal on Food Hygiene included in the last edition of the REFIT scoreboard has stopped, given that further reflections are required on how to address the legislative simplification objectives linked to SMEs within the area of Food Hygiene.

### 2. Scoreboard

#### *Legislative Actions*

<b>Animal health law</b>	
Existing/Proposed legislation	Proposal for a Regulation of the European Parliament and of the Council on Animal Health
Status	Proposal from the Commission of 6 May 2013 - COM(2013)260
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> <p>The Regulation will provide the general framework, the specific objectives will be addressed through subsequent delegated and implementing acts.</p>

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>
<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, Parliament's position supports the main REFIT 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	The Council position does not affect significantly the proposed simplification and/or administrative burden reduction elements.
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	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, 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 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)
Status	Proposal from the Commission of 6 May 2013 - COM(2013)265
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> <li>• Modernise, harmonise, simplify and clarify the system ;</li> </ul>

	<ul style="list-style-type: none"> <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>
<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 Parliament could have an impact on REFIT objectives:</p> <ul style="list-style-type: none"> <li>• The Extension of the scope of official controls to marketing standards for agricultural products could ensure a more effective and efficient risk-based use of resources through cross sector risk assessments and prioritisation of controls;</li> <li>• The removal of plant reproductive material from the scope of official controls may weaken a more effective and efficient risk-based use of resources;</li> <li>• Introduction of a mandatory channelling and of systematic border controls on all foods containing products of animal origin could impose unnecessary administrative burdens.</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 ante- and post mortem inspections in slaughterhouses may negatively impact a more flexible and efficient use of control resources.</li> </ul>

Council Position	No position available yet.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Plant health</b>	
Existing/Proposed legislation	Proposal for a Regulation of Parliament and of the Council on protective measures against pests of plants. Codification of Directives 2000/29/EC, 69/464/EEC, 69/466/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2007/33/EC
Status	Proposal from the Commission of 6 May 2013 - COM(2013)267
Main objectives	Codification and simplification of procedures <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 existing Directives on seeds and other propagating material (S&amp;PM Directives).</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>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	1 <sup>st</sup> reading adopted on 15 April 2014. Certain amendments proposed by Parliament may impose disproportionate burdens on professional operators for the transit of plants/plant products moving from third countries, through the EU, and moving towards third countries again. Those burdens would include prior authorisation of such move, reporting obligations and close monitoring.
Council Position	No position has been reached.



Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.
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<b>Clinical Trials</b>	
Existing/Proposed legislation	<p>Regulation 536/2014 of Parliament and of the Council on clinical trials on medicinal products for human use, adopted by Council and EP on 16 April 2014.</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 in legislative procedure on 16 April 2014 - Regulation 536/2014
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 portal) for the authorisation of clinical trials.</li> <li>• Improving transparency and legal certainty of the authorisation process through clear rules and binding deadlines</li> </ul>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Parliament was fully supportive of the proposal from the Commission and of its aim of simplification and reduction of administrative burdens.

Council Position	Council achieved an extension of the timelines for the authorisation of clinical trials.
Assessment of final outcome	All 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>Member State Implementation</b>	
Date of application	As of mid-2016, subject to the provisions of Article 99 of the Regulation.
Implementation reported by Member States	No data available yet.

<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	Proposal from the Commission of 11 February 2014 - COM(2014)5 final
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	<p>The proposed Regulation intends to clarify and simplify the current legislation, simplification aspects include:</p> <ul style="list-style-type: none"> <li>• principles of recognition and listing of breeding organisations, breeders associations and private undertakings,</li> <li>• approval of breeding programmes,</li> <li>• entering of animals in herdbooks, flock-books, stud-books and their classification according to merits,</li> <li>• registration of hybrid breeding pigs in registers, performance testing and genetic evaluation as well as the content of zootechnical certificates for breeding animals and their semen, ova and embryos.</li> </ul>

### Amendments to REFIT objectives by co-legislator

Not yet applicable as this stage in the procedure has not been reached.

### Veterinary medicines

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	Proposal from the Commission of 10 September 2014 - COM(2014) 558 final
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 business,</li> <li>• providing better rewards for innovative products,</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 by allowing to restrict or refuse marketing authorisations and reserve certain critical antimicrobials for use in human medicine only.</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> </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>

### Amendments to REFIT objectives by co-legislator

EP Position	No amendments have been tabled by Parliament yet.
Council Position	No amendments have been tabled by the Council yet.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

### Medicated feed

Existing/Proposed legislation	Proposal to amend Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community
Status	Proposal from the Commission of 10 September 2014 - COM (2014) 556.
Main objectives	(1) The smooth functioning of a competitive and innovative internal market for medicated feed; (2) a high level of protection of animal and public health.
REFIT objectives	This proposal will: <ul style="list-style-type: none"> <li>• Make medicated feed available to farmers and pet owners at a competitive price</li> <li>• Harmonise manufacturing standards;</li> <li>• Reduce production costs due to the possibility for anticipated production of medicated feed (before the concrete prescription is available)</li> <li>• Remove national barriers for innovative, "novel" medicated feed.</li> </ul> SMEs will benefit from: <ul style="list-style-type: none"> <li>• More legal clarity on residues of veterinary medicines in feed</li> <li>• Less administrative burden to cope with different national standards for manufacturing medicated feed</li> <li>• Market potentials in new applications such as medicated pet food</li> </ul>
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not been reached.	

<b>Food labelling</b>	
Existing legislation	Regulation (EU) No 1169/2011 of the European Parliament and the Council of 25 October 2011 on the provision of food information to consumers
Status	It applies with effect from 13 December 2014 - Regulation (EU) No 1169/2011
Main objectives	Improvement of the information to the consumer on pre-packaged and non-prepackaged food through <ul style="list-style-type: none"> <li>• Improved legibility of information ;</li> <li>• Clearer and harmonised presentation <u>of allergens</u>;</li> <li>• Mandatory allergen information for non-prepacked food,</li> </ul>

	<p>including in restaurants and cafes;</p> <ul style="list-style-type: none"> <li>• Requirement of certain nutrition information for majority of prepacked processed foods;</li> <li>• Mandatory origin information for fresh meat from pigs, sheep, goats and poultry;</li> <li>• Same labelling requirements for online, distance-selling or buying in a shop;</li> <li>• List of engineered nanomaterials in the ingredients</li> </ul>
Main REFIT objectives	<p>Facilitate the implementation of legislation and to reduce regulatory burden within the existing legal framework through flexibility provisions and exemptions included in the legislation and through guidance</p> <p>To be noted that some flexibility provisions are already included in the food information to consumer legislation:</p> <ul style="list-style-type: none"> <li>• The nutrition declaration will become mandatory on the label of packaged foods from December 2016. However, 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.</li> <li>• Nutrition information of foods produced by SMEs can be based on calculation from generally established and accepted data, which avoids costly laboratory analysis.</li> <li>• The Regulation allows Member States to adopt national measures setting out the means through which information about allergenes for foods offered for sale as non-prepacked, or packed on the sales premises at the consumer's request or prepacked for direct sale is to be made available and, where appropriate, its form of expression. This flexibility allows adaptation of the provision of information on allergens to the needs and specificities of SMEs, in particular restaurants, canteens, hotels etc .</li> <li>• The Regulation contains provisions that enable the adoption of delegated acts to make available certain mandatory information through modern technology means other than the label or using symbols or pictograms instead of words. This element increases the potential for modernisation and simplification. Use of these enabling provisions in future by the Commission could allow satisfying the increasing consumers' request for information without imposing on food business operators costs related to the adaptation of labels or burdens linked to translation in the case of multilingual labels.</li> </ul>
<b>Implementation</b>	
Date of application	<p>13 December 2014</p> <p>Nutrition declaration on packaged food as from 13 December 2016</p>

Implementation by Member States	National measures on allergen/intolerance labelling have been adopted in 17 Member States.
Assistance to application by the Commission	<ul style="list-style-type: none"> <li>• Question and answer document to facilitate uniform understanding and application of the new rules <a href="http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/index_en.htm">http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/index_en.htm</a></li> <li>• Update of guidance document for allergen labelling in preparation. Public consultation 25.11.2014 - 04.01.2015 <a href="http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/food/consult_20150104_allergy-intolerance_en.htm">http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/food/consult_20150104_allergy-intolerance_en.htm</a></li> <li>• Update of guidance document on QUID (quantitative indication declaration) during 2015.</li> <li>• Database on food information to consumers to assist business to identify the specific EU and national food labelling requirements for specific categories of food. Work is in ongoing for the database to be operational in 2016.</li> </ul>

### *Repeals and withdrawals*

<b>Cooperation on scientific information for food</b>	
Existing/ Proposed legislation	Directive 2015/254 repealing 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, adopted on 11 February 2015.
Status	Repealed
Main objectives	<p>Repeal.</p> <p>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.</p>

### *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	Started end 2014 and is planned to be finalised end 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 AND CONSUMER POLICY

### 1. Smart regulation activity and simplification efforts

Legislation on Women on Company Boards and on Personal Data Protection includes exemptions for micro-companies, both proposals are pending in legislative procedure.

In 2015, the Commission plans to present a proposal to codify six Directives in the area of Company Law and bring improved protection, simplification and clarity in relation to misleading marketing practices and comparative advertising through a revision of the Business Marketing Directive.

As part of its work programme for 2015, the Commission decided to withdraw the proposal for a Council Regulation on the Statute for a European Foundation as well as the Proposal for a Directive on the right to interpretation and translation in criminal proceedings. The Commission decided furthermore to withdraw the pending proposal on pregnant workers if agreement in legislative procedure could not be found by June 2015.

The evaluation of legislation on equal treatment in social security will be concluded in the course of 2015.

The e-justice portal 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.

The end of the transitional period of the Treaty of Lisbon brought an end to what remained of the ex third pillar concerning police and judicial cooperation in criminal matters. The Commission proposed to repeal 24 obsolete acts in this area as they were no longer relevant or had been replaced by other measures. These proposal are currently with the legislator (COM(2014)715 and COM(2014) 714).<sup>38</sup>

### 2. Scoreboard

*Legislative Actions:*

<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

<sup>38</sup> See scoreboard entry in policy area Home Affairs.



Status	Proposal from the Commission of 25 January 2012 - COM(2012)11
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 specific provisions and exceptions:</p> <ul style="list-style-type: none"> <li>• An exemption for SMEs from the obligation to appoint a Data Protection Officer;</li> <li>• A risk-based approach within the obligation to conduct a Data Protection Impact Assessment;</li> <li>• Specific measures for SMEs in the context of the Commission implementing or delegated acts, such as lighter documentation requirements;</li> <li>• Provisions included for Subject Access Request Fees that businesses can request in case of abuse.</li> </ul>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>Some exemptions and specific provisions for SMEs proposed by the Commission were changed in first reading by the European Parliament to a general risk-based approach, differentiating not between the size of companies but between the number of data subjects whose personal data are being processed.</p> <p>Specific measures and exemptions would therefore apply 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.</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.

## Women on company boards

Proposed legislation	Proposal for a Directive of Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures
Status	Proposal from the Commission of 14 January 2012 - COM(2012) 614
Main objectives	This proposed Directive sets a 40% objective for the percentage of members of the under-represented gender on non-executive boards of publically listed companies by 2020.
Main REFIT objectives	SME are exempted 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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	First reading report and legislative resolution: amendments by Parliament 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.

<b>Package travel</b>	
Proposed legislation	Proposal for a Directive of Parliament 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 from the Commission of 9 July 2013 - COM(2013)512
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>
<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	The Council General Approach, adopted on 4 December 2014, maintains the objectives of the Commission proposal.
Assessment of final outcome	Not applicable as this stage in the procedure has not yet been reached.

<b>Small claims</b>	
Proposed legislation	Proposal for a Regulation of Parliament 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 from the Commission of 19 November 2013 - COM(2013)794
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> </ul>

	<ul style="list-style-type: none"> <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>
<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	General agreement reached on 4 December 2014. While still presenting a positive progress compared to the present situation, the scope of the REFIT objectives will be reduced due to some modifications introduced by the Council (in particular through increasing the threshold only to EUR 4,000, but also through refusing extension of cross-border case definition, refusing cap on a court fees and making use of electronic means of communication subject to availability of technical means).
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

<b>Misleading and Comparative Advertising*</b>	
Proposed legislation	Revision of Directive 2006/114/EC concerning misleading and comparative advertising (“Business Marketing Directive”)
Status	Under preparation Adoption by the Commission planned for the end of 2015.
Main objectives	Preparation of a proposal for a Business Marketing Directive are focusing on bringing improved protection, simplification and clarity in relation to misleading marketing practices and comparative advertising
Main REFIT objectives	The preparations focus on simplifying and streamlining the scope of protection in business-to-business transactions, clarifying what is prohibited (including through the definition of a “black-list” of prohibited practices) and making 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 such a Directive for the SMEs, (to reduce costs relating to the misleading marketing practices where SMEs cannot themselves enforce their right effectively) could amount to €419-€477 million per year.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure as not yet been reached.	

<b>Company law</b>	
Existing/Proposed legislation	Codification of 6 Company Law Directives: Directives 82/891, 89/666, 2005/56, 2009/101, 2011/35, 2012/30
Status	Codification planned for 2015.
Main objectives of the initiative	Bringing together six directives in the area of EU company law and all related amendments in a single new act without introducing any substantive changes.
Main REFIT objectives	To codify into one instrument various company law directives to increase transparency and readability
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not yet been reached.	

<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	Proposal from the Commission of 13 February 2013 - COM(2013) 78
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>
<b>Amendments to REFIT objectives by co-legislator</b>	

EP Position	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	Proposal for a Regulation on market surveillance of products and 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.
Status	Proposal from the Commission of 13 February 2013 - COM(2013)75
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 improving cooperation between authorities and economic operators;</li> <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>
<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>Identity and Travel Documents</b>	
Existing/Proposed legislation	Proposal to amend 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.
Status	Planned
Main objectives of the initiative	Legislative proposal aiming at removing obstacles and simplifying formalities for EU citizens and their family members who live in an EU country other than their own in relation with ID and residence documents and facilitating the work of national authorities through increased harmonisation and security of such documents on the basis of article 77 TFEU possibly in conjunction with article 21 TFEU completing the existing acquis on uniform formats for identity and residence documents.
Main REFIT objectives	Simplification
<b>Amendments to REFIT objectives by co-legislator</b> (not yet applicable as this stage in the procedure has not yet been reached)	

<b>Emergency Travel Documents</b>	
Existing/Proposed legislation	Proposal to replace the 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)
Status	Planned
Main objectives of the initiative	Legislative proposal for the communitarisation of the <i>sui generis</i> decision on emergency travel documents aiming at simplifying formalities for unrepresented EU citizens in third countries, whose passport or travel document has been lost, stolen or destroyed, and ensuring that they can be issued an Emergency Travel Document by any other Member State to travel back home.
Main REFIT objectives	Simplification
<b>Amendments to REFIT objectives by co-legislator</b>	

(not yet applicable as this stage in the procedure has not yet been reached)

*Withdrawals:*

<b>Pregnant Workers</b>	
Existing/Proposed legislation	Proposal for a revised Directive on pregnant workers (COM(2008)637)
Status	Planned
Main objectives of the initiative	As part of its work programme for 2015, the Commission decided on 16 December 2014 that this proposal should be withdrawn if no agreement could be reached in legislative procedure by June 2015.
Main REFIT objectives	Withdrawal

*Evaluations and Fitness Checks:*

<b>Consumer Law*</b>	
Scope	Fitness Check on legal acts related to consumer rights and advertising: <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/EEC on unfair terms in consumer contracts.</li> </ul>
Status	Planned to be finalised in Q4 2016.

<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	Planned to start in Q1/2015 and planned to be finalised in Q4 2015

<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	Planned to start in 2018/2019.

<b>Timeshare, long-term holiday products, resale and exchange contracts</b>	
Scope	<p>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.</p> <p>Report to the European Parliament and the Council to review the application of the Timeshare Directive 2008/122/EC.</p>
Status	The evaluation started in January 2014 and is expected to be finalised in Q4 2015.

## **14. MIGRATION AND HOME AFFAIRS**

### **1. Better regulation activity and simplification efforts**

To make the law more readable, on 20 January 2015 the Commission adopted a simplification proposal for the codification of the Schengen Borders Code with a view to compile several amendments into one legal text.

The Commission's proposal to simplify the entry and stay for third-country nationals students, researchers and other groups has met resistance in Council and may not achieve its full simplification objective. A revision of the visa-code to introduce a more user-friendly and efficient common visa policy has been adopted and is pending in legislative procedure; the codification of legislation on visa lists is in preparation.

Assessments of the implementation of the legislation on combating terrorism and of the application of the legislation on residence permits for victims of trafficking in human beings have been concluded. As the possibility of issuing permits to third-country nationals in exchange for cooperation with the authorities is under-utilised, the Commission will also engage in bilateral exchanges with Member States to achieve full and correct implementation of Directive 2004/81/EC and facilitate further exchange of information and good practices through existing structures. Three further evaluations will deliver results in 2015 and two evaluations are planned to conclude in 2016 and 2017 respectively.

On the other hand, the opportunity and timing of the repeal of the Council Decision on the cooperation between financial intelligence units of Member States needs to be re-assessed in the light of the current security situation. Although cooperation between Financial Intelligence Units for preventive purposes is regulated in the proposed 4th anti-money laundering Directive (COM(2013) 45), it does not contain provisions on law enforcement cooperation purposes. This should also be seen in the context of the European Agenda on security adopted on 28 April which considered the possibility "to align and reinforce the powers of FIUs, as differences in their roles hinders cooperation and information exchange" (cf. section 3.2 of the agenda).

After years of legislative progress in creating the regulatory framework in the field of migration and home affairs, a priority for the coming years will be on consolidation, implementation and evaluation of existing legislation, with many activities to be carried out at operational level. The end of the transitional period foreseen in the Treaties on 1 December 2014 gives the Commission the tools to ensure the proper application of the *acquis* also in the area of police and judicial cooperation in criminal matters. At this occasion, the Commission also proposed to repeal 24 obsolete acts in this area<sup>39</sup>.

### **2. Scoreboard**

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<sup>39</sup> These proposals are currently with the legislator: COM(2014) 713, COM(2014) 714 and COM(2014) 715.

*Legislative Actions:*

<b>Visa lists</b>	
Existing/Proposed legislation	Codification of Council Regulation (EC) No 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  Codification
Status	In preparation for Q1 2016.
Main objectives	All existing amending acts will be codified into one single new act without introducing any additional amendments.
Main REFIT objectives	The codification of the Regulation will improve its legibility and transparency.
<b>Amendments to REFIT objectives by co-legislator</b>	
Not yet applicable as this stage in the procedure has not been reached.	

<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 European Parliament 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/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service
Status	Proposal from the Commission of 25 March 2013 – COM(2013) 151 still in legislative procedure
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	Proposal recasting Directives 2004/114/EC and 2005/71/EC, thereby streamlining and simplifying the legislative framework.

	<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>
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	<p>The European Parliament fully supports the proposed simplification of the existing framework to improve handling 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	<p>The Council supports the objective of making the Union more competitive and attractive for students and researchers but its position is less ambitious than the Commission proposal.</p> <p>The Council adopted its position in December 2014, proposing to stay within the scope of the current Directives which would exclude remunerated trainees and au pairs and make other categories than students and researchers optional. The period allowed for job-seeking and to set up a business would be limited to 6 months. Intra-EU mobility rules would be clarified, but made more restrictive for students.</p>
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	<p>Proposal for amending:</p> <p>Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on visa (Visa Code)</p>
Status	Proposal from the Commission of 1 April 2014 – COM(2014)164 still in legislative procedure
Main objectives	The proposal takes into account the increased political emphasis given to the economic impact of visa policy on the wider European Union economy and to ensure greater consistency with the growth objectives

	<p>of the Europe 2020 strategy.</p> <p>The proposal also clarifies for the Schengen Member States the respective procedural facilitations of free circulation applying 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, when conditions are met, receiving 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>
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure has not been reached.</p>	

<p><b>Codification of Schengen borders Code</b></p>	
Existing/Proposed legislation	Codification of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders
Status	Proposal from the Commission of 20 January 2015 – COM(2015) 8 still in legislative procedure
Main objectives and REFIT objectives of the initiative	Codification of the Schengen Borders Code. The objective will compile several amendments to the Schengen Borders Code, such as the use of the Visa Information System (Regulation (EC) No 81/2009) and 2013 amendments, into one legal text.
<p><b>Amendments to REFIT objectives by co-legislator</b></p> <p>Not yet applicable as this stage in the procedure has not been reached.</p>	

*Repeal:*

<p><b>Former third pillar measures (acquis under the responsibility of DG HOME and DG JUST)</b></p>	
Existing/Proposed legislation	<p>Former third pillar acquis</p> <p>Repeal of the legal acts related to the area of freedom, security and justice, including the former third pillar acquis, which have exhausted all their effects and/or which are no longer relevant because of their</p>

	temporary nature or because their content has been taken up by successive acts.
Status	Proposals from the Commission of 28 November 2014 under COM(2014) 713, 714 and 715 still in legislative procedure
Main objectives	In the light of the end of transitional provisions set out in the Protocol 36 to the Treaty of Lisbon, as from 1 December 2014, the Commission has assessed the legal acts related to the area of freedom, security and justice identifying the ones which have exhausted all their effects and/or which are no longer relevant in order to repeal them.
Main REFIT objectives	<ul style="list-style-type: none"> <li>• Proposal COM(2014) 713 lists 12 legal acts to be repealed in the Area of Freedom, Security and Justice</li> <li>• Proposal COM(2014) 714 lists four legal acts to be repealed in the area of police cooperation and judicial cooperation in criminal matters</li> <li>• Proposal COM(2014) 715 lists eight legal acts to be repealed in the area of police cooperation and judicial cooperation in criminal matters</li> </ul>
<b>Amendments to REFIT objectives by co-legislator</b> Not yet applicable as this stage in the procedure has not been reached.	

*Evaluations and Fitness Checks:*

<b>Legal migration</b>	
Scope	Fitness check <sup>40</sup> of - Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ( <b>Blue Card</b> ) - Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents - Directive 2011/98/EU of the European Parliament and of the Council 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> )
Status	Fitness Check expected to start in 2016

<sup>40</sup> The Scope might be reviewed upon launch of Fitness Check in 2016

## Facilitation of unauthorised entry, transit and residence

Scope	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  Evaluation
Status	Ongoing and planned to be finalised by the end of 2015.

## Visa Information System

Scope	Evaluation of Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) and Council Decision 2004/512/EC establishing the Visa Information System (VIS)
Status	Ongoing and planned to be finalised in Q2 2016.

## 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  Together with a feasibility study done in 2014 on a European system of border guard, the Frontex external evaluation study will feed into a debate on the future of Frontex.
Status	External evaluation study managed directly by Frontex is ongoing and planned to be finalised in Q3 2015.

## Residence permits for victims of trafficking in human beings

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	Finalised on 17 October 2014 – COM(2014) 635.

Results	The available figures show that the possibility of issuing permits to third-country nationals in exchange for cooperation with the authorities is under-utilised. This will lead the Commission to engage in bilateral exchanges with Member States to achieve full and correct implementation of the Directive as well as facilitate further exchange of information and good practices through existing structures.
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### **Council Framework decision on combatting terrorism**

Scope	Evaluation of Council Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA
Status	Finalised on 5 September 2014 - Report on the implementation of Council Framework Decision 2008/919/JHA ,COM(2014) 554.
Results	Most Member States have adopted implementing measures. The Commission Report urges those Member States which did not yet implement it to adopt the necessary legislative measures without further delay, calls Member States to monitor and evaluate the application of criminal law provisions on terrorism in practice and underlines the need to integrate law enforcement efforts into a more comprehensive approach, which should include early prevention of radicalisation and recruitment to terrorism.

### **Framework Decision on fight against organised crime**

Scope	Evaluation of Council Framework Decision 2008/841/JHA on the fight against organised crime
Status	Work on an implementation report is ongoing and planned to be finalised in Q3 2015.



## 15. AGRICULTURE AND RURAL DEVELOPMENT

### 1. Smart regulation activity and simplification efforts

Under its ABR-Plus Programme, the Commission and Member States worked together to assess savings to business of measures that had already reached implementation stage. In this context, estimated cost-reduction of small companies through the exemptions from egg-labelling requirements vary by Member State between 5% and 63% for those Member States that were able to report on the achieved savings.

The Commission also decided to evaluate the School Milk and School Fruit schemes in the light of the requirements flowing from subsidiarity, proportionality and better regulation. The report of this evaluation is planned by June.

Simplifying the Common Agricultural Policy (CAP) is an important priority for the new Commission. It is guided by three main principles:

- the basic political decisions taken in the 2013 CAP reform should be respected,
- simplification proposals should not lead to a weakening of sound financial management or to any increase in errors in CAP expenditure,
- priority should be given to those areas about which farmers and other CAP beneficiaries are most concerned.

The Commission is currently carrying out a comprehensive screening exercise of the entire agricultural acquis with a view to identifying simplification and subsidiarity possibilities. Moreover, it is analysing a large number of simplification proposals from Member States, members of the European Parliament and stakeholders. Both exercises should, once completed, lead to concrete proposals for simplifying the Union's agricultural legislation.

To this end, a Task-Force has been set up to scrutinise Commission level regulations related to the Common Market Organisation (CMO) with the objective to undertake a systematic and substantial review of the rules against the main drivers of simplification, reduction of error rate, and improved coherence/consistency. It is estimated that the the number of acts can be reduced from 200 to 40.

### 2. 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:</i></p>

	<ul style="list-style-type: none"> <li>European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014-2020 (2014/C 204/01)</li> </ul> <p><i>Regulation on block-exemptions:</i></p> <ul style="list-style-type: none"> <li>Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 193, 1.7.2014, p. 1).</li> </ul>
Status	<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). Date of application on 1 July 2014.]</li> </ul>
Main objectives	<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 allow Member States to grant rapidly small amounts of support without distorting competition. This simplifies procedures.</li> <li>The block exemption regulation and the guidelines both expired on 30 June 2014. The rules have been 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 was carried out in the context of the the CAP reform and the horizontal project of State Aid Modernisation (SAM) and aimed 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 coherent with the support measures under the new rural development regulation;</li> <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> </li> </ul>
REFIT objectives	<p><i>'De Minimis' Regulation:</i></p> <p>The regulation allows MS to grant smaller amount of support without</p>

	<p>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 were 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 were also being adapted in order to ensure coherence with the support measures established under the new rural development regulation. This makes 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 has resulted in enhanced transparency and legal certainty, as there are clear conditions for the granting of the aid.</p> <p>The scope of the block exemption regulation has been extended to cover new categories, such as forestry, culture and heritage conservation and aid linked to natural disasters. The extension of the block exemptions reduces "red tape" and allows the Commission to focus on the most distortive aid measures, in line with the SAM objectives.</p>
<b>Member State Implementation</b>	
Date of entry into force	<p><i>'De Minimis' Regulation:</i> 1 January 2014</p> <p><i>State Aid Guidelines and Regulation on block-exemptions:</i> applicable since 1 July 2014.</p>
Implementation reported by Member States	No data available yet.

<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	Proposal from the Commission of 24 March 2014 – COM(2014) 180
Main objectives	<p>Review and simplification of the legal framework for organic farming. 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 and improving the functioning of the internal market,</li> <li>• achieve a level playing field inside the Union and with respect to imported products,</li> <li>• maintain or improve consumer confidence in organic products,</li> <li>• stimulate the growth of the organic market and of the number of corresponding jobs.</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, improved harmonisation by limiting 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>

<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Discussions in Parliament so far have not led to questioning the simplification objectives pursued by the Commission.
Council Position	It is expected that a General approach of the Council on a compromise text of the Presidency covering the whole proposal will be adopted by the Council before the end of the Latvian Presidency.
Assessment of final outcome	Not yet applicable as this stage in the procedure has not been reached.

*ABRPlus follow-up*

<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>This Regulation replaced Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)</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>
Status	It applies with effect from 1 July 2007
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 amount to EUR 607 million.</li> </ul>

<b>Member State Implementation</b>	
Date of application	1 July 2007
Implementation reported by Member States	<p>Regulation (EU) No 1308/2013 introduces simplification options for Member States to exempt producers with less than 50 laying hens from labelling requirement.</p> <ul style="list-style-type: none"> <li>• 11 Member States fully implemented both exemptions. (BG, CZ, EE, IE, IT, CY, LT, PT, SL, SE, UK). A further 5 Member States said that they fully implemented the measure, though it is unclear if they implemented both (EL, ES, HU, NL, SK).</li> <li>• 6 Member States partially implemented the measure, which means only one of the exemption requirements (DK, DE, LV, MT, AT, FI).</li> </ul> <p>In 5 Member States that fully implemented the requirements cost reductions were estimated to range between 9% and 63% (CZ, LV, SI, SE, UK), while the initial estimation by the Commission predicted savings of administrative burden of around 44% . Overall, available quantitative evidence was insufficient to provide a conclusive assessment of impacts of the measure on the ground.</p>

#### *Evaluations and Fitness checks*

<b>Evaluation of the POSEI programme</b>	
Scope	<p>The evaluation will assess the effectiveness, efficiency, relevance, coherence and EU value added of the POSEI programmes, covering the Outermost Regions: the Canary islands (Spain), the Azores and Madeira (Portugal) and the French overseas departments (Guadeloupe, French Guiana, Réunion, Martinique and Mayotte) from the entry into force of Regulation (EU) No 247/2006 until at least 2014. Mayotte will only be covered in the descriptive part and case study reports.</p> <p>It will also take into account the implementation of the Rural Development Programmes for these areas as well as the relevant elements of the direct payments and single CMO regulation and other EU and national legislation having an impact on the performance of the POSEI programmes.</p> <p>Given the similarities in objectives and measures, the evaluation covers also the measures introduced by Regulations (EU) No 1405/2006 and (EU) No 229/2013 for the smaller Aegean islands, from the entry into force of Regulation (EU) No 1405/2006 onwards until at least 2014.</p>
Status	Evaluation work to start Q2 2015. Planned end date: first half 2016.

<b>Evaluation of the market and trade implication of veal marketing standards rules</b>	
Scope	<p>The evaluation examined the relevance and effectiveness of the veal and young cattle meat marketing and labelling rules established by Regulation (EC) No 700/2007<sup>1</sup> (hereunder ‘the Regulation’) with respect to achieving the objectives laid down in this regulation, as well as its coherence with other relevant measures applied under the CAP. The eight key veal producing Member States were covered.</p> <p>The Regulation established that the terms ‘veal’ and ‘young cattle meat’ (in their national equivalents) can be applied only to the meat of bovine animals aged 12 months or less and it defined two categories of bovine animals aged 12 months or less: 1) Category V: bovine animals aged eight months or less; 2) Category Z: bovine animals aged more than eight months but not more than twelve months. It also provided, for each category, in each Member State, a closed list of the sales descriptions, taking into account different local traditions.</p> <p><sup>1</sup> Council Regulation (EC) No 700/2007 on the marketing of the meat of bovine animals aged 12 months or less, later integrated into Article 78(a) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organization of the markets in agricultural products (Annex VII).</p>
Status	Evaluation finalised in November 2014.
Results	<p>The evaluation showed that the main impact of the Regulation was to lead Dutch producers to reduce the fattening cycle from twelve to eight months, for part of the veal calf production. Other market trends remained unchanged: national consumption, internal trade and breeders’ income. Overall, the Regulation led to a clarification of the situation on the market caused by a previous lack of definition of ‘veal’ and improved functioning of the veal market.</p> <p>The evaluation also showed that consumers were little aware of these labelling rules and that the existence of different sales descriptions depending on the country, even when they share the same language, could be confusing.</p> <p>The information available through control systems implemented by National Authorities, under the European Commission supervision, did not allow drawing a judgement on adequacy of the control system. However, the reporting of the Member States to the Commission was considered not sufficient to allow a proper monitoring of the controls.</p> <p>Three recommendations were proposed: seek consistency between sales descriptions from one Member State to another, increase consumer awareness about the standards, and improve the reporting quality of the control system.</p>

## 16. MARITIME AFFAIRS AND FISHERIES

### 1. Smart regulation activity and simplification efforts

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.

The legislative proposal for a new framework for technical conservation measures is in preparation. It is scheduled to be adopted during the 3<sup>rd</sup> quarter of 2015. Political agreement between the Council and European Parliament has recently been reached on a proposal that aims to remove any legal and practical impediments to the implementation of the obligation to land all catches ("the landing obligation" introduced in the new CFP that exist n the current technical measures Regulations. This “Omnibus Regulation” is very much a temporary solution pending the development of the new framework for technical measures which will introduce the improvements needed for effective and smooth implementation of the new CFP.

In the past year, an extensive consultation has been carried out on the legislative proposal for the reviewed Fishing Authorisation Regulation (FAR). The proposal is planned to be adopted in the 3<sup>rd</sup> quarter of 2015.

Preparatory work has recently started for the evaluation of the impact of the fisheries control regulation. The projects is planned to be completed by the 1<sup>st</sup> quarter of 2016.

In 2013, an internal Action Plan for the simplification of legislation in the area of maritime affairs and fisheries was launched. Some 720 obsolete Commission acts have been identified and the first administrative steps for their removal from the active part of EU legislation have been taken. Based on an inventory of the legislation, also established as part of the simplification Action Plan, 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 with the attention at the start of the exercise being put on the areas mostly concerned by reporting requirements.

### 2. 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, adopted on 11 December 2013
Status	Implementation by Member States



	It applies with effect from 1 January 2014 - Regulation (EU) No 1380/2013
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>
<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.
<b>Assessment of final outcome</b>	<b>The proposed simplification objectives were achieved with no significant variations from the Commission proposal.</b>
<b>Member State Implementation</b>	
Date of application	1 January 2014
Implementation reported by Member States	No data available yet.

<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, adopted on 11 December 2013
Status	Implementation by Member States It applies with effect from 1 January 2014

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>
<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 category used in the labelling of the products caught at sea.
Council Position	Simplification objectives generally supported by the European Council. In the negotiations a new information obligation was limited to a list of seven categories of gears.
Assessment of final outcome	<p><b>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).</b></p> <p><b>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 as proposed by the Commission. Therefore, the major burden reductions sought by the Commission were achieved, with only a relatively small addition of an information obligations introduced by Parliament.</b></p>
<b>Member State Implementation</b>	
Date of 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.
Implementation reported by Member	No data available yet.

States	
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<b>Technical Measures for the Protection of Marine Organisms</b>	
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	Under preparation
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.  The new landing obligation requires existing legal and practical impediments to be removed while the new framework is being developed, the proposal for a “Omnibus Regulation” to amend, among other, the existing technical measures as a first step to adapt the “acquis” to the new CFP.
<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	Under preparation
Main objectives	Revision of the current Fishing Authorisation Regulation (FAR)

Main objectives of the REFIT initiative	<p>Revision 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>
<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>	

*Evaluation:*

<b>Evaluation of the impact of the fisheries control regulation</b>	
Existing/ Proposed legislation	<p>Evaluation of the impact of COUNCIL REGULATION (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006</p>
Status	Ongoing and expected to be finalised by Q1 2016.
Scope	<p>The main objective is to evaluate the impact of the fisheries control regulation on the implementation of the CFP rules and objectives, since it entered into force in 2010.</p> <p>The evaluation will deliver an assessment of whether the regulation is fit for purpose by focusing on its simplification and regulatory burden reduction aspects with particular regard to the actions have been carried out under the Commission's Action Programme for Reducing Administrative Burdens (2007-2012) concerning this regulation, namely:</p> <ol style="list-style-type: none"> <li>1) Using electronic logbooks for vessels 15 meters length overall and above,</li> <li>2) Extending the use of electronic logbooks to certain types of vessels,</li> <li>3) Introducing standard method for fishing inspections across the EU.</li> </ol> <p>The evaluation also aims to identify possible areas for further simplification and administrative burden reduction analysis</p>

## 17. TRADE

### 1. Smart regulation activity and simplification efforts

Trade policy making is mainly driven by the negotiation and conclusion of international trade agreements and more recently investment agreements. In the context of REFIT the Commission therefore focuses on other secondary legislation in the field of trade and investment matters, which in addition is of exclusive EU competence.

In the context of aligning trade legislation with the Lisbon Treaty, the Commission launched a comprehensive exercise to review trade legislation with a view of codification, recast or repeal and the streamlining of reporting requirements spread over various pieces of legislation. This review led to the identification of 26 proposals, the majority of these proposals have already been adopted by the Commission.

An evaluation of the dual-use export controls regulation was completed with the publication of Staff Working Document 2013/7 in January 2013 and a Report to the Council and the European Parliament 2013/710 in Oct. 2014, which show that the EU export control system is generally considered robust and provides solid institutional and legal foundations, while recognising that it must be upgraded to face new challenges and emerging threats. The Communication COM(2014)244 of April 2014 identifies concrete options for the modernisation of the EU export control system. 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 is progressing, and an impact assessment is currently ongoing.

### 2. Scoreboard

#### *Legislative Actions*

<b>Reform of the Trade Defence Instruments - Anti-dumping regulation and Anti-subsidy regulation</b>	
Existing/Proposed legislation	<p>Proposal for a Regulation of Parliament and of the Council amending</p> <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> <p>Adopted on 10 April 2013 - COM(2013)192</p>
Status	Proposal from the Commission of 10 April 2013 - COM(2013)192; still 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>
<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. 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	Proposal for 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 adopted by the Commission)
Status	The majority of these proposals are pending in legislative procedure, whereas some have already been adopted by the co-legislator.

Main objectives	Both Regulations have introduced amendments to several regulations of the trade policy area which need to be codified: <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.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	
Council Position	Not applicable as this stage in the procedure has not yet been reached
Assessment of final outcome	Not applicable as this stage in the procedure has not yet been reached

<b>Export for recovery of non-hazardous waste</b>	
Existing/Proposed legislation	Regulation 733/2014 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 the OECD Decision on the control of transboundary movements of wastes does not apply, adopted on 24 June 2014.
Status	It applies with effect from 18 July 2014 - Commission Regulation (EU) No 733/2014  Implementation by Member States.
Main objectives	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  Regulation 1418/2007 was updated, completed and streamlined to <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>• minimise error-risk</li> </ul>
Main REFIT objectives	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.  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

	<p>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 while providing further guidance to partner countries on the purpose of the Regulation and methodology of carrying out its updates.</p> <p>The overall aim of the last update accomplished in summer 2014 was 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>
<b>Member State Implementation</b>	
Date of application	18 July 2014.
Implementation reported by Member States	No data available yet.

<b>Dual-use Items</b>	
Existing/Proposed legislation	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
Status	In preparation.
Main objectives	Review. A proposal for revised legislation is planned for early 2016.
Main REFIT objectives	Regulatory simplification and burden reduction.
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Not applicable as this stage in the procedure has not yet been reached[
Council Position	Not applicable as this stage in the procedure has not yet been reached[
Assessment of final outcome	Not applicable as this stage in the procedure has not yet been reached[

<b>Common rules for imports of textile products</b>	
Existing/Proposed legislation	Proposal for amendment of Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules adopted by the Commission on 12/06/2014 - COM(2014) 345



Status	Proposal from the Commission of 12/06/2014 - COM(2014) 345 final; pending in legislative procedure.
Main objectives	<p>Codification of Council Regulation (EC) No 517/94 in order to align it with the TFEU. As there were slight substantive amendments, it was presented as a recast. These amendments were the following:</p> <ul style="list-style-type: none"> <li>• In order to facilitate procedures for importers, wholly or partly unused import authorisations may be extended, if enough quantities are available, in accordance with the examination procedure referred to in Article 25(3) (Article 23).</li> <li>• As telex is an outdated means of communication, it was proposed to insert "immediately" in Article 6.4.</li> </ul>
Main REFIT objectives	Recast
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	Not applicable as this stage in the procedure has not yet been reached[
Council Position	Not applicable as this stage in the procedure has not yet been reached[
Assessment of final outcome	Not applicable as this stage in the procedure has not yet been reached[

### *Repeals*

<b>Repeal of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries</b>	
Existing/Proposed legislation	Proposal for amendment of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries adopted by the Commission on 21/11/2014 – COM(2014) 707
Status	Proposal from the Commission of 21/11/2014 – COM(2014) 707; still in legislative procedure
Main objectives	<p>Repeal of Council Regulation (EEC) No 3030/93, as it no longer serves a purpose:</p> <ul style="list-style-type: none"> <li>• since Russian Federation's accession to WTO;</li> <li>• the entry into force of the Stabilisation and Association Agreement with Serbia;</li> <li>• the expiry of the transitional product-specific safeguard mechanism for imports from China.</li> </ul>
Main REFIT objectives	Repeal
<b>Amendments to REFIT objectives by co-legislator</b>	

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

### *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	Finalised on 24 April 2014: <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><b>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. These documents conclude that the EU export control regime is generally considered robust and provides solid legal and institutional foundations, but also conclude that it cannot remain static and must be re-evaluated and upgraded in order to face new challenges and generate the modern control capabilities the EU needs for the coming decade and beyond.</b></p> <p><b>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).</b></p> <p><b>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.</b></p>

<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 started in December 2014 and planned to be finalised second half-2015.
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## 18. BUDGET

### 1. Smart regulation activity and simplification efforts

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).

### 2. Scoreboard

*Legislative Actions:*

<b>Proposal of the Commission for a new own resource based on VAT</b>	
Proposed legislation	<p>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</p> <p>Existing legislation:</p> <p>Council Decision 2007/436/EC; Council Regulations 1150/2000/EC; and 1553/89/EC</p> <p>Legislation adopted on 26 May 2014, but not yet entered into force:</p> <ul style="list-style-type: none"><li>• Council Decision 335/2014/EU</li><li>• Council Regulation 608/2014/EU</li><li>• Council Regulation 609/2014/EU</li></ul> <p>The new VAT-based own resource proposed by the Commission in 2011 has not been retained for the current MFF (see below). Proposal COM(2011)737 has therefore not been adopted. However, the European Council has called Member States to continue working on the Commission proposal.</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 Parliament on MFF 2014-2020, the High Level Group on Own Resources, chaired by M. Monti, was established on 25 February 2014 to undertake a general review of the own resources system. The Group presented a First Assessment Report<sup>41</sup> on 17 December 2014 and will continue working in view of making final recommendations in 2016.</p> <p>Taking into account the work of the Group, the Commission will then assess if new legislative initiatives on own resources should be made in view of the next Multiannual Financial Framework (post-2020).</p>
Status	Proposal from the Commission of 9 November 2011 - COM(2011)737

<sup>41</sup> [http://ec.europa.eu/budget/mff/hlgor/index\\_en.cfm](http://ec.europa.eu/budget/mff/hlgor/index_en.cfm)

Main objectives of the initiative	The Commission proposal for a new VAT own resource simplifying 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.
Main REFIT objectives	Simplification
<b>Amendments to REFIT objectives by co-legislator</b>	
EP Position	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.
Council Position	Pursuant to the conclusions of the European Council of 7/8 February 2013 the current system shall be maintained during the present MFF. No new own resource has been introduced through the new Own Resource Decision 335/2014 of 26 May 2014. 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

The implementation of the simplified procedure for Merger Control adopted at the end of 2013 can demonstrate positive effects, i.e. a significant increase in the number of cases reviewed under simplified procedure and a reduction in pre-notification periods for both simplified and non-simplified cases.

### 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, adopted on 5 December 2013..
Status	Implementation by the Commission. It applies with effect from 1 January 2014.
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.
<b>Practical implementation experience</b>	
Date of application	1 January 2014
Assessment of Implementation	The positive effect in practice of this simplification package on stakeholders is evidenced by figures from 2014, which indicate a:  (i) significant increase in the number of cases reviewed under simplified procedure; and  (ii) reduction in pre-notification periods for both simplified and non-simplified cases.  As regards simplified procedure cases, a comparison of the number of short form decisions adopted in 2014 against last years' figures indicate that an increase of 8 percentage points in the number of simplified cases has been achieved. This means that significantly more cases have

	<p>benefitted, as a result of the broader scope of application of the simplified procedure rules, from the lighter and generally speedier notification and review process of the simplified procedure.</p> <p>We also observed an atypical peak in simplified case notification in January 2014 as parties appear to have waited for the new rules to become applicable before notifying their transactions.</p> <p>Furthermore, there are indications that the new rules on simplified cases and the streamlined information requirements for all cases have resulted in reduced pre-notification periods both simplified and normal procedure cases.</p>
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*Evaluation:*

<b>Merger Control</b>	
Scope	White Paper "Towards more effective EU merger control" 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	Adopted in July 2014.  <i>Following adoption, a public consultation was launched to seek stakeholders views on possible improvements of the EU Merger Regulation. The consultation closed in October 2014. The Commission is currently reviewing the comments received. To be decided at a later stage whether to make a proposal for amending the Merger Regulation.</i>
Results	<b>The White Paper proposes to allow the Commission to review, at EU level, certain acquisitions of non-controlling minority shareholdings that raise competition concerns, to make case referrals between Member States and the Commission more effective and business-friendly, and to streamline and simplify other procedures.</b>

## 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 and Rural Development</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  June 2014	Entry into force on: 1 January 2014  Entry into force 1 July 2014
Legal framework for organic farming	Simplification	24 March 2014	Final adoption not known yet.  May 2015: Expected adoption of a General approach of the Council  July 2015: Expected adoption of EP amendments
Egg Labelling (ABR+)	Simplification		1 July 2007
<b><i>Budget</i></b>			
New own resource based on VAT	Simplification	9 November 2011	Possible new legislative initiatives for the next MFF (post-2020)
<b><i>Climate Action</i></b>			
CO2 emissions from cars	Simplification (exemptions, lighter regimes)	11 July 2012	8 April 2014
CO2 emissions from vans	Simplification (exemptions, lighter regimes)	11 July 2012	23 March 2014
Fluorinated greenhouse gases	Simplification (exemptions)	7 November 2012	1 January 2015



<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Emissions monitoring and reporting of greenhouse gases	Simplification (exemptions)	21 June 2012	1 January 2013
Verification and accreditation of CO2 emissions	Simplification (exemptions)	21 June 2012	1 January 2013
<b><i>Communications Networks, Content and Technology</i></b>			
Network and information security	Simplification (exemptions)	7 February 2013	Pending in legislative procedure. Trilogues are ongoing.
The Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market Directive 2014/26/EU	Simplification (exemption) proposed by Commission but removed by co-legislators	11 July 2012	Adopted 26 February 2014 with transposition date 10 April 2016
<b><i>Competition</i></b>			
Simplified procedure for Merger Control	Simplification	5 December 2013	1 January 2014.
<b><i>Employment, Social Affairs and Inclusion</i></b>			
Information and consultation of workers	Envisaged consolidation/ Simplification	in preparation, first stage social partners consultation 2Q 2015	First stage consultation of social partners to be launched in 2 <sup>nd</sup> Qt 2015
Organisation of working time	Simplification	in preparation	Foreseen for 2016
Posting of workers	Simplification	21 March 2012	18 June 2016
<b><i>Energy</i></b>			
Safety standards in field of radioprotection	Consolidation	30 May 2012	Adopted by the legislator on 5 December 2013 – council Directive 2013/59/EURATOM 5 December 2013.  Date of application: 1 February 2018
Community target for a reduction in the consumption of primary sources of energy	Repeal	Adopted by Commission on	20 April 2015

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
		24/02/2015.	
<p>Energy Labelling Acts</p> <ul style="list-style-type: none"> <li>• 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>• Directive 1999/9 amending Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household dishwashers;</li> <li>• Directive 96/89 amending Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household washing machines.</li> </ul>	Repeal	Pending adoption by the Commission during first semester 2015.	
Regulation of the Supply Agency of the European Atomic Energy Community	Legislative update / Review	Not yet adopted by the Commission	
<b><i>Environment</i></b>			
Environmental Impact Assessment (EIA)	Simplification	26 October 2012	16 April 2014 16 May 2017
Shipments of waste (covered also by ABR+)	Simplification	11 July 2013	15 May. 2014 /1 January 2016
Waste electrical and electronic equipment	Simplification/ Recast (exemption)	3 December 2008	14 February 2014
Repeal of Standardised Reporting Directive	Repeal	Under consideration	
<b><i>Health and Food Safety</i></b>			
Clinical Trials	Simplification	17 July 2012	16 April 2014 mid-May 2016
Animal health	Simplification	6 May 2013	Not known
Official controls	Codification/ Simplification (exemptions)	6 May 2013	Not known
Plant health	Codification/ Simplification	6 May 2013	Not known

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Zootechnical legislation	Consolidation/ Simplification	11 February 2014	Not known
Veterinary medicines	Simplification	10 September 2014	Not known
Cooperation on scientific information for food	Repeal	5 May 2014	5 May 2014
Medicated feed	Simplification	10 September 2014	Not known
Food labelling	Simplification		13 December 2014 13 December 2016
<b><i>Migration and Home Affairs</i></b>			
Entry and stay in the EU for third-country national students, researchers and other groups	Simplification/ Recast	25 March 2013	Not known yet.
Visa Code	Simplification/ Recast	1 April 2014	Not known yet.
Schengen Borders Code	Codification/ Simplification	20 January 2015	Not known yet.
Package of three legislative proposals repealing such former Third pillar Schengen acts in the field of police cooperation and judicial cooperation in criminal matters and in the field of border checks - Protocol 36	Repeal	28 November 2014	Not known yet.
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	Codification	Ongoing – results planned Q1 2016.	Not known yet.
<b><i>Internal Market, Industry, Entrepreneurship and SMEs</i></b>			
Combating late payment in commercial transactions	Simplification/ Recast	8 April 2009	16 February 2011 16 March 2016
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	Application is to be automatic on 1 June 2015 (mandatory per CLP regulation requirement)
Professional Qualifications	Simplification (lighter	19 December 2011	18 January 2016

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
	regimes)		
Public Procurement ( <i>covered also by ABR+ Programme</i> )	Simplification (lighter regimes)	20 December 2011	17 April 2014 18 April 2016
<b><i>Financial stability, Financial Services and Capital Market Union</i></b>			
Initial Public Offerings (IPOs) for SMEs / Prospectus and disclosure requirements	Simplification (exemption)	30 March 2012 (I) 4 June 2012 (II)	30 March 2012 (I) 4 June 2012 (II)  1 July 2012 (I) 22 Sept 2012 (II)
Insurance mediation	Simplification/ Recast	3 July 2012	
European long-term Investment Funds	Simplification	26 June 2013	Planned mid-May 2015
Undertakings for collective investment in transferable securities (UCITS)	Simplification	29 January 2014	
Company accounts (ABR+)	Simplification		July 2006  September 2008
Annual accounts of micro-enterprises (ABR+)	Simplification		14 March 2012 1 April 2012
Proposal for a Directive amending Directive 97/9/EC on Investor Compensation Schemes	Withdrawn	25 February 2015	25 February 2015
<b><i>Justice and Consumers</i></b>			
Small Claims Procedure	Simplification	19 November 2013	Not known.
Package travel	Simplification (exemption)	9 July 2013	Not known.
Data Protection	Simplification (exemptions, lighter regimes)	25 January 2012	Not known.
Women on company boards	Simplification (exemption)	14 January 2012	Not known.
Misleading and comparative advertising (“Business Marketing Directive”)	Simplification	Adoption by the Commission planned for the Q2 2015	
Identity and Residence Documents: Legislative proposal to simplify travel formalities for EU	Simplification		

<b><i>Initiative</i></b>	<b><i>REFIT Objective</i></b>	<b><i>Commission Adoption</i></b>	<b><i>Final Adoption/ Application</i></b>
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			
Emergency Travel Documents: Legislative proposal for the communitarisation of the sui generis decision on emergency travel documents (96/409/CFSP)	Simplification		
Proposal for a revised Directive on pregnant workers (COM(2008)600/4)	Withdrawal	Pending	Pending
Company law	Codification	Codification planned for 2015	
Consumer Product Safety	Simplification	13 February 2013	Not known
Market Surveillance	Simplification	13 February 2013	Not known
<b><i>Maritime Affairs and Fisheries</i></b>			
Reform of the Common Fisheries Policy (CFP) - "Basic Regulation"	Simplification	13 July 2011	11 December 2013 1 January 2014
Common Market Organisation (CMO) in fishery and aquaculture products	Simplification	13 July 2011	11 December 2013 1 January 2014
Technical measures for the protection of marine organisms	Simplification	In preparation  Adoption planned for 2015.	Not known yet
Fishing Authorisation Regulation	Simplification	In preparation  Adoption planned for 2015.	Not known yet
<b><i>Mobility and Transport</i></b>			
Recording equipment in road transport ( <i>covered also under ABR+ Programme</i> )	Simplification	19 July 2011	1 march 2014 4 February 2014/ 2 March 2016 except Art. 24, 34, 45 (2 March 2015)
Market access rules in road freight transport ( <i>covered also under ABR+ Programme</i> )	Simplification	Evaluation ongoing  Proposal planned for 2016	
Retrofitting of mirrors to heavy goods vehicles	Repeal	In preparation	

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
		Date not known	
Abolition of discrimination in transport rates and conditions ( <i>covered also under ABR+ Programme</i> )	Repeal	In preparation.	
<b>Statistics</b>			
Integrating Business Statistics (FRIBS)	Simplification	Planned for adoption End of 2016	
Social Statistics	Simplification	In preparation	Tentatively planned for adoption in 2018
First Framework Regulation in Agricultural Statistics to 2020 and beyond	Simplification	In preparation	Planned for adoption in 2018
Steel Statistics	Repeal	Planned for adoption End of 2016	
Single Market Statistics (SIMSTAT)	Simplification	Planned for adoption End of 2016	
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>Taxation and Customs Union</b>			
Common consolidated corporate tax base (CCCTB)	Simplification	16 March 2011	
Standard EU VAT declaration	Simplification	23 October 2013	
Common system of value added tax (ABR+)	Simplification	28 January 2009	13 July 2010 1 January 2013
Refund of value added tax (ABR+)	Simplification	29 October 2004	12 February 2008 1 January 2010
Modernising VAT for cross-border B2C (Business to Consumer) E-Commerce	Simplification	In preparation	
<b>Trade</b>			
Reform of the trade defence instruments	Simplification	10 April 2013	Not yet known.
Codification of Trade legislation	Codification/ Repeal	In preparation	Planned for 2015.

<i>Initiative</i>	<i>REFIT Objective</i>	<i>Commission Adoption</i>	<i>Final Adoption/ Application</i>
Export for recovery of non-hazardous waste	Simplification	24 June 2014	18 July 2014
Recast of Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries	Simplification/ Recast	12 June 2014	Not known yet.
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	Review	A proposal for revised legislation is planned for adoption in early 2016.	
Repeal of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries.	Repeal	21 November 2014	Not known yet.

- **Evaluations and Fitness Checks**

<i>Evaluation / Fitness Check</i>	<i>Completed/Ongoing/Planned</i>
<b><i>Agriculture and Rural Development</i></b>	
Evaluation of the POSEI programme	Evaluation work to start Q2 2015. Planned end date: first half 2016.
Evaluation of the market and trade implication of veal marketing standards rules	Evaluation completed: November 2014
<b><i>Climate actionAction</i></b>	
Evaluation of the Carbon Capture and Storage Directive 2009/31/EC	Final report approved by the Commission on 15 January 2015.
Evaluation of the Regulation on Light Commercial Vehicles 510/2011/EC and of the Regulation on New Passenger Cars 443/2009/EC	Ongoing, results planned to be in Q2 2015.
Evaluation of the Fuel Quality Directive 2009/30/EC (once fully implemented and transposed)	Ongoing, results planned end 2015.
<b><i>Communications Networks, Content and Technology</i></b>	
Evaluation of the Privacy and Electronic Communications Directive	Evaluation to start subsequent to agreement on the Data Protection Reform proposal by the Commission.
Evaluation of Audio-visual Media Services Directive 2010/13/EU, comprising also: <ul style="list-style-type: none"> <li>• Study to assess whether rules on audio-visual commercial communication for alcoholic beverages have afforded minors the level of protection required;</li> <li>• Study to assess the effectiveness and efficiency of co- and self-regulation</li> </ul>	Ongoing and expected to be finalised in 2015.

<p>aspects in promoting effective implementation of the Audiovisual Media Services Directive;</p> <ul style="list-style-type: none"> <li>• Study on self-regulation will review existing self-regulation approaches in a range of Member States and provide information and relevant evidence of existing schemes and their effectiveness;</li> <li>• Study on standardisation collecting data on the different standards for TV sets which have Internet connectivity;</li> <li>• Study on advertising monitoring to identify criteria (including economic impact, policy relevance, infringement risks etc.) in order to select the topics and rules requiring monitoring in the Member States for compliance with the AVMSD advertising rules.</li> </ul>	
Evaluation of Regulatory Framework for electronic communications networks and services (Telecoms Package of 2009)	Planned to start in 2015.
<b>Competition</b>	
Evaluation of Merger Regulation: referral system and minority shareholdings	Adopted in July 2014. On-going evaluation of the White Paper's policy proposals in the light of the comments received. To be decided at a later stage whether to make a proposal for amending the Merger Regulation.
<b>Employment, Social Affairs and Inclusion</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, to be completed in 2015.
Evaluation of Directive 91/533/EEC regarding information obligations for employers in relation to employment contracts	Ongoing and planned to be completed 2016
Evaluation of legislation in the area of health and safety at work	Ongoing and planned to be completed 2 <sup>nd</sup> Quarter 2016
<b>Energy</b>	
Evaluation of Directive 2009/28/EC on Renewable Energy	Planned to be finalised in Q2 2015.
<b>Environment</b>	
Fitness Check on Waste Policy	Completed 2 July 2014 (SWD (2014) 209 final)
Evaluation of Directive 2004/35/EC on environmental liability	Ongoing and planned to be completed in Q3 2015



Evaluation of Directive 2007/2/EC on Infrastructure for Spatial Information	Ongoing and planned to be completed in Q3 2015
Evaluation of Directive 2002/49/EC in relation to environmental noise	Ongoing and planned to be completed in Q3 2016
Evaluation of Directive 2009/126/EC on volatile organic compound emissions (VOC II)	Ongoing and planned to be completed in Q4 2016
Evaluation of Regulation (EC) No 166/2006 on the European Pollutant Release and Transfer Register (EPRTR)	Ongoing and planned to be completed in Q4 2016
Fitness Check on EMAS and EU Eco-label	Ongoing and planned to be completed in Q3 2015
Fitness Check on Natura 2000	Ongoing and planned to be completed in Q2 2016
Evaluation of Directive 1999/22/EC in relation to keeping wild animals in zoos	Planned to start in 2015 and be completed in Q4 2016
Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos	The work is covered under the coherence aspects of the on-going EMPL evaluation in the areas of health and safety at work - ongoing
Directive on the Protection of Animals used for Scientific Purposes (Directive 2010/63/EU)	Evaluation to be completed not earlier than Q4 2017.
Strategic Environmental Assessment Directive (Directive 2001/42/EC)	The second implementation report scheduled for 2016.
Flood risks (Directive 2007/60/EC)	Planned start 2017.
Bathing water (Directive 2006/7/EC)	Planned start 2019.
Marine environment policy (Directive 2008/56/EC)	Planned start 2019.
Volatile organic compound emissions - Stage I Petrol Vapour Recovery (VOCs) – Directive 94/63/EC	(started – running in parallel with VOC II evaluation; planned end date Q4 2016)
Drinking water directive (Directive 98/83/EC)	The evaluation is ongoing and is planned to be finalised in Q3 2016.
<b><i>Health and Food Safety</i></b>	
Fitness Check of the General Food Law Regulation (EC) No 178/2002.	Fitness check started end 2014 and is planned to be finalised end 2015.
<b><i>Migration and Home Affairs</i></b>	
Evaluation of Council directive 2004/81/EC on residence permits for victims of trafficking in human beings	Completed in October 2014, COM(2014)635, 17/10/2014
Evaluation of the Council Framework Decision 2008/841/JHA on the fight against organised crime	Ongoing and Implementation Report planned to be completed in Q3 2015

Evaluation of the Council Framework Decision 2008/919/JHA on combatting terrorism	Completed in September 2014, COM (2014) 554, 5/09/2014
Evaluation of Council Regulation (EC) No 2007/2004 on FRONTEX including Rapid Border Intervention Teams	Ongoing and planned to be finalised in Q2 2015.
Evaluation of the Visa Information System	Report planned for Q2 2016
Fitness Check of legislation on legal migration	Planned for launch in 2016
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	Ongoing planned to be finalised in Q2 2015.
<b><i>Financial Stability, Financial Services and Capital Markets Union</i></b>	
Evaluation of Regulation (EC) No1606/2002 on the application of international accounting standards (IAS)	Ongoing and planned to be completed by end June 2015.
Prospectus Directive – 2003/71/EC	To be completed by Q3 2015
<b><i>Internal Market, Industry, Entrepreneurship and SMEs</i></b>	
Evaluation of the machinery Directive	Planned to start in 2015 and planned to be finalised in 2016
Fitness check on the oil refining industry	Ongoing and to be finalised by June 2015
Cumulative cost assessments in the area of forest-based industry (woodworking, furniture, pulp/paper and printing)	Ongoing and to be finalised in Q1 2016
Cumulative cost assessments in the area of chemical industry	Ongoing and to be finalised in Q4 2015
Fitness Checks on the most relevant chemicals legislation not covered by REACH as well as related aspects of legislation applied to downstream industries	To be finalised in Q1 2017
Evaluation of the firearms legislation	Finalised in 2015
Evaluation of the Remedies Directive 2007/66/EC	Ongoing and to be finalised end of 2015
Evaluation of Directive 86/653/EEC on commercial agents	Ongoing and to be finalised mid-2015
Evaluation of the Late Payments Directive	Ongoing and to be finalised Q4 2015
Evaluation of the relevance of standardisation activities	Ongoing and to be finalised Q4 2015
Evaluation of the legal framework for pre-packaging	Ongoing and to be finalised Q4 2015

Cumulative Cost Assessment of glass/ceramics	Planned to start Q4 2015 and to be finalised in 2017
Evaluation of the mutual recognition regulation of goods	Ongoing and to be finalised Q2 2015
FC of the construction sector	To be finalised in 2016
Evaluation of the Design system in EU	Ongoing and to be finalised by mid-2016
<b><i>Justice and Consumers</i></b>	
Evaluation of timeshare Directive 2008/122	Evaluation finalised in 2015.
Evaluation of Directive 79/7/EEC regarding equal treatment in social security	Planned to start in Q1 2015 and to be finalised Q4 2015
Fitness Check of the legislative framework related to consumer rights and advertising	Ongoing and planned 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 2018/2019
<b><i>Maritime affairsAffairs and Fisheries</i></b>	
Evaluation of the impact of the fisheries control regulation (Council Regulation (EC) No 1224/2009 of 20 November 2009)	Ongoing, planned to be finalised by Q1 2016.
<b><i>Mobility and Transport</i></b>	
Evaluation of Directive 2004/54/EC on tunnel safety	Ongoing, results planned Q2 2015.
Fitness check of Passenger Ships Safety Legislation	Ongoing, results planned Q2 2015.
Evaluation of the Council Directive 92/106/EEC on Combined Transport of goods	Ongoing, results planned Q2 2015
Evaluation of the Directive on the Promotion of clean and energy-efficient road transport vehicles	Ongoing, results planned Q3 2015
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 finalised in October 2014.
Evaluation of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues	Evaluation ongoing, results planned end of March 2015
<b><i>Taxation and Customs Union</i></b>	
Evaluation of Council Directive 2008/118/EC on general excise duty arrangements	Ongoing and planned to be completed by Q2 2015
Evaluation of the Council Directive 2011/64/EU on the structure and rates of excise duty applied to manufactured tobacco	External study completed 29 June 2014. The Commission report on the results of the evaluation is planned for Q2 2015

REFIT evaluation of the VAT e-invoicing directive (2010/45/EU)	Planned for 2017/2018
Assessment of the implementation of the Mini One Stop Shop (2008/8/EC)	Planned to be finalised by end 2016
<b>Trade</b>	
Evaluation of Regulation (EC) No 428/2009 on Dual Use	Completed on 24 April 2014
Evaluation of Council Regulation (EC) No 953/2003 on avoiding trade diversion into the European Union of certain key medicines	Evaluation started December 2014, planned to be finalised second half-2015.

## 21. REFIT CANDIDATES FOR REPEAL

Commission Work Programme 2015 (Annex III/REFIT actions), as well as

- Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport
- Commission Regulation (EC) No 2812/94 as regards the conditions which apply to the putting into service of new capacity in inland waterway transport;
- Regulation (EC) No 685/2001 of the European Parliament and of the Council concerning the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and the Republic of Hungary;
- Commission Regulation (EEC) No 2158/93 concerning the application of amendments to the International Convention for the Safety of Life at Sea, 1974, and to the International Convention for the Prevention of Pollution from ships, 1973, for the purpose of Council Regulation (EEC) No 613/91;
- Commission Regulation (EC) No 3298/94 laying down detailed measures concerning the system of Rights of Transit (Ecopoints) for heavy goods vehicles transiting through Austria;
- Regulation (EC) No 2888/2000 of the European Parliament and of the Council on the distribution of permits for heavy goods vehicles travelling in Switzerland;
- Council Directive 89/629/EEC on the limitation of noise emission from civil subsonic jet aeroplanes;
- Commission Regulation (EC) No 103/2007 on the extension of the transitional period referred to in Article 53(4) of Regulation (EC) No 1592/2002;
- Council Regulation (EEC) No 2343/90 on access for air carriers to scheduled intra-Community air service routes and on the sharing of passenger capacity between air carriers on scheduled air services between Member States;
- Council Regulation (EEC) No 294/91 on the operation of air cargo services between Member States;
- Regulation (EU) No 256/2014 concerning the notification of investment projects in energy infrastructure;
- Council Directive 90/547/EEC on the transit of electricity through transmission grids;
- "Water Questionnaire" (Commission Decision 95/337/EEC).