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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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efforts to simplify legislation – 2018 Annual Burden Survey

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COMMISSION STAFF WORKING DOCUMENT

The European Union's efforts to simplify legislation – 2018 Annual Burden Survey

The European Union's efforts to simplify legislation – 2018 Annual Burden Survey

Executive Summary

In line with the engagement taken in the Interinstitutional Agreement on Better Law-Making, this document presents a survey of the Union's efforts undertaken in 2018 to simplify legislation, avoid overregulation and reduce regulatory burdens.

The Commission is committed to ensuring that EU legislation achieves its objectives and avoids unnecessary costs, both when it proposes legislation and when it revises it. This goal is a shared responsibility between the Commission, the European Parliament and the Council (when amending and adopting legislation) and the Member States (when transposing and implementing it).

Despite continuous efforts to ensure EU legislation is as efficient as possible, the lessons of implementation and the experiences of citizens, businesses and Member States indicate that this is not always the case. The costs imposed by legislation may not be fully necessary to achieve the objectives or the legislation in place may no longer be up to date.

The Regulatory Fitness and Performance Programme (REFIT)¹ provides a response to these issues and it has been fully mainstreamed in decision-making over the last year: whenever evaluating or revising existing law, the Commission now systematically seeks to identify any opportunity for burden reduction while safeguarding policy objectives. Each legislative revision presents an objective for burden reduction, when relevant, for the European Parliament and the Council to take account of in the legislative process and for Member States to refer to when implementing legislation. Such objectives are quantified whenever possible in impact assessments and information is systematically presented in the Commission's explanatory memoranda accompanying proposals. These are monitored throughout their life cycle through the REFIT scoreboard.

Under the current Commission, REFIT has delivered more than 150 new initiatives focussed on simplifying legislation. This survey presents examples of the key proposals in 2018. In carrying out this work, the Commission has benefitted from the insights of the REFIT Platform, which issued 31 recommendations over the last twelve months.

In 2018, the Commission also presented a set of proposals for the post-2020 Multiannual Financial Framework, which, inter alia, aims at significantly simplifying procedures to

¹ COM (2012) 746

facilitate programmes' participation and implementation to enhance their impact on the ground.

Looking forward, the Commission has focussed its Work Programme for 2019² on facilitating the co-legislators' agreement on all the legislative proposals that are still pending. This is crucial to ensure the actual delivery of all related burden reduction measures. Over its remaining mandate, the Commission will also focus on a number of evaluations to provide the next Commission with relevant findings for any new regulatory fitness effort. Finally, in the first quarter of 2019, the Commission will finalise a stocktaking exercise of its better regulation policy to ensure that its tools for simplification and burden reduction remain fit for purpose.

Introduction

EU legislation aims to deliver tangible benefits to European citizens – be it to support growth and jobs, tackle threats such as terrorism, promote safe products, or protect workers or the environment. However, regulation also has direct and indirect costs, notably for those that have to comply with it or implement it.

Under the better regulation agenda, the Commission designs and evaluates EU policies and laws transparently, on the basis of evidence, taking into account the views of citizens and stakeholders. Better regulation covers all policy areas. Responding to citizens' and businesses' concerns, it aims to bring the benefits that only the EU can provide at minimum cost without administrative burdens.

Despite efforts to ensure that EU legislation is as efficient as possible from the day it is first proposed, the lessons of implementation, as reflected in evaluation studies and the views of citizens, business, national, regional and local authorities, indicate that the costs imposed by legislation may in some instances be higher than needed to achieve the policy objectives or these objectives may no longer be up to date.

In line with the commitment made in the Interinstitutional Agreement on Better Law-Making, this document presents an annual survey of the Union's efforts to simplify legislation, to avoid overregulation and reduce regulatory burdens undertaken in 2018.

In 2018, these activities were principally carried out through the Regulatory Fitness and Performance Programme (REFIT) programme as well as through the simplification initiatives undertaken in the context of the proposals for the post-2020 Multiannual Financial Framework.

² COM(2018) 800

This annual burden survey includes three sections:

Section I provides an overview of simplification and burden reduction activities with examples of those carried out in 2018. Section I also briefly presents the Regulatory Fitness and Performance Programme (REFIT), recalling how it has evolved over time. In addition, this section highlights how the Commission proposed to cut red tape, simplify and rationalise new spending programmes within the post-2020 Multiannual Financial Framework;

Section II presents a summary fiche for each of the ten political priorities of the Juncker Commission, with key results of the activities carried out under REFIT since 2015. These fiches highlight the benefits and savings to citizens, industry and public authorities that REFIT initiatives can deliver, if confirmed by the legislator and fully implemented by Member States. They are a summary of the on-line REFIT scoreboard, which tracks in detail the state of play on REFIT activities carried out by the Commission. An updated version of the REFIT scoreboard is posted online quarterly.

Section III presents an overview of the follow-up actions taken by the Commission in response to opinions adopted by the REFIT Platform.

Section I

How we work

The Commission is committed to making sure that EU legislation is fit for purpose, delivering its objectives efficiently, with clarity and certainty, but without imposing unnecessary regulatory costs on citizens, businesses and public authorities.

In order to do this, the Commission relies on better regulation processes and tools to avoid imposing burdens and reduce existing ones, where appropriate.

In case of new proposals, stakeholder consultations and impact assessment analyses provide information on the least costly manner to achieve a policy objective as well as on how legislating at EU level may, for instance, reduce the costs of doing business across the EU due to harmonisation.

In the case of existing EU legislation, the **Regulatory Fitness and Performance Programme (REFIT)** focuses on: i) tackling unnecessary costs and eliminating regulatory burdens without compromising policy objectives, and ii) making legislation simpler in order to improve implementation and enforcement by reducing its volume and complexity.

Since its launch, the concept of REFIT has gone through a significant evolution

The Commission has a long history of reducing regulatory burden starting with the Administrative Burden Reduction Programme (2007 to 2012) and the results of the "Top Ten Consultation of most burdensome EU laws for SMEs" carried out in the second half of 2012. As a follow up to this work, the Regulatory Fitness and Performance Programme (REFIT)³ was launched in 2012.

Initially, the Commission identified initiatives to simplify EU law and reduce regulatory burdens under REFIT in an *ad hoc* manner on the basis of their expected potential for burden reduction or simplification. As of 2017, the Commission enhanced REFIT by deciding to move away from this partial approach to ensure that issues of simplification and burden reduction will always be taken into account whenever legislation is being evaluated and revised.

³ COM (2012) 746

In 2018, REFIT covered all legislative revisions of existing law and all evaluations⁴ and was thus fully mainstreamed in the decision-making processes.

In line with the "evaluate first" principle, the Commission evaluates a piece of legislation before proposing any revision. All evaluations assess opportunities for simplification and burden reduction, taking into account stakeholder inputs.

This analysis is then carried forward into the impact assessments accompanying proposals for legislative revisions. These assess whether simplification and burden reduction can be proposed without affecting the policy objective and what the resulting benefits would be. The Commission provides quantified estimates whenever possible and information on costs and benefits is now systematically presented in impact assessments in a tabular form.

In this way, whenever relevant, an objective for burden reduction is presented alongside proposals to revise existing legislation. In addition, the information on this process and on this objective is reported in the explanatory memorandum accompanying each proposal. This ensures transparency and allows it to be taken into account by the European Parliament and the Council in the legislative process and by Member States when implementing legislation.

The Commission involves stakeholders throughout all of these efforts as they are best placed to identify what can be done to cut red tape while delivering on the objectives of existing legislation. Stakeholders are consulted through public and targeted surveys in the context of ongoing evaluations and impact assessments for revisions of existing legislation. These provide a systematic overview of regulatory burden and help to ensure that results can be delivered on the ground. The 2018 OECD Regulatory Policy Outlook report⁵ ranks the Commission as first in the OECD on stakeholder engagement.

As of 2015⁶, the **REFIT Platform** contributes to this process by recommending concrete actions to make legislation more efficient and effective on the basis of stakeholders' input or its own analysis.

The main REFIT initiatives are presented each year in the Commission's work programme. The REFIT scoreboard monitors all REFIT initiatives and their expected impact from the proposal to the implementation stage. A user-friendly electronic scoreboard version tracking developments has been available since the end of 2017⁷ and is updated regularly.

⁴ See Better Regulation Toolbox 2.

⁵ The OECD Regulatory Policy Outlook measures progress in regulatory practices of all OECD countries. <http://www.oecd.org/governance/oecd-regulatory-policy-outlook-2018-9789264303072-en.htm>.

⁶ COM(2015) 215

⁷ <http://publications.europa.eu/webpub/com/refit-scoreboard/en/index.html>

What has been achieved

Under REFIT, in the first four years of the Juncker Commission, more than 150 initiatives to simplify and reduce regulatory burdens have been proposed to the Council and the European Parliament. More than 80% of these include a quantification of regulatory costs and more than 60% include a quantification of regulatory benefits. Citizens, businesses and public administrations will be able to benefit from the savings and simplification included in REFIT proposals only to the extent that these are confirmed by the legislator and fully implemented by Member States. This is monitored in the REFIT scoreboard.

Since its launch in 2015, the REFIT Platform has reviewed over 300 submissions from businesses and citizens suggesting how legislation can be simplified and has adopted a total of 89 opinions on these inputs. Between October 2017 and October 2018, the REFIT Platform adopted 31 opinions, covering a wide range of policy areas from health and safety to the internal market, consumer policy and the environment. The Commission responded to all suggestions and systematically explained the intended follow-up in the Commission Work Programme, the REFIT scoreboard and [REFIT Platform follow-up report](#).

Examples of REFIT initiatives in 2018 include:

Explosives precursors - Companies active in the marketing and use of explosive precursors face diverging levels of restrictions for such substances across the EU and have to adapt to different regimes. The proposal simplifies the legal framework by limiting such divergences. The impact assessment estimated this to lead to a **decrease of around 10% (between EUR 25 million and 75 million per year) in the current costs for companies of complying with the Regulation**. It will be clearer, easier and less costly to comply with the rules. *COM(2018)209*

Service of documents - In the area of judicial cooperation, citizens, businesses and public administrations are facing delays and undue costs concerning the cross-border exchange of judicial documents. The proposal aims to increase the speed of the cross-border service of documents. In particular, it adapts the relevant Regulation to technological developments and modern technological channels by exploiting the advantages of electronic service digitalisation and improving existing methods of service. It is estimated that **decreasing the volume of default judgments by 10% in the EU would result in saving up to EUR 480 million per year, since citizens would have to spend less on judicial reliefs**. *COM(2018)379*

Fisheries Control Regulation - Stakeholders consider the current legislative framework as complex, with some provisions such as the sanctioning system or the availability, quality and sharing of data lacking clarity and generating high administrative burden. The proposal aims in particular to streamline reporting requirements, promote the use of harmonised and/or

interoperable information technology tools and harmonise the catalogue of serious infringements. **Member States' authorities are expected to benefit from cost savings of EUR 157 million over five years, compared to the baseline scenario.** *COM(2018) 368*

Single maritime window - Maritime transport operators face a wide range of legal reporting requirements each time a ship arrives in or leaves a port. The fact that reporting requirements are not harmonised, either within or between Member States, results in a heavy administrative burden on such operators. In its opinion (ref. XV.8.a), the REFIT Platform considered that some reporting requirements could be fulfilled in a simpler way and pointed to limitations in the “reporting only once” principle. To cut administrative burden, the REFIT Platform stressed the need for the revision of the Directive on reporting formalities for ships (Directive 2010/65) into a “European Maritime Single Window”. The proposed new European Maritime Single Window environment addresses the current non-harmonised reporting environment for ships. It brings together, in a coordinated and harmonised way, all reporting associated with a port call. This, in turn, will also improve interoperability and interconnection between the relevant systems, thus enabling data to be shared and reused more efficiently, as appropriate. **The simplification elements are quantified at an estimated amount of 22-25 million staff hours in the time period 2020-2030, equivalent to a value of EUR 625-720 million for shipping operators.** *COM(2018) 278*

VAT SMEs - Small businesses, due to their limited resources compared to larger firms, still suffer heavily from burdensome, complex and diverging VAT obligations across the EU. The application of the proposed specific scheme to supplies made by non-established businesses in each Member State is expected to reduce compliance costs related to VAT for small businesses, simplify VAT obligations and reduce distortions within the single market. **Compliance costs for SMEs are expected to be reduced by 18 % under this initiative compared to the baseline scenario outlined in the impact assessment (EUR 56.1 billion per year, compared to EUR 68 billion per year at present).** *COM(2018) 21*

In addition to REFIT proposals, in 2018, a major simplification effort was carried out in the proposal for a more coherent, focused and transparent **Multiannual Financial Framework for 2021-2027** and the new generation of spending programmes.

In preparing this framework and next programmes, the Commission relied upon:

- The lessons learnt from **mid-term evaluations** and (where available) evaluations of the previous programmes.

- A **spending review**⁸ looking at how to focus funds where results are needed and where the pooling of resources creates EU added value. The review helped to identify what worked well, what should be preserved and where reforms are needed to unlock the full potential of the EU budget. It confirmed that there is both scope and a pressing need to reduce further the administrative burden for beneficiaries and implementing bodies. Complex and divergent funding rules make it harder to access EU funding and they divert attention from what really counts - achieving results on the ground.
- The work of the **High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds**, which was set up by the Commission in July 2015 to identify opportunities to strip cohesion policy rules of unnecessary complexity. In its final report⁹, the High Level Group noted the positive [achievements](#) of EU cohesion policy but stressed that the current volume of rules does not make life easy for local authorities managing EU funds or for businesses looking to apply for EU funding. A number of the identified concrete simplification suggestions were included in a recent update¹⁰ of the EU regulation governing the European Structural and Investment Funds. This will make the use of the Funds simpler for beneficiaries and authorities. Further, the proposal for the post-2020 cohesion policy also includes simplification suggestions of the High Level Group.
- The **REFIT Platform opinions**¹¹ on regional policy. The REFIT Platform has adopted four opinions in the field of Regional Policy - two opinions on the Common Provisions Regulation governing the Cohesion Fund, the European Regional Development Fund and European Social Fund¹², one opinion on the European Regional Development Fund and audit costs¹³ and another one on the simplification of the European Structural and Investment Funds¹⁴. The Platform recommended that the Commission seek to reduce bureaucracy and simplify the administrative and monitoring systems. Regarding European territorial cooperation, the Platform recommended that the Commission services issue better guidance about criteria, procedures and deadlines to ensure the

⁸ SWD 2018(171)

⁹ [Final conclusions and recommendations of the High Level Group on Simplification for post 2020](#)

¹⁰ Regulation (EU, Euratom) 2018/1046 of the European parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

¹¹ https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly/refit-platform/refit-platform-recommendations-and-other-work_en#regional-policy

¹² Ref XVI.1a and Ref XVI.2a

¹³ Ref. XVI.3a

¹⁴ Ref. XVI.4a

alignment of the different EU strategies and policies and avoid inconsistencies, contradictions and duplicities.

The proposal for the post-2020 Multiannual Financial Framework is based on a streamlined and transparent budget and less red tape for beneficiaries. The structure of the budget will be clearer and more closely aligned with priorities. The Commission proposed to reduce the number of programmes by more than a third (from 58 to 38), for example by bringing fragmented funding sources together into new integrated programmes and radically streamlining the use of financial instruments. The proposal makes rules more coherent and simpler on the basis of a single rulebook which would **cover seven EU funds**¹⁵. The new framework also promotes the use of simplified costs options, thus reducing paperwork. Businesses can be reimbursed without having to present every single invoice or pay slip. They can use fixed costs and estimates for staff, insurance or rent expenses and also be reimbursed on the basis of results achieved.

All of this will reduce the administrative burden for beneficiaries of EU funds and managing authorities. It will facilitate participation in EU programmes and accelerate implementation. It will make it easier for different programmes and instruments to work together to boost the impact of the EU budget.

Looking forward

Citizens, businesses and national authorities will benefit from proposed simplification and burden reduction to the extent that these are confirmed by the co-legislators and fully implemented in national legislation. It should therefore be the first priority of all three institutions – the European Parliament, the Council and the Commission – to agree swiftly the legislative proposals still pending and this in time before the European Parliament elections in May 2019. The Commission has delivered all of the legislative proposals it committed to under its 10 priorities. To ensure that the European Parliament and Council can fully focus on what is already on the table, the Commission only plans to make a very limited number of new proposals until the end of the current mandate, as announced in its Work Programme for 2019¹⁶.

Similarly, it is also important to ensure that systematic efforts to identify and propose new simplification measures will continue unabated under the next Commission. To prepare this

¹⁵ The European Regional Development Fund, the Cohesion Fund; the European Social Fund+, the European Maritime and Fisheries Fund, the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument.

¹⁶ COM(2018) 800

work, the Commission is focussing its work on a number of evaluations¹⁷ that will look at how the legislation performs. Some of these evaluations are a direct follow-up to REFIT Platform opinions, while others focus in particular on the interaction of different pieces of legislation in the same policy area and the combined burden this implies for business.

Examples of some planned evaluations

Fitness check of the EU Ambient Air Quality Directives¹⁸: The fitness check will look at the challenge of ensuring that the Ambient Air Quality Directives are effectively and consistently implemented across all Member States, ensuring their effectiveness and efficiency.

Evaluation of the Regulation on the shipments of waste¹⁹: As a follow-up to the REFIT Platform opinion IX.3.a-c adopted on 19/03/2018, the evaluation will look at concerns that national authorities and stakeholders have raised about certain provisions causing administrative burdens as well as delays and additional costs for shipments of waste.

Fitness check of the Water Framework Directive and the Floods Directive²⁰: The fitness check will include an assessment of the potential for regulatory simplification and burden reduction. A quantitative assessment of actual costs and benefits, including impacts on business, will be carried out as far as possible. The fitness check may identify areas where simplifications or improvements to the legislation or its implementation could be possible.

Fitness check of supervisory reporting requirements²¹: As a follow up to the REFIT Platform opinion X.13.a, the Commission is carrying out a fitness check of the EU reporting requirements in the financial sector in order to analyse the shortfalls associated with supervisory reporting. The results of the assessment will identify potential areas where compliance cost and burden stemming from the reporting obligations could be reduced (for example, by streamlining and simplifying them) without compromising the financial stability, market integrity, and consumer protection objectives of these obligations.

Fitness check on corporate reporting²²: This fitness check exercise will assess whether the public reporting obligations, including financial and non-financial reporting requirements, for the EU companies with limited liability are meeting their objectives, whether the different adaptations to the public reporting acquis are consistent with one another and whether the cost and burden stemming from the various legal reporting obligations are reasonable and proportionate.

¹⁷ COM(2018) 800, Annex II REFIT initiatives

¹⁸ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-3763998_en

¹⁹ http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_env_026_waste_shipment_evaluation_env.pdf

²⁰ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5128184_en

²¹ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5063271_en

²² https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-744988_en

Evaluation on maximum residue levels for pesticides and authorisation of plant protection products²³: The evaluation will look at the efficiency of the authorisation procedure, in particular at the dual system of authorisation of active substances at EU level and plant protection products at national level; mutual recognition of national level; costs for renewals; data requirements for authorisation and lack of data sharing, etc.

Finally, there is a need to make sure that the tools used to avoid new burdens and reduce old ones remain fit for purpose, while continuing to deliver on policy objectives. To this end, the Commission is carrying out a **stocktaking exercise of its better regulation policy, the findings of which will be presented in the first half of 2019.**

²³ http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_sante_197_evaluation_plant_protection_products_en.pdf

Section II

Priority 1: SIMPLIFICATION AND BURDEN REDUCTION FOR JOBS, GROWTH AND INVESTMENT

a. Commissioner quote and introduction

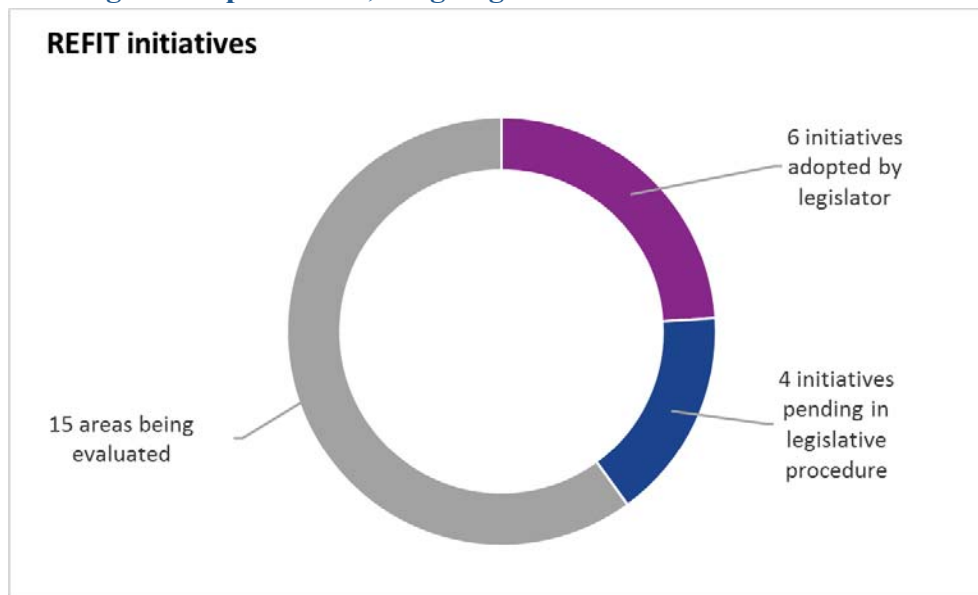
Phil Hogan, Commissioner for Agriculture and Rural Development on the Common Agricultural Policy post-2020:

“Today's proposal delivers on the Commission's commitment to modernise and simplify the Common Agricultural Policy; delivering genuine subsidiarity for Member States; ensuring a more resilient agricultural sector in Europe; and increasing the environmental and climate ambition of the policy.”

b. Introduction

Boosting jobs, growth and investment in a sustainable manner is the key to increasing the welfare of Europe's citizens and the competitiveness of its businesses. In order to ensure that unnecessary costs are removed and rules are as effective and efficient as possible, since 2015 the Commission has made 10 proposals under REFIT, 4 of which are pending adoption by the legislator. Moreover, the Commission is evaluating 15 areas.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Common Agricultural Policy (CAP) - the review of the Common Agricultural Policy (CAP) for the post-2020 period aims at simplifying and increasing efficiency and maximising the contribution of the CAP to the Commission's priorities and the Sustainable Development Goals. This follows up on the 10 opinions the REFIT Platform issued in 2016 and 2017. One of the main features of the three proposals for Regulations that are intended to reform the CAP is the introduction of a result-based delivery system that will create significant opportunities for simplification and efficiency gains at every management level. Several options were examined and their corresponding potential for administrative burden reduction for national administrations ranges between 5 and 8 %, whereas it varies between 5 and 11 % for individual beneficiaries. This translates into a cost reduction of EUR 160 to 240 million for administrations and EUR 170 to 410 million for individual beneficiaries.

Drinking Water Directive - following an evaluation and a European Citizens' Initiative 'Right2Water', the Commission adopted a proposal for the revision of the Drinking Water Directive in order to update existing safety standards and ensure drinking water is safe to use. Administrative costs to national authorities were assessed as limited or even diminishing, given simplified reporting requirements, resulting in a reduction in annual costs of EUR 0.35 million. Water suppliers would see a relatively small increase in their costs in order to comply with the new provisions. By contrast, as regards benefits, the proposal would ensure the sustainable provision of high quality drinking water and is expected to lead to a reduction of between 4.7 and 4.1 million of the 20 million people currently potentially at health risk in the EU. Moreover, increased transparency in water supply could empower consumers to incite providers to ensure resource-efficient services. Confidence in tap water would be improved, with additional positive social and environmental impacts. Reduced bottled water consumption by about 17 % (compared to 2015) would result in decreased greenhouse gas emissions and plastic pollution.

EU fisheries control Regulation - the Commission has adopted a proposal for a Regulation to review the EU fisheries control system. The proposed changes include the streamlining of reporting requirements, the promotion of the use of harmonised IT tools and the harmonisation of the catalogue of serious infringements. Following up on a REFIT Platform opinion, the changes proposed would simplify and reduce drastically the administrative burden of the current system. Cost savings are estimated at EUR 157 million over 5 years, compared to the baseline. Moreover, small operators (small-scale fishermen) will benefit from the introduction of easy and cost-effective reporting systems for fisheries data, taking advantage of affordable and widely available mobile phone technologies. Furthermore, the introduction of new IT tools will boost innovation and provide new avenues for job creation for SMEs and start-ups.

e. Work under way – examples

Fitness check of the EU directives regulating air quality - the Commission has launched a fitness check of the EU directives regulating air quality. The evaluation will consider the directives that set air quality standards and requirements to ensure that Member States adequately monitor and/or assess air quality on their territory in a harmonised and comparable manner. It will consider the REFIT Platform opinion issued on air quality. The findings of the fitness check will be used to inform further reflections on whether the EU air quality legislation is fit for purpose and continues to provide the appropriate legislative framework to ensure protection from adverse impacts on, and risks to, human health and the environment.

Waste electrical and electronic equipment Directive - the Commission is working on an implementing act establishing the format for registration and reporting and the frequency of reporting in the context of the **waste electrical and electronic equipment Directive**. This is expected to contribute to the reduction of administrative burdens, especially for producers active in more than one Member State.

Environmental protection - the Commission has also launched a number of evaluations on key pieces of legislation regarding environmental protection, such as the shipments of waste, the batteries and accumulators Directive, the treatment of urban waste water, the water framework Directive, the Directive regarding the restriction of the use of certain hazardous substances in electrical and electronic equipment and the EU Biodiversity Strategy to 2020. Some of these evaluations represent a follow-up to REFIT Platform opinions.

f. Overview of priority 1 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 6

1. Simplification of Commission-level regulations linked to the Regulation on a Common Organisation of the Markets in agricultural products (CMO Regulation) - 24 acts already adopted
2. Adjustment of secondary legislation related to greening (Commission Delegated Regulation (EU) 2017/1155)
3. Circular Economy Package (revised Directives on waste)
4. Implementing Regulation on REACH (adopted 2016)
5. Amendment to restrictions on the use of hazardous substances in electrical and electronic equipment

6. Sustainable management of external fishing fleets (revision of the current Fishing Authorisation Regulation)

Initiatives proposed by the Commission and pending in legislative procedure: 4

1. New simplified technical measures framework for the Protection of Marine Organisms
2. CAP post-2020 (3 Regulation proposals)
3. Review of the Fisheries Control System Regulation
4. Revision of the Drinking Water Directive

Areas being evaluated: 15

1. Marketing Standards – for food products
2. CAP measures applicable to the wine sector
3. State aid rules in agriculture - instruments applicable to state aid in the agricultural and forestry sectors and in rural areas
4. Strategic Environmental Assessment Directive
5. Waste Shipment Regulation
6. Export of non-hazardous waste Regulation
7. Keeping of wild animals in zoos - Directive 1999/22/EC
8. Urban Waste Water Treatment
9. Water Framework Directive
10. Restriction of the use of certain hazardous substances in electrical and electronic equipment Directive (RoHS)
11. EU Biodiversity Strategy to 2020
12. Batteries and accumulators Directive
13. Ambient Air Quality directives
14. Environmental Technology Verification (ETV) Pilot Program
15. End of life vehicles (Directive 2000/53/EC)

Priority 2: SIMPLIFICATION AND BURDEN REDUCTION IN THE DIGITAL SINGLE MARKET

a. Commissioner quote and introduction

Andrus Ansip, Vice-President for the Digital Single Market

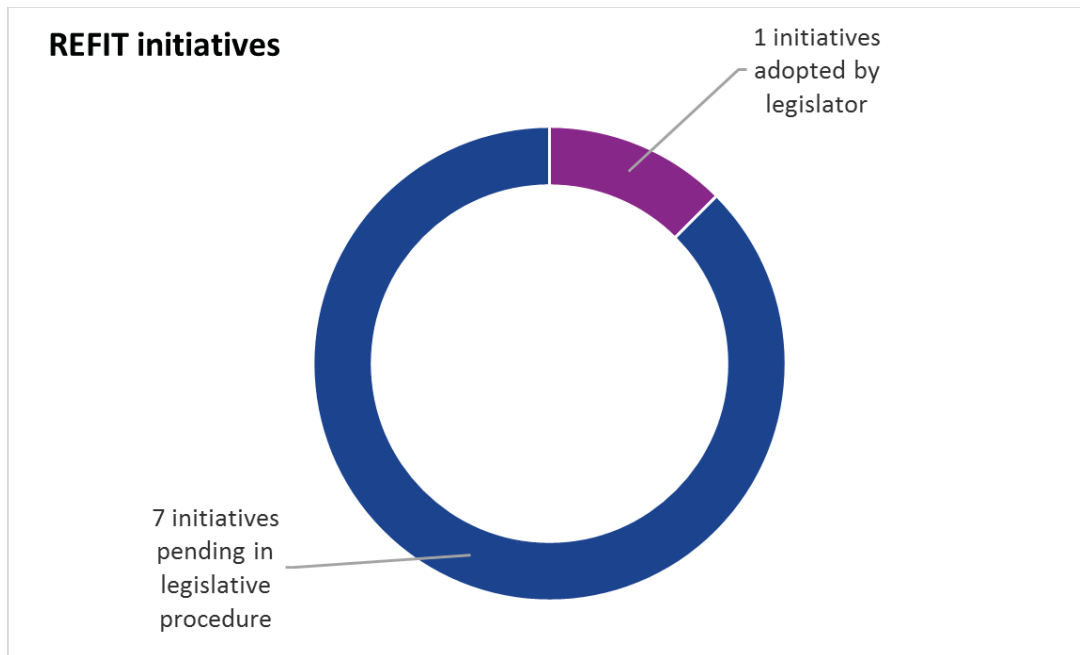
“I want online platforms and the audiovisual and creative sectors to be powerhouses in the digital economy, not weigh them down with unnecessary rules. They need the certainty of a modern and fair legal environment: that is what we are providing today.”

b. Introduction

Making the EU’s single market fit for the digital age could contribute EUR 415 billion per year to the EU economy and create hundreds of thousands of new jobs.

In order to ensure unnecessary costs are removed and rules are as effective and efficient as possible, since 2015 the Commission has made 8 proposals under REFIT, of which 7 are pending adoption by the legislator.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Public sector information - the Commission adopted a proposal for a Directive (recast) on re-use of public sector information. Re-use of public sector information is a core element of the European strategy to open up government data for re-use in the economy and for the benefit of society. Public sector information constitutes a key source of raw material for data-based innovation, and is an important enabler of the digital single market.

The direct economic value of government data is expected to reach EUR 194 billion by 2030 (185% increase from EUR 52 billion in 2018). Open data has the potential to increase the efficiency of government through better policy-making, including EUR 1.7 billion cost savings for public administrations in the EU 28.

The indirect benefits expected from this review are difficult to quantify. However, it is estimated that open data has the potential to save 7,000 lives yearly thanks to quicker response in case of cardiac arrest and 1,425 lives from traffic losses (i.e. 5.5% of European road fatalities).

.eu top level domain - the Commission proposal for a regulation responds to greater ambition for the use of .eu top level domain and ensures that the benefits linked to it can reach as many Union citizens as possible in the near future. Novelty in the functioning of the .eu domain name could be easily introduced by contractual revision rather than through the co-legislative process, by creating a principles-based, future-proof regulatory framework and annexing the detailed principles and procedures for the management and functioning of the top level domain directly to the contract with the registry operator. This will allow end users to enjoy the benefits of technical improvements without having to wait for the time it takes to amend the regulations.

e. Overview of priority 2 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 1

1. VAT for cross-border e-commerce (extension of the VAT Mini One Stop shop)

Initiatives proposed by the Commission and pending in legislative procedure: 7

1. ENISA (European Union Agency for Network and Information Security)
2. Audiovisual Media Services Directive
3. Satellite and Cable Directive 93/83/ECC
4. Regulatory framework for electronic communications networks and services (Telecoms regulatory framework)
5. Directive on Privacy and Electronic Communications
6. eu Domain Name Regulation
7. Public Sector Information directive (recast)

Priority 3: SIMPLIFICATION AND BURDEN REDUCTION FOR THE ENERGY UNION AND FOR CLIMATE CHANGE POLICY

a. Commissioner quote and introduction

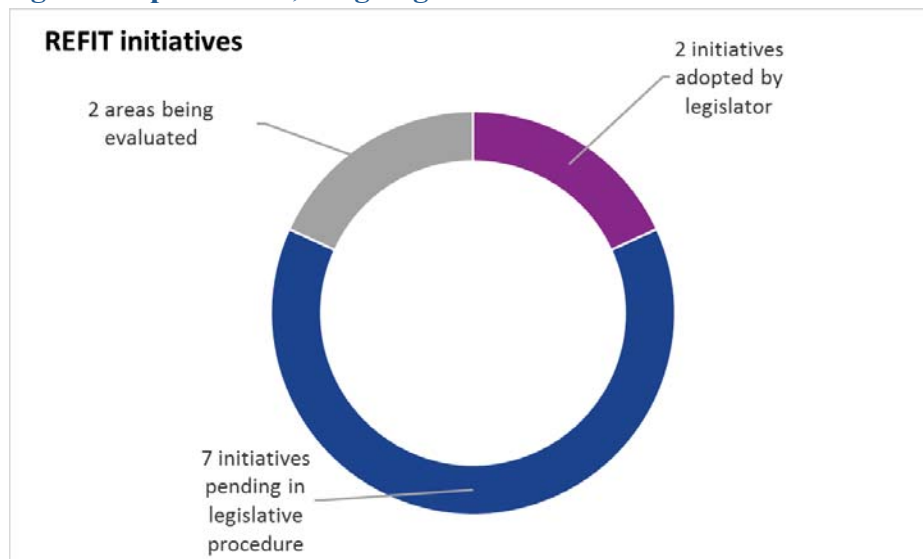
Violeta Bulc, Commissioner for Transport on Combined transport and multimodality:

“Multimodal transport is the combination of different modes of transport, in order to facilitate the movement of cargo or passengers, by making it faster, more sustainable and/or more efficient. In short, multimodality is all about a systems approach, efficient use of resources and addressing customers' needs.”

b. Introduction

A European Energy Union will ensure that Europe has secure, affordable and climate-friendly energy. Wiser use of energy reduces our ecological footprint and at the same time is a spur for new jobs, growth and investment in Europe's future. Building the Energy Union also requires looking at existing legislation to make sure it is fit for purpose, as simple as possible and with no unnecessary costs and burdens, and that EU legislation on energy, climate action and transport can fully deliver on the ambitious objectives and expected benefits. To that end, the Commission has made 9 proposals under REFIT since 2015, 7 of which are pending adoption by the legislator, while 2 policy areas are being evaluated.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Combined transport - the rules on transport using different modes (eligibility criteria and support measures) have been revised to make it simpler and clearer for Member States and industry to implement. The proposed changes are expected to lead to further savings and benefits for a total of EUR 66.3 billion for 2022-2030 (EUR 7.37 billion per year). The revised Directive would also ensure further promotion of intermodal transport in the EU and contribute to reducing emissions.

Promotion of clean and energy-efficient road transport vehicles - simplification proposals have been made to the existing Directive to ensure its fitness for use, via the establishment of a common definition of “clean vehicle”, the introduction of minimum national targets for procurement and the extension of the scope of the Directive (to public procurement through lease, hire-purchase and services contracts). Administrative cost savings are estimated to be up to EUR 2.4 million for 2020-2035 (respectively EUR 160 000 per year). The proposal is expected to reduce environmental costs related to CO₂ and air pollution emissions by EUR 2.2 billion for 2020-2035 (EUR 147 million per year). It is estimated that it would allow for 6 700 additional jobs to be created and for an increase in industry revenue of EUR 4.2 billion for 2020-2035 (EUR 280 million per year).

Renewable energy (RES) Directive - building on the conclusions drawn from the evaluation of the renewable energy (RES) Directive, the Commission proposed a recast of this Directive to establish a regulatory framework for the promotion of renewable energy for the post-2020 period. The recast of the Directive (as agreed by the European Parliament and the Council in 2018) will ensure the delivery of at least 32% as a renewable energy EU-level target for 2030 (compared to the 27% target previously put forward) and contribute to the political priority of

achieving global leadership in renewable energies. The recast Directive will ensure the cost-efficient delivery of the binding EU-level target and contribute to reducing greenhouse gas (GHG) emissions and air pollution, improve energy security, decrease the cost of investments in renewable projects and administrative hurdles as well as investor uncertainty, and create jobs in this sector.

CO₂ emissions from cars and vans Regulation - to improve the efficiency of the existing regulation, several adjustments have been proposed. In particular, *de minimis* exemptions reduce compliance and administrative costs for small manufacturers. This should also facilitate the market entry of new manufacturers whilst having no significant impacts on the overall CO₂ reductions of the overall EU vehicles fleet. The deletion of the derogation for niche manufacturers is expected to reduce administrative burden further.

e. Work under way – examples

Energy Taxation Directive - the Directive is under evaluation to assess whether it remains fit for purpose and to identify opportunities to reduce regulatory costs and simplify procedures. The evaluation will consider the Directive's provisions, its effectiveness, clarity, and the extent to which it has achieved its objectives, in order to identify possible shortcomings. The evaluation will also cover the levels of the minimum rates of taxation established for energy products used as motor fuel and heating fuel, for industrial and commercial use.

Ozone Regulation - the Commission is carrying out an evaluation of the legislative framework covering substances depleting the ozone layer (the Ozone Regulation and associated implementing instruments). The Regulation has not been evaluated since its adoption in 2009 and it is important to consider its measures in light of relevant scientific and technological developments to ensure that it remains a robust instrument for addressing the problem of ozone depletion.

f. Overview of priority 3 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 2

1. Energy performance of buildings
2. Effort sharing regulation

Initiatives proposed by the Commission and pending in legislative procedure: 7

1. Renewable Energy
2. Energy Union Governance – Streamlining of Planning and Reporting obligations
3. Revision of the Eurovignette Directive
4. European Electronic Toll Service
5. CO₂ emissions from cars and from vans
6. Combined Transport
7. Promotion of Clean and Energy-efficient Road Transport Vehicles

Areas being evaluated: 2

1. Regulation on the substances depleting the ozone layer

2. EU legal framework for energy taxation (energy taxation directive)

Priority 4: SIMPLIFICATION AND BURDEN REDUCTION FOR A DEEPER AND FAIRER INTERNAL MARKET

a. Commissioner quote and introduction

Pierre Moscovici, Commissioner for Economic and Financial Affairs, Taxation and Customs, said:

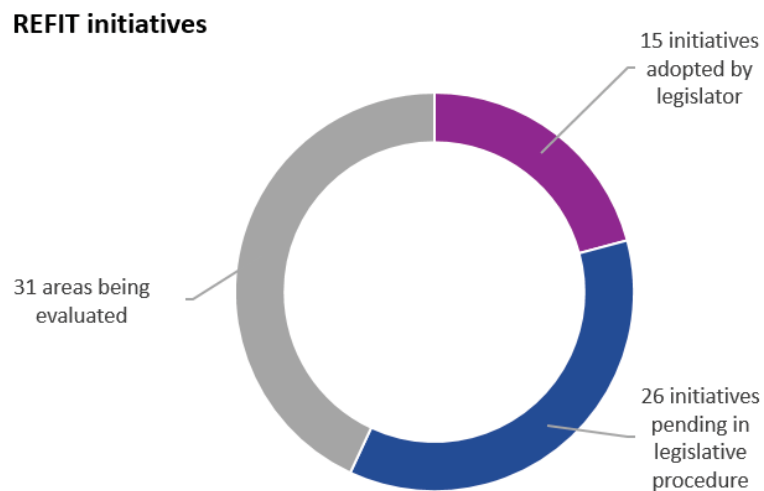
"Today we are taking another step towards creating a single VAT area for Europe, with simpler rules for our Member States and companies. These proposals will give EU countries greater freedom to apply reduced VAT rates to specific products or services. At the same time they will reduce red tape for small businesses operating across borders, helping them to grow and create jobs. In short: common rules where necessary for the functioning of the internal market; and greater flexibility for governments to reflect their policy preferences through their VAT rates."

b. Introduction

Net of one-off adjustment costs, single market legislation generates direct savings for companies to the extent that it replaces national regulatory regimes with an EU-wide system. The single market is one of the European Union's greatest assets. It is an engine for building a stronger and fairer EU economy, creating the jobs, growth and competitiveness advantages that Europe needs. More integrated and deeper capital markets will channel more funding to companies, especially SMEs, and infrastructure projects. Better worker mobility will allow people to move more freely to where their skills are needed. Fighting tax evasion and tax fraud will ensure that all contribute their fair share. Regulatory fitness initiatives contribute to these objectives by making sure that existing legislation on the single market is fit for purpose and can fully deliver on its objectives and benefits in a way that is as simple as possible and without burdens.

In order to ensure that unnecessary costs are removed and that rules are as effective and efficient as possible, since 2015 the Commission has made 41 proposals under REFIT, 26 of which are pending adoption by the legislator, while 31 areas are being evaluated.

c. **Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations**



d. **Results and achievements – examples of completed work**

Bus and coach transport - the proposal for a regulation will simplify and standardise administrative procedures, remove restrictions on access to inter-urban markets and prevent discriminatory access to public terminal facilities. This will lead to saving in administrative burdens of up to EUR 1.932 million over the period 2020-2035.

European Maritime Single Window Environment - the proposal for a European Maritime Single Window Environment addresses the current non-harmonised reporting environment for ships, which is a source of administrative burden pointed out by the REFIT Platform. It brings together, in a coordinated and harmonised way, all reporting associated with port calls. This will save an estimated amount of 22-25 million staff hours in the period 2020-2030, equivalent to a value of EUR 625-720 million for shipping operators.

Port reception facility - the revision of the directive will improve the efficiency of maritime operations in ports by reducing the administrative burden and by updating the regulatory framework. These measures are expected to generate a reduction of EUR 7.1 million in administrative costs as they should result in inspections that are more effective.

SME VAT - the application of a specific SME scheme to supplies made by non-established businesses in a Member State is expected to reduce compliance costs related to VAT for small businesses by around EUR 11.9 billion per year for approximately 1.9 million businesses. It will further simplify VAT obligations and reduce distortions within the single market.

Motor insurance directive - the proposal decreases litigation costs by setting clear roles on initial payment of the victim and the ultimate responsibility for the claim. The standardisation

of claims history statements is expected to simplify the verification of the authenticity of claims history statements provided by foreign insurers, thereby decreasing costs.

Road infrastructure and tunnel safety management - the proposal to revise this directive is expected to reduce road fatalities and serious injuries on EU road networks by introducing new risk-based and proactive procedures, leading to the saving of over 3,200 lives and avoiding more than 20,700 serious injuries in 2020-2030.

e. Work under way – examples

The Commission is pursuing its simplification efforts by continuing the evaluation of a number of policy areas to assess the fitness for purpose of the existing legislation. It is also assessing opportunities for simplifying the existing framework or decreasing regulatory costs that can be identified.

This includes evaluations in the area of: competition (merger control), financial services (fitness check on financial supervisory reporting requirements, payments accounts Directive, insurance distribution Directive), health and food safety (e.g. pesticides legislative framework, food contact material legislation, orphan and paediatrics medicines, European Medicines Agency fees), internal market, industry, entrepreneurship and SMEs (e.g. construction products, EU system protecting design, chemicals legislation excluding REACH, SME definition, postal services, toys safety, technical legislation relating to detergents, low voltage devices, drug precursors) as well as taxation and customs (e.g. VAT invoicing Directive; administrative cooperation in the field of direct taxation).

f. Overview of priority 4 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 15

1. European Long Term Investment Funds (ELTIF)
2. Insurance Distribution
3. Prospectus Directive
4. Review of the European Venture Capital (EuVECA) and European Social Entrepreneurship (EuSEF) Fund regulations
5. Standard Procurement Document
6. Standard forms for public procurement
7. Animal health law
8. Official controls on the agri–food chain
9. Plant health
10. Zootechnical legislation
11. General Block Exemption Regulation: extension to ports and airports and culture and outermost Regions
12. Update of Best Practices code
13. Passenger Ship Safety
14. Training, Qualification, Licensing in Road Transport
15. Digital Single Gateway

Initiatives proposed by the Commission and pending in legislative procedure: 26

1. EMIR – European Market Infrastructure Regulation
2. Prudential treatment of investment firms
3. Motor insurance directive
4. Services e-card
5. Mutual Recognition for goods
6. Enforcement and compliance – Single Market for goods
7. Market access rules in road freight transport
8. Enhancement of the social legislation in road transport
9. Use of hired goods vehicles
10. Small Passenger Ship – Council Recommendation providing a common non-binding benchmark at EU level for the safety of passenger ships below 24 meters in length
11. Road Infrastructure and Tunnel Safety
12. Port Reception Facilities
13. Bus and coach transport
14. Training and certification of seafarers
15. European Maritime Single Window environment
16. Union certification system for aviation security screening equipment
17. Veterinary medicines
18. Medicated feed
19. Common Consolidated Corporate Tax Base (CCCTB)
20. Towards a definitive VAT system for cross border trade - proposal setting out the cornerstones of the definitive VAT regime
21. Towards a definitive VAT system for cross border trade - proposal containing the detailed technical provisions for the operation of the definitive VAT system
22. General arrangements for excise duty
23. Excise duties on alcohol and alcoholic beverages
24. VAT rates
25. SME VAT Package
26. Food information – Commission assistance for implementation and application of food information rules set out in Regulation (EU) No 1169/2011

Areas being evaluated: 31

1. Procedural and jurisdictional aspects of EU merger control
2. Fitness Check on supervisory reporting requirements in the area of Financial services
3. Directive 2014/92/EU on payment accounts
4. Insurance distribution
5. Construction Products Regulation
6. Construction sector
7. European Observatory on Infringements of Intellectual Property
8. Lifts Directive
9. Chemicals legislation (other than REACH)
10. Design System – Directive 98/71/EC on the legal protection of designs
11. Detergents Regulation (EC) No 648/2004
12. Low voltage directive
13. Drug precursors Regulation
14. Outdoor noise directive
15. SME definition

16. Postal services directive
17. Toys Safety Directive
18. Supplementary protection certificates system and the patent research exemption
19. Orphan and paediatrics medicines
20. Nutrition and Health Claims made on Food
21. Pesticides – placing on the market of plant protection products and maximum residue limits setting
22. Feed additive legislation
23. Food contact materials
24. Fee system of the European Medicines Agency
25. Blood and tissues & cells – policy framework for blood and tissues & cells – Directives 2002/98/EC and 2004/23/EC
26. Food Irradiation – Directive 1999/2/EC concerning foods and food ingredients treated with ionising radiation
27. VAT Invoicing directive
28. Administrative cooperation in the field of direct taxation
29. Evaluation of the Vertical Block Exemption Regulation
30. Evaluation of Consortia Block Exemption Regulation
31. Revision of the ETS State aid Guidelines

Priority 5: SIMPLIFICATION AND BURDEN REDUCTION FOR A DEEPER AND FAIRER ECONOMIC AND MONETARY UNION

a. Commissioner quote and introduction

Marianne Thyssen, Commissioner for Employment, Social Affairs, Skills and Labour Mobility:

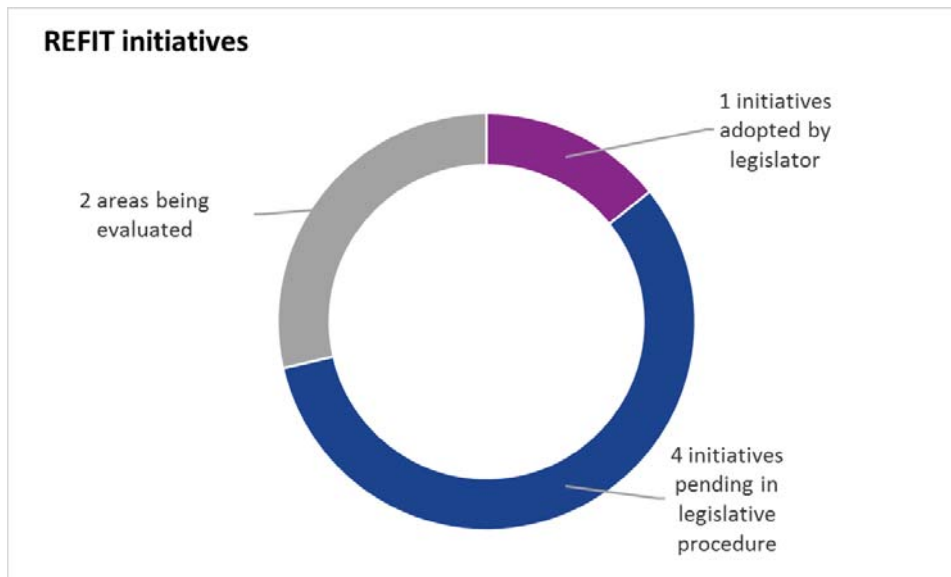
“Of the six Sustainable Development Goals (SDGs) related to agriculture and nutrition, data for four of them are provided by Eurostat, based among others on European agricultural statistics. Modernising and improving these data will allow for more targeted, efficient and effective interventions to meet important goals such as mitigating climate change and providing environmental services.”

b. Introduction

The Commission is working for a deeper and fairer Economic and Monetary Union in line with the report of the Five Presidents. Initiatives under REFIT are contributing to this goal by ensuring that legislation in the areas of financial stability and financial services, social affairs and employment statistics remains fit for purpose, is as simple as possible and does not create burdens.

In order to ensure that unnecessary costs are removed and that rules are as effective and efficient as possible, the Commission has made 5 proposals under REFIT since 2015, 4 of which are pending adoption by the legislator. 2 areas are under evaluation.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Framework Regulations in agricultural statistics - two new framework regulations are foreseen for agricultural statistics. The first proposal was put forward by the Commission on 9 December 2016 and adopted by the European Parliament and the Council on 18 July 2018. The second proposal is foreseen for 2020. These framework regulations will enable the production of high-quality data that meet users' needs efficiently and effectively, increase the flexibility and reaction speed of the agricultural statistics system, improve the harmonisation and coherence of European agricultural statistics, and allow the production of more statistics, while lowering the burden on respondents by reducing or eliminating some data collections, opening up alternative data sources and installing efficiency improvements. The first framework regulation is estimated to represent about 18% savings in agricultural census years (or 56 million of EUR 320 million total costs, if applied to the year 2010), and comparative proportions for intermediate years, excluding temporary adaptation costs.

Written Statement Directive - the Commission adopted a proposal for a directive on transparent and predictable working conditions in the European Union. The initiative aims at increasing the transparency and legal predictability of employment contracts by improving the basic right of all EU workers to receive a written confirmation of working conditions as well as the adoption of new basic rights. The clarification of the scope of the Directive will make the regulatory framework clearer and more predictable.

Cross-border payments - the Commission proposal for a regulation aims at extending the scope of the regulation in order to improve disclosure and reduce fees in cross-border payment transactions, in particular with respect to and from non-euro Member States. The direct savings for payment service users (mainly consumers and small and medium-sized businesses — large corporates usually benefit from negotiated fees) and corresponding decreased revenues for payment services providers brought by this measure are estimated at EUR 900 million annually, stemming from reduced fees charged on cross-border transactions in euro.

e. Work under way – examples

Occupational health and safety - following the results of an evaluation, the Commission has launched a two-year programme aiming at removing or updating outdated provisions in several Directives, starting with six Directives in the area of workplaces, displaying screen equipment, health and safety signs, biological agents, medical assistance and on personal protective equipment. This will ensure clearer, more coherent and more relevant rules, simplifying and reducing administrative burdens where possible, while maintaining or improving workers' protection.

Fitness check on the EU framework for public reporting by companies - the fitness check will assess whether the public reporting obligations including financial and non-financial reporting requirements for EU companies with limited liability are meeting their objectives. It will also assess whether the different adaptations to the public reporting acquis are consistent with one another and whether the costs and burdens stemming from the various legal reporting obligations are reasonable and proportionate.

Evaluation of European fisheries statistics - this evaluation will look at how to streamline and simplify European fisheries statistics to ensure that in the future European fisheries statistics are fit for purpose and that they bring significant added value for the users of the statistical data with an acceptable burden on the data producers. The collection of fisheries statistics is not financed directly by the Commission. For this reason, savings are difficult to assess at this stage but it is expected that they will materialise for national statistical services.

f. Overview of priority 5 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 1

1. Framework Regulations in Agricultural Statistics

Initiatives proposed by the Commission and pending in legislative procedure: 4

1. Framework Regulation Integrating Business Statistics (FRIBS)
2. Framework regulation for the production of European statistics on persons and households (Integrated European Social Statistics)
3. Written Statement Directive
4. Regulation (EC) N°924/2009 on cross-border payments

Areas being evaluated: 2

1. Fitness Check on the EU Framework for Public Reporting by Companies
2. Evaluation of European Fisheries Statistics

Priority 6: SIMPLIFICATION AND BURDEN REDUCTION FOR A BALANCED AND PROGRESSIVE TRADE POLICY TO HARNESS GLOBALISATION

a. Commissioner quote and introduction

Commissioner Malmström, Commissioner for Trade, on modernising the EU's trade defence instruments:

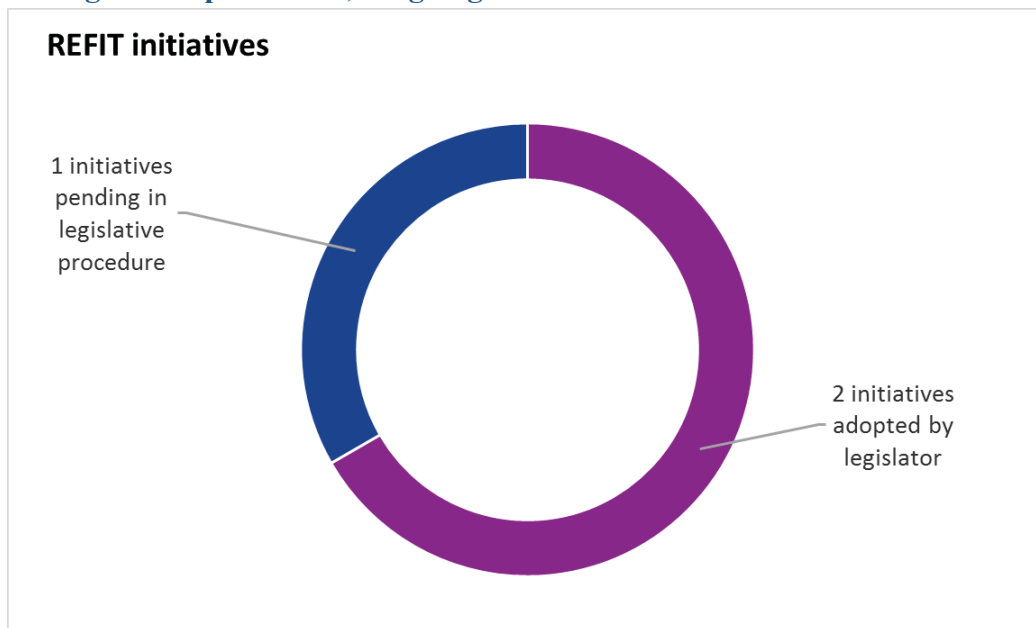
“European companies have been looking for a modern set of rules. I am very confident that this provides us with the necessary tools to efficiently defend our industries from unfair trade practices. We believe in open, rules-based trade. Now, we are better equipped to stand up for our companies if other countries don't stick to the rules.”

b. Introduction

EU trade policy is working to create a global system for fair and open trade. By lowering barriers to market access, it reduces compliance costs for exporting firms. Trade also brings lower prices and a wider variety of goods to the consumer and helps businesses make the most of global opportunities, thus boosting growth, jobs, competitiveness and investment in the EU. REFIT contributes to the achievement of trade policy goals by ensuring that relevant legislation delivers on its objectives in the simplest way with the least costs for companies, citizens and public administrations.

In order to ensure that unnecessary costs are removed and that rules are as effective and efficient as possible, the Commission has made 3 proposals under REFIT in this area since 2015, 1 of which is pending adoption by the legislator.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Trade defence - the Commission proposal for a regulation aims at improving the effectiveness and efficiency of the anti-dumping and anti-subsidy regulations by increasing transparency, predictability and legal certainty, improving enforcement and facilitating the cooperation of all stakeholders concerned. The initiative was adopted by the legislator in May 2018 and will have benefits for all stakeholders - producers, importers and users alike. As an example, SMEs will have easier access to trade defence instruments through a dedicated helpdesk. Moreover, as part of the investigation process, provisional measures can be imposed within 7 months (compared to the 9-month delay under the previous system) so as to provide quicker relief for industries suffering from unfair trade.

General scheme of preferences - the EU's Generalised Scheme of Preferences (GSP) provides unilateral preferential access to the EU market to developing countries. This supports their integration in the world economy, economic growth, and efforts to reduce poverty, promote good governance and sustainable development. The Commission concluded a mid-term evaluation of the General Scheme of Preferences Regulation, which showed that the EU's current GSP is on track in delivering on its objectives.

e. Overview of priority 6 REFIT initiatives taken by the present Commission

Initiatives adopted by the legislator: 2

1. Common rules for imports of textile products
2. Reform of the Trade Defence Instruments

Initiatives proposed by the Commission and pending in legislative procedure: 1

1. Review of dual use export controls

Priority 7: SIMPLIFICATION AND BURDEN REDUCTION FOR JUSTICE AND FUNDAMENTAL RIGHTS

a. Commissioner quote and introduction

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality on a new deal for consumers:

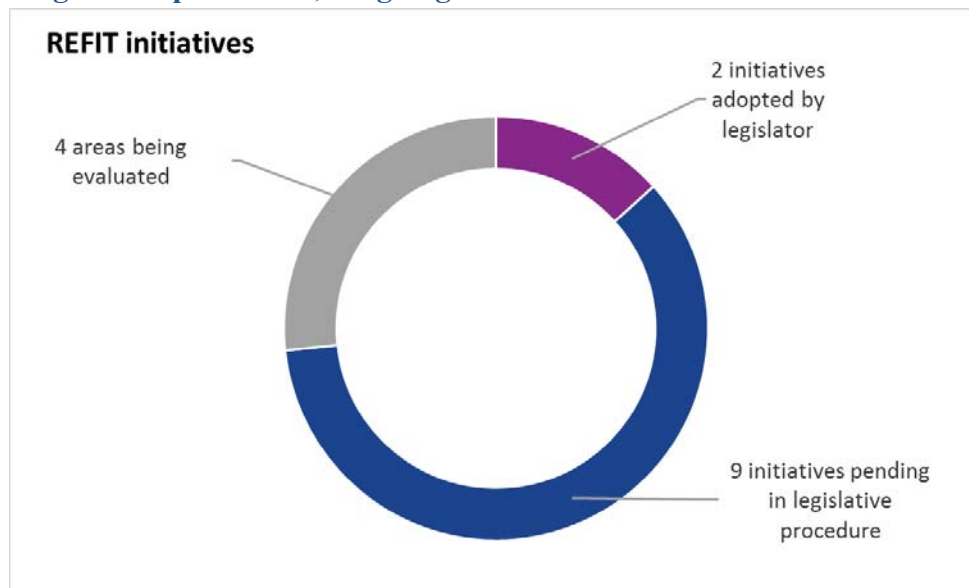
“In a globalised world where the big companies have a huge advantage over individual consumers we need to level the odds. Representative actions, in the European way, will bring more fairness to consumers, not more business for law firms.”

b. Introduction

A borderless and seamless European justice area will ensure that citizens can rely on a set of rights all across the continent while upholding the rule of law. The EU strives to make life easier for Europeans so that citizens feel at ease and trust that their rights are protected and their security guaranteed, no matter where they are in the European Union.

In order to ensure that unnecessary costs are removed and rules are as effective and efficient as possible, since 2015 the Commission has made 11 proposals under REFIT, 9 of which are pending adoption by the legislator, while 4 areas are being evaluated.

c. **Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations**



d. **Results and achievements – examples of completed work**

A new deal for consumers - the ‘New Deal for Consumers’ proposals for two Directives were adopted by the Commission in April 2018 and foresee a review of the consumer protection rules. They aim at improving compliance with EU consumer law and at modernising further EU consumer law (for example, through transparency rules for contracts concluded on online marketplaces). Taking into consideration a REFIT Platform opinion, the proposal for a Directive on better enforcement and modernisation of EU consumer protection rules aims to remove the identified burdens for businesses (for example, by removing the obligation for traders to accept the return of used goods and to reimburse the consumer before receiving the goods back).

EU company law package - the package was adopted by the Commission in April 2018. The Commission proposals for two Directives aim to simplify company law procedures and reduce the administrative burden for companies and public authorities by use of digital procedures. The impact assessment estimated savings from the introduction of online registration for new companies registered in the EU at between EUR 42 and 84 million. The creation of a comprehensive set of common rules regulating cross-border conversions and divisions will streamline and simplify procedures and reduce costs for business as regards the type and content of documents to be prepared, the different procedures and the related deadlines or other additional requirements. The proposals address an opinion of the REFIT Platform.

Identity and residence documents - the Commission has adopted a proposal for a regulation to improve security within the EU and at its borders and to facilitate and promote the right of EU citizens' and their family members to move and reside freely within the EU. The measures aim to improve the acceptance of documents across the EU and to enhance document security features. The measures will yield direct and recurrent cost savings for EU citizens, public administrations (e.g. border guards checking documents) and public and private service

operators. Other benefits include a reduction in document fraud and identity theft and a generally improved level of security (reduction of crime, fraud and terrorism) within the EU and at its borders. This proposal follows up on an opinion of the REFIT Platform.

Regulation on service of documents - the proposal for a regulation aims to improve the smooth functioning of the area of freedom, security and justice, and of the internal market, by increasing the efficiency and speed of the cross-border service of documents. The proposal also addresses the issue of the insufficient protection of the defendant against the effects of default judgments. It can be expected that these amendments will reduce the number of instances in which default judgments are issued against defendants residing in a Member State, who did not learn of the proceedings initiated against them abroad. The impact assessment estimates that decreasing the volume of default judgments by 10% in the EU would result in saving of EUR 480 million per year. As a consequence, citizens would spend less on judicial reliefs. The envisaged electronic transmission of documents would ensure the safe electronic communication and exchange of documents between the users of the system, provide for automatic recording of all steps of the workflow and ensure the genuine identity of the participants. It is estimated that the introduction of electronic transmission of documents could amount to potential savings of approximately EUR 30 to 70 million per year across the EU.

Regulation on marketing and use of explosives precursors - the Commission has adopted a proposal for a regulation to modify the current legal framework in order to strengthen protection against the illicit use of explosive precursors by improving the effectiveness and efficiency of the EU restrictions and controls. The proposal took into account the findings of an evaluation as well as a REFIT Platform opinion that recommended facilitating a unified application of the regulation in the Member States and clarifying requirements on supply chain actors. The proposal clarifies and improves the efficiency of the control measures currently applied. The impact assessment estimated a 10% decrease (between EUR 25 and 75 million per year) in the current costs companies face for complying with the Regulation. The main benefits follow from these savings in compliance costs, as well as from a reduction of crime, including terrorist attacks, of potentially up to EUR 500 million.

Regulation on taking of evidence - the Commission has proposed the modernisation of the regulation to keep up with digitalisation and to ensure that the courts take evidence directly from the territory of another Member State. This will help ensure legal certainty for courts, parties and lawyers and clarify the grounds for refusing the execution of cooperation requests. The estimated annual cost savings generated by the electronic transmission of requests for taking of evidence are between EUR 6 and 15 million across the EU.

Emergency travel documents - this proposal for a directive aims at simplifying formalities for unrepresented EU citizens in third countries, whose passports or travel documents have been lost, stolen or destroyed, in order to ensure that they are provided with an emergency travel document (ETD) by another Member State, allowing them to travel back home. The initiative aims to allow unrepresented EU citizens to exercise their right to consular protection in an easier and more effective way. The simplification elements are estimated at EUR 93,000 annually for citizens.

e. Work under way – examples

European critical infrastructure - the Commission is evaluating the European Critical Infrastructure Protection Directive (2008/114/EC), which establishes how to identify European critical infrastructure and how to assess whether it is necessary to improve its protection. The evaluation will analyse if the Directive is reaching its objectives as intended, in particular given the context of increased terrorist threat, considering all types of attacks, including insider infiltration, unlawful use of drones and hybrid threats.

Distance marketing of financial services - the Commission plans to carry out an evaluation of the Directive concerning the distance marketing of consumer financial services (Directive 2002/65/EC), in particular given market developments such as the digitalisation of the marketing and distance selling of financial services, as well as the product-specific legislation adopted since 2002.

f. Overview of priority 7 REFIT initiatives taken by the present Commission

Initiatives adopted by legislator: 2

1. Company law – codification
2. Consumer Protection Cooperation

Initiatives proposed by the Commission and pending in Legislative Procedure: 9

1. EU Company Law package (two proposals)
2. A new deal for consumers (two proposals)
3. Identity and residence documents
4. Service of documents
5. Marketing and use of explosives precursors
6. Taking of evidence
7. Emergency travel documents

Areas being evaluated: 4

1. Equal treatment in social security
2. Consumer Credit Directive
3. European critical infrastructure
4. Equal pay for women and men

Priority 8: SIMPLIFICATION AND BURDEN REDUCTION FOR A NEW POLICY FOR MIGRATION

a. Commissioner quote and introduction

Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship on the proposal to upgrade the visa information system:

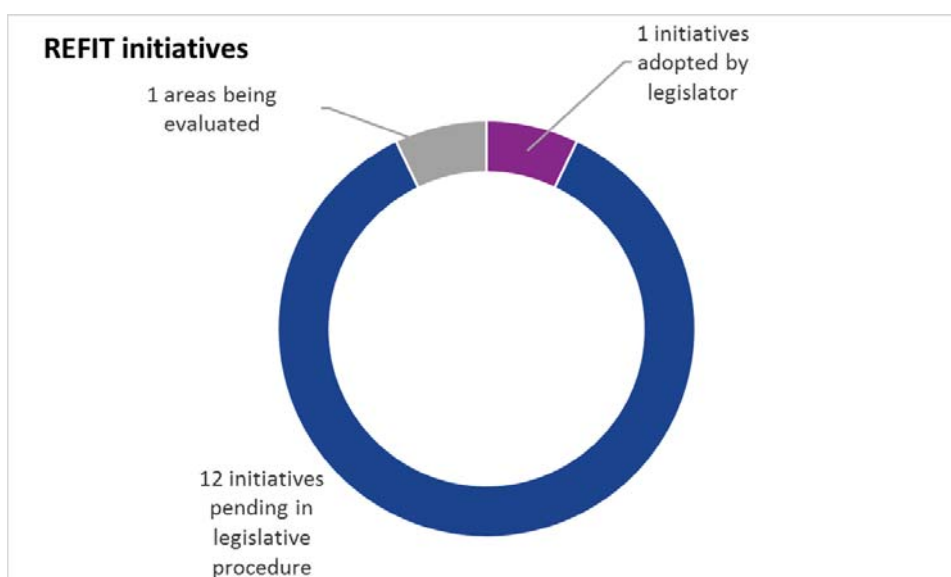
“Every year, millions of non-EU nationals enter the EU with a visa, be it for a short stay or for a longer period. With the upgrade of the Visa Information System, we will remove blind spots in our information systems and give visa authorities and border guards the information they need to do their job properly.”

b. Introduction

The European Commission’s agenda on migration sets out a European response, combining internal and external policies, making the best use of EU agencies and tools, and involving all actors - EU countries and institutions, international organisations, civil society, local authorities and national partners outside the EU.

In order to ensure that unnecessary costs are removed and that rules are as effective and efficient as possible, since 2015, the Commission has made 13 proposals under REFIT, 12 of which are pending adoption by the legislator. One area is being evaluated.

c. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



d. Results and achievements – examples of completed work

Visa information system (VIS) - the Commission has evaluated the Visa Information System (VIS) and adopted a proposal for a regulation in May 2018 to improve the system in order to respond to evolving policy, legal and factual developments in the field of visa and border crossing. The proposal aims at facilitating the visa application procedure, facilitating and strengthening checks at external border crossing points and enhancing internal security by improving the data and information exchange. The proposal would streamline the legal basis and capacity of the EU and its Member States to access data to support crime prevention and investigation. The proposal aims to reduce the burden of identifying missing or trafficked persons and to reduce red tape for border and security checks of long stay visas and residence permits.

Visa code - the Commission has adopted a proposal for a regulation on the visa policy aimed at shortening and simplifying the procedures for those wanting to come to the EU for short stays, leading to cost savings and less bureaucracy, while maintaining the level of security. As a result, the common visa policy would become more user-friendly and efficient for both the visa applicants and the visa issuing authorities.

e. Work under way – examples

Legal migration - the Commission is currently evaluating how the existing Directives on legal migration have contributed to the attainment of legal migration policy objectives and is identifying possible overlaps, gaps or inconsistencies as well as possible obsolete measures. The results of this fitness check will be presented at the end of 2018 / early 2019 and will provide the basis for simplifying and streamlining the current EU framework in this area.

f. Overview of priority 8 REFIT initiatives taken by the present Commission

Initiatives adopted by legislator: 1

1. Codification of Schengen borders code

Initiatives proposed by the Commission and pending in Legislative Procedure: 12

1. Schengen Information System (3 proposals – border management, law enforcement cooperation and return of illegally staying third-country nationals)
2. Asylum Package (7 proposals)
 - a. Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)
 - b. Proposal for a Regulation on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013
 - c. Proposal for a Regulation on the European Union Agency for Asylum

- d. Proposal for a Regulation establishing a common procedure in the Union and repealing Directive 2013/32/EU
 - e. Proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted
 - f. Proposal for a Directive laying down standards for the reception of applicants for international protection (recast)
 - g. Proposal for a Regulation establishing a Union Resettlement Framework
- 3. Revision of the Visa Information System (VIS)
 - 4. Revision of the Visa Code

Areas being evaluated: 1

- 1. Legal migration fitness check

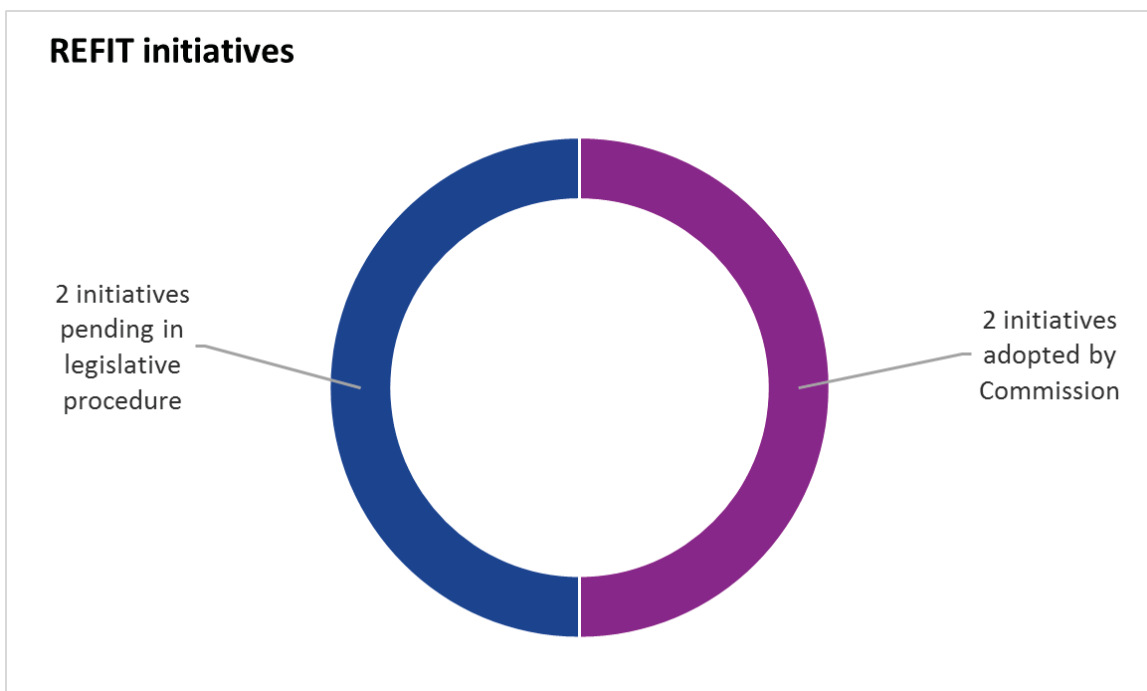
Priority 10: SIMPLIFICATION AND BURDEN REDUCTION FOR A UNION OF DEMOCRATIC CHANGE

a. Commissioner quote and introduction

First Vice-President Frans Timmermans on the simplification of reporting requirements in the area of the environment:

“This action plan is about simplifying environmental reporting and informing citizens better. It’s a good example of how better regulation helps us uphold our high environmental standards and meet our evidence-based policy objectives.”

b. Statistics: from 2015 include initiatives adopted; initiatives pending in legislative procedure; on-going evaluations



c. Results and achievements – examples of completed work

Reporting in the area of the environment - in follow-up to a fitness check on reporting in the area of the environment, the Commission has developed an action plan and will streamline requirements in 2018. The reduction of regulatory costs from the different actions envisaged is estimated at between EUR 1.4 and 2 million annually. Action 1 of the adopted action plan is the proposal for a Regulation on the alignment of reporting obligations in the field of

environment policy, which is pending in legislative procedure. The alignment proposal's objectives are to improve the evidence base for implementing EU policy, increase transparency for the public and simplify reporting with a view to reducing administrative burden. It covers 10 pieces of environmental legislation.

Environmental compliance assurance - the Commission adopted a Communication, including a 9-point action plan, on 'EU actions to improve environmental compliance and governance' and a Decision establishing a new high level expert group entitled the 'Environmental Compliance and Governance Forum'. The initiative aims at supporting national authorities in addressing a number of problems and challenges relating to promoting, monitoring and enforcing compliance with EU environmental law ("environmental compliance assurance"). The Commission action plan is expected to increase significantly the rate of compliance with EU environmental law as well as improving duty-holder compliance. This is expected to lead to a more level playing field for businesses and improved trust amongst Member States, EU institutions, the public and business in how compliance is secured.

Access to justice in environmental matters - to ensure that the EU's legal instruments have the intended effect, the Commission adopted a notice on access to justice in environmental matters. Access to justice guarantees that individuals and environmental associations, under certain conditions, can have an independent national court examine whether a public authority acted lawfully in making a decision, act or omission affecting their rights. The principle guarantees comprise the right to be heard, sufficient scrutiny by the national judge, measures to put matters right and measures to avoid prohibitive costs.

d. Overview of priority 10 REFIT initiatives taken by the present Commission

Initiatives adopted by the Commission: 2

1. Communication on 'EU actions to improve environmental compliance and governance', COM/2018/10
2. Notice on Access to Justice in environmental matters

Initiatives proposed by the Commission and pending in legislative procedure: 2

1. Proposal for a Regulation on the alignment of reporting obligations in the field of environment policy (COM/2018/381 final)
2. Proposal for a Regulation on the European citizens' initiative

Section III

1 The REFIT Platform

"The body of EU law must remain fit for purpose, up to date and as simple as possible. To ensure this, we need to hear the views of those who really know: the citizens, the small entrepreneurs, the public administrators who are faced every day with the advantages but also sometimes the inefficiencies of our laws and the way they are implemented by Member States. The REFIT Platform is there to collect their views, assess them and turn them into pragmatic and operational suggestions to the European Commission." First Vice-President Timmermans

The REFIT Platform was set up in May 2015²⁴ to advise the Commission on how to make EU regulation more efficient and effective reducing burden without undermining policy objectives.

It consists of 2 groups:

- a stakeholder group, with 18 members representing business, including SMEs, civil society organisations and social partners, with a direct experience in the application of Union legislation. The group also includes two representatives from the European Economic and Social Committee and the Committee of the Regions. The members of the stakeholder group were selected through a public call for applications and were appointed until 31 October 2019. Their selection was carried out to ensure, to the extent possible, a balanced representation of the various sectors, interests and regions of the Union and gender.²⁵
- a government group, with one high-level expert from each of the EU's 28 Member States.

Platform members consider suggestions made by citizens and stakeholders either online via 'Lighten the load' or through other means (e.g. letters addressed to the Commission). The Platform members assess the merits of these contributions in terms of their potential to reduce regulatory and administrative burden. On this basis, the REFIT Platform adopts opinions recommending practical follow-up to the Commission.

The adopted opinions vary not only according to the subject matter, but also according to whether they simply flag issues to be taken into account in ongoing Commission's work of call for different type of action (legislative revisions, guidance, different implementing arrangements etc.).

²⁴ COM(2015)215

²⁵ Commission Decision C(2015)3261 establishing the REFIT Platform; Commission Decision C(2015)9063 appointing the members of the Stakeholder group of the REFIT Platform

The Platform does not normally prepare opinions on issues which:

- are being examined by the European Parliament and Council within the legislative procedure on a proposal from the Commission;
- were covered by legislative proposals that have entered into force too recently (two years) to be possible for sound conclusions on performance to be drawn;
- are subject to a planned or ongoing consultation of the social partners;
- concern the implementation of EU law in one or only a few Member States.

Guiding principles are:

- Transparency – The REFIT Platform works in a transparent way and operates in full accordance with the Commission’s general rules on expert groups. Suggestions, meeting minutes and working documents are all made public²⁶.
- Inclusiveness – Work is based on the input from stakeholders and from the Platform members themselves, as well as on requests from the Commission. External experts can be invited to participate on specific issues.
- Responsiveness – The Platform responds to all suggestions received. If the Platform decides not to pursue a suggestion, an explanation is provided to the relevant stakeholder.

The Commission is committed to respond to all opinions, indicating whether action is considered necessary or appropriate, the type of action envisaged as well as its foreseen timing. Relevant information on the follow-up to the Platform opinions is delivered through the Commission Work Programmes²⁷ and the REFIT scoreboard²⁸.

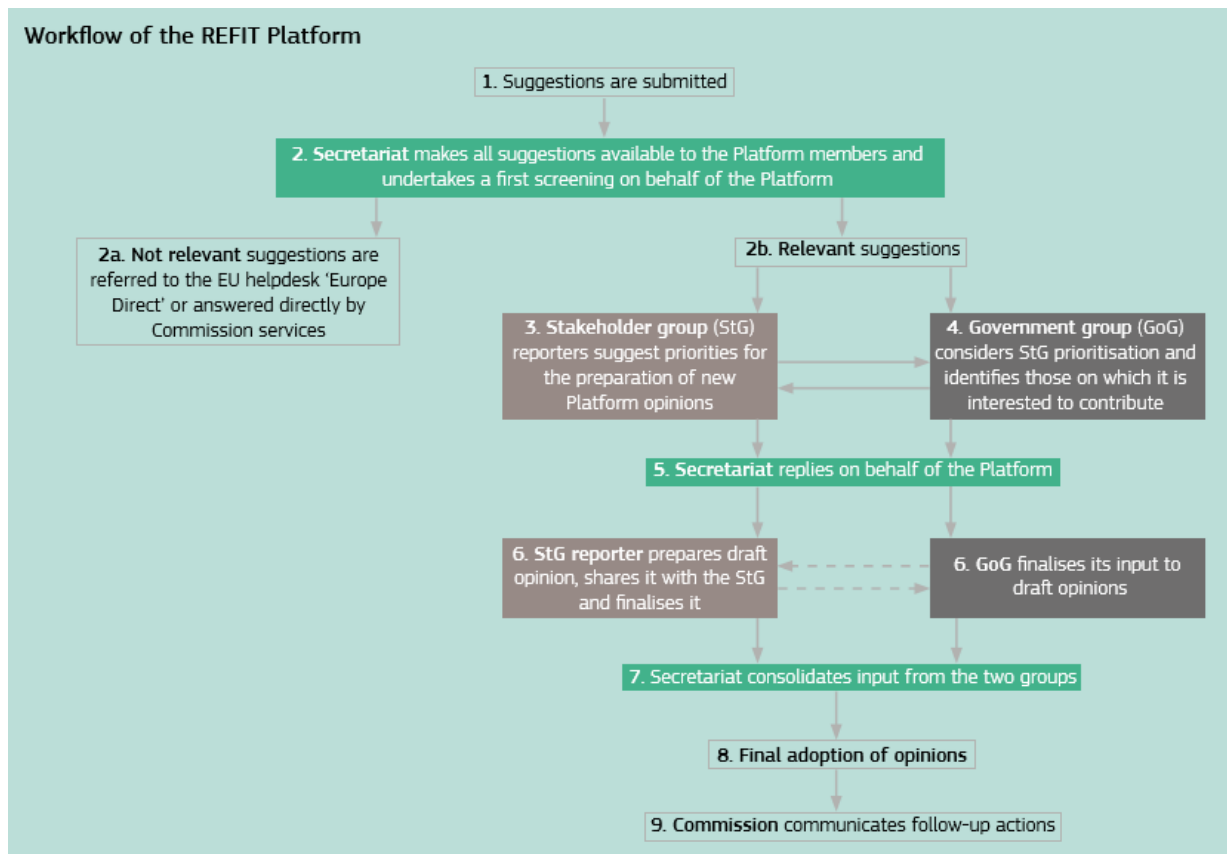
The present report provides an overview of the follow-up actions taken by the Commission in response to opinions adopted by the REFIT Platform since it was established until 22 October 2018.

²⁶ Website of the REFIT Platform: https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly/refit-platform_en

²⁷ https://ec.europa.eu/info/publications/european-commission-work-programme_en

²⁸ <http://publications.europa.eu/webpub/com/refit-scoreboard/en/index.html>

Workflow of the REFIT Platform



2 Follow-up to the Platform opinions adopted per policy area

2.1 Agriculture

Phil Hogan, Commissioner for Agriculture and Rural Development

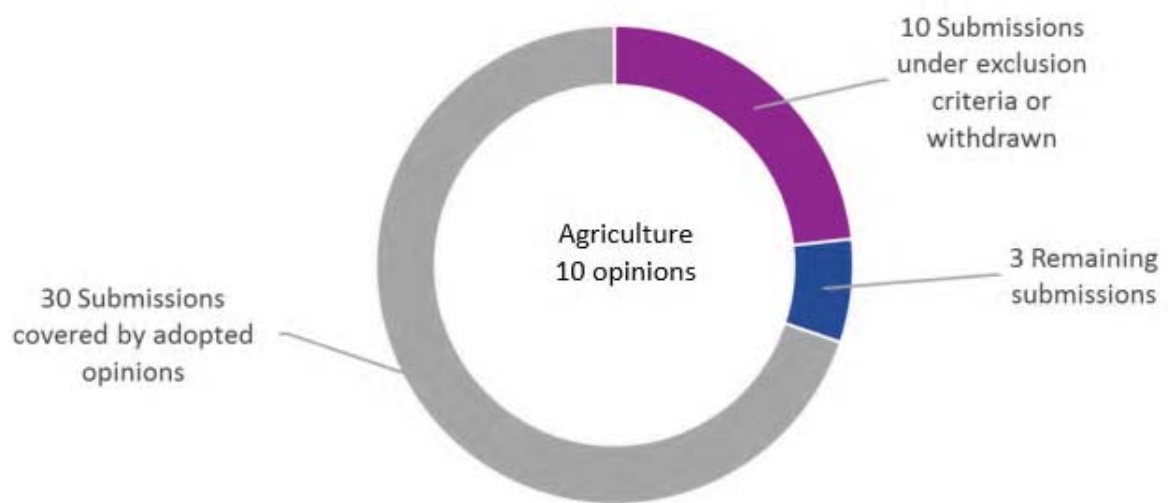
"Today's proposal [on the modernization and simplification of the Common Agricultural Policy] delivers on the Commission's commitment to modernise and simplify the Common Agricultural Policy; delivering genuine subsidiarity for Member States; ensuring a more resilient agricultural sector in Europe; and increasing the environmental and climate ambition of the policy."

The REFIT Platform has so far adopted **10 opinions in the area of agriculture**. 9 of these opinions focused directly on improving the efficiency and effectiveness of the **Common Agricultural Policy (CAP), including its greening scheme**, which makes the CAP a key area of stakeholder interest. The Platform's suggestions fed into the Communication on the future of EU Food and Farming adopted in November 2017²⁹ and have informed the work on the future of European Agricultural Policy. In particular, the Commission adopted 3 proposals on the CAP post-2020 in June 2018, which contain simplification elements. The Platform's views on **marketing standards for fresh fruits and vegetables** feed into a dedicated evaluation, which is due in 2020.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 - 25 October 2018)

²⁹ COM(2017)713

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates

- Communication on the future of EU Food and Farming – November 2017
- Evaluation of the greening scheme - October 2018
- Proposals for the new CAP as part of Multi-Annual Financial Framework – June 2018
- Evaluation of EU marketing standards – Q1 2020

Common Agricultural Policy:

"The future CAP (...) should explicitly address how to reduce the bureaucratic nature of the control framework whilst improving the effectiveness of the policy and the sound management of the EU funds" - REFIT Platform Stakeholder group

The REFIT Platform issued 4 opinions in 2016 and 6 opinions in 2017 on the CAP. In this context, the REFIT Platform:

- stressed the need for effectiveness and efficiency of the CAP, recommending a strategic review of the policy and evaluating as foreseen its financing, management and monitoring. (Ref I.4a):
- recommended that the system of controls applying to pillars I and II should be examined together with cross-compliance rules as part of a more holistic review of the CAP (Ref I.3a, I7a-f, I.8a-f, I.12a);
- suggested to examine ways to simplify and ensure coherence between the European Agricultural Fund for Rural Development and other Structural and Cohesion Funds (Ref I.5a, I. 11a-e)
- recommended to evaluate the CAP's greening scheme - which links EU payments to climate and environment-friendly farming practices - and to consider adjusting some rules and requirements for these payments such as thresholds and weighting factors. The REFIT Platform also called for more proportionate and transparent reductions of greening payments in case of non-compliance.

In response to these recommendations, the Commission carried out a vast public consultation in 2017 on the modernisation and simplification of the CAP. Over 320,000 individual contributions on past performance and future outlooks were received. It also completed the evaluation of the CAP greening scheme. Those actions informed a strategic Communication on the options for the reform of the CAP adopted in November 2017³⁰. The Platform views have also been followed up by the Commission in its proposals on the CAP post-2020, adopted on 1 June 2018³¹. In particular, such proposals refer to the CAP Strategic Plans to be drawn up by Member States, the financing, the management and the monitoring of the CAP as well as certain aspects of the common organisation of the markets in agricultural products

³⁰ COM(2017)713, 29 Nov. 2017

³¹ COM(2018)392, COM(2018)393 and COM(2018)394

and quality schemes. The main feature of this CAP reform proposal in terms of simplification is the introduction of a result-based delivery system that will create significant opportunities for simplification and efficiency gains at every management level.

Marketing standards for fresh fruit and vegetables:

The REFIT Platform recommended to ensure the effectiveness and efficiency of EU rules on marketing standards for fruit and vegetables and to examine different options in this context.

In response to these recommendations, the Commission is carrying out an evaluation that will be finalised in 2020 to assess the functioning of the legislative framework and identify ways to simplify it.

10 opinions of the REFIT Platform in the area of agriculture
On the CAP:
- Cross-compliance rules under the CAP (Ref.I.2a) (2016)
- Overlaps between Pillars I and II on the CAP (Ref. I.3a) (2016)
- Effectiveness and efficiency of the CAP (Ref.I.4a) (2016)
- ESI and EAFRD (Ref.I.5a) (2016)
- Control and audit of the CAP (Ref.I.7a-f) (2017)
- Cross-compliance (Ref.I.8a-f) (2017)
- Rural development support (Ref.I.11a-e) (2017)
- EU legislation on the farm subsidies reform (Ref. I.12a) (2017)
On greening:
- Greening (Ref.I.10a-g) (2017)
On marketing standards for fresh fruits and vegetables:
- marketing standards for fresh fruits and vegetables agriculture (Ref.I.6a) (2016)

2.2 Chemicals

Elżbieta Bieńkowska, Commissioner responsible for Internal Market, Industry, Entrepreneurship and SMEs

"Making the REACH authorisation process work better is a priority. Authorisation for chemicals is on everybody's minds. We all want to make it work, but the question is how to keep the benefits while reducing the costs and uncertainty created by the process"

The REFIT Platform adopted **3 opinions in the area of chemicals legislation**. They concern the overlaps in legislation on chemicals and safety and health at work (OSH), the REACH authorisation process and the legislation for classification, labelling and packaging (CLP) of massive metal mixtures.

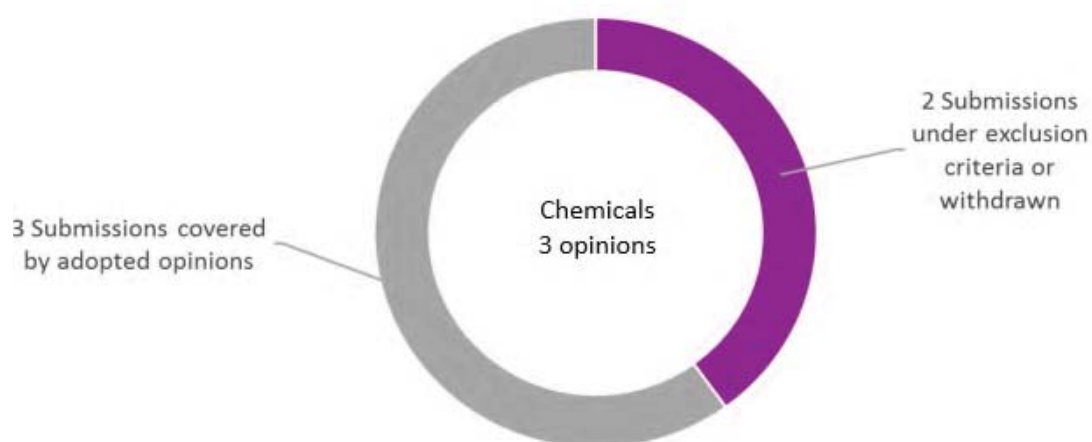
The Commission is following up on the concerns relating to the **authorisation process** in the context of the REACH evaluation (concluded in March 2018) and its related action plan, which contains specific concrete actions aiming at simplifying the authorisation process.

Issues related to the **interface between REACH and the OSH legislation** are followed up through both the REACH evaluation and the fitness check on the most relevant chemicals legislation (excluding REACH) (to be concluded by the end of 2019).

Issues related to the **CLP classification of metallic alloys** are addressed via the development and discussion of a new test method in relevant scientific working groups. The Commission services are also looking into ways to provide guidance and clarification on the interpretation of a provision on labelling derogation in specific cases.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -25 October 2018):

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Evaluation of the EU Occupational Safety and Health Directives: January 2017
- Evaluation of REACH and action plan: March 2018
- Fitness Check on the most relevant chemicals legislation (excluding REACH): December 2018
- Clarification of the interface between REACH and OSH legislation: Course of 2019
- Development of a new test method for application of CLP Art. 12(b) (bio-elution test method) – ongoing
- Guidance and clarification on labelling derogation in specific cases under CLP - ongoing

Overlaps in legislation on chemicals and safety and health at work

The REFIT Platform adopted an opinion (Ref. II.2a) on the **interface between REACH and the occupational health and safety legislation** in which it recommended that the Commission should raise awareness and issue guidance on the implementation of legislation in this area.

In response, the Commission is currently clarifying the interface between REACH and OSH legislation with the aim of reducing overlaps. In addition, several evaluations in this area have been or will be conducted, notably the evaluation of the EU Occupational Safety and Health Directives (completed in January 2017), the REACH evaluation (concluded in March 2018) and the fitness check on the most relevant chemicals legislation (excluding REACH), to be concluded by the end of 2018. Among other things, these evaluations will evaluate the issues raised in the opinion of the REFIT Platform. Based on the outcome of those evaluations, the Commission will assess any need for further action in the course of 2019.

REACH authorisation process

"There is potential to simplify and further develop the REACH authorisation process" - REFIT Platform Government Group

The REFIT Platform recognised that there is room for improving the effectiveness of the **REACH authorisation process** (opinion Ref. II.4a) and encouraged the European Commission to identify simplification measures. The stakeholder group also suggested that additional efforts be made by competent authorities to identify new substances of very high concern (SVHC).

In response, the Commission has assessed the issues raised by the REFIT Platform as part of its evaluation of the REACH Regulation, concluded in March 2018³². In particular, in its general report on the operation of this legislation, the Commission lists specific actions aiming at simplifying and improving the workability of the REACH processes, in particular authorisation, by for example: i) simplifying the applications for continued use of SVHC in legacy spare part and further considering the case of low volume applications in 2018 and ii) monitoring closely and addressing difficulties related to applications for authorisations covering multiple operators. In addition, an action is planned to promote the substitution of SVHC, following up directly on the recommendation of the REFIT platform stakeholders group.

Classification, labelling and packaging (CLP) of massive metal mixture

In its opinion on the CLP classification of metallic alloys (Ref. II.3.b), the REFIT Platform acknowledges the present classification rules for metallic alloys and the need for further analysis. It also emphasises that in the classification of substances or mixtures according to the CLP Regulation and the principles of the UN Globally Harmonised System (GHS), only intrinsic properties are to be taken into account, with a focus on hazard, and no risk assessment is carried out. It recommends that the Commission supports the development of a new test method to assess bio-elution and issue guidance to clarify how the provisions to derogate from the classification rules for metallic alloys apply (CLP Art.12 (b)). Such recommendations are followed up directly by the Commission in its current discussion within a CLP expert group established specifically to discuss and develop such a method. The Commission is also looking into ways of providing guidance and clarification on the interpretation of a related provision on labelling derogation in specific cases (CLP Annex I, 1.3.4.1).

3 opinions of the REFIT Platform in the area of chemicals legislation
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| <ul style="list-style-type: none">- Overlaps in legislation on chemicals and safety and health at work (Ref. II.2a) (2016) |
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³² COM(2018)116 and SWD(2018)58

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|---|
| - REACH authorisation process (Ref.II.4a) (2017) |
| - CLP massive metal mixtures (Ref. II.3.b) (2018) |

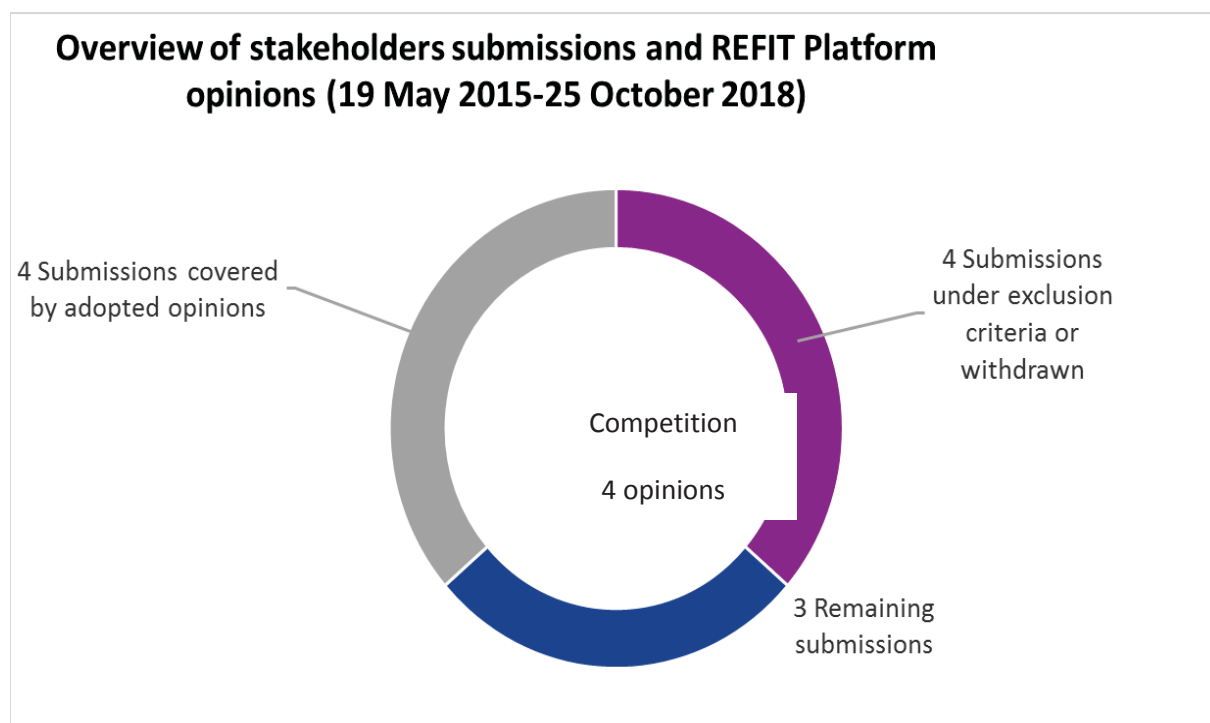
2.3 Competition

Margrethe Vestager, Commissioner in charge of competition policy

"When state spending doesn't affect competition at a European scale, then there is no need for the Commission to be involved. In 2016 we published a Notice on the Notion of Aid which explains which spending counts as state aid. So governments know when they don't need to worry about state aid rules. We've also made things simpler for state aid by expanding our general block exemption, so more aid can be given without needing our approval in advance."

The REFIT Platform adopted **4 opinions in the area of competition**. **2** of them concern **state aid rules in the area of regional policy and broadband infrastructure**. The Commission is addressing them in the context of its work to improve the implementation of the current legal framework, in particular the simplification and the modernisation of state aid rules. The opinion on **state aid rules in relation with ERDF (European Regional Development Fund) innovation projects** is being addressed via increased support and training to administrations and businesses. Where relevant, new guidance may be developed, clarifying how projects, including those for innovation, can be supported by EU state aid rules. The broader issue of coherence between different EU rules linked to public spending that the opinion raises has been considered in the context of the discussions on the post-2020 Multiannual Financial Framework. A fourth opinion on state aid, relating to the **de minimis Regulation** in particular, and calling on the Commission to clarify some definitions and grey areas, will be addressed by the Commission during the review of this Regulation, as the State aid modernisation package will expire in 2020.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 - 25 October 2018)



Key dates:

- Improving the existing legal framework on state aid: ongoing since 2014
- Notice on the Notion of State Aid – September 2016
- Supportive tools (E-wiki, detailed Q&A, analytical grids) - continuous
- Revision of GBER – June 2017
- Streamlining of working procedures for state aid control and cohesion policy – ongoing
- Coherence state aid rules/public procurement rules/structural funds: supportive activities (E-wiki platform etc) - continuous
- Evaluation of the De Minimis Regulation – before expiry of the Regulation at the end of 2020

State aid rules and Regional Policy/Broadband:

- In its opinion on 'State Aid/Regional Policy' (Ref V.3a) the government group recommends that the Commission gives due consideration to the different scope of definitions and the lengthy and repetitive procedures linked to fund applications which limits the take-up of funding opportunities. Some members of the Stakeholder group support the need to ensure better alignment of definitions and procedures.
- In the second opinion on State aid related to broadband rules (Ref V.4a), the stakeholder group and some members of the government group recommend that the Commission examine the possibility of introducing lighter test regimes/fast-track treatment for national broadband measures, similar to the fast-track treatment already used for co-financing projects under the Investment Plan for Europe (EFSI).

The Commission addresses those two opinions in the context of its ongoing effort to improve the existing legal framework on State aid and in particular the simplification that started with the State aid modernisation in 2014. In particular, the **notice on the notion of aid** ("NoA", adopted in July 2016) clarified that a considerable part of European Structural and Investment (ESI) funded infrastructure projects fall outside State aid control. The NoA now includes a chapter dedicated to the question of the applicability of State aid rules to public funding of infrastructures. Given that many ESI funded infrastructures fall under one of the categories of infrastructures described above, as such, their public funding does not constitute State aid. Therefore, the projects in question can be implemented by the Member State concerned without a prior need to notify them to the Commission for State aid clearance.

Furthermore, the **General Block Exemption Regulation (GBER)** excludes over 90% of all State aid measures from prior Commission approval. The Commission has extended the GBER to cover investments in ports and airports and to align it with the rules on costs that apply for ESI Funds. All of this contributes to significantly limit the scope and length of State aid approval procedures.

In the limited number of cases where prior clearance remains required, the Commission is streamlining State aid control and cohesion policy working procedures, to ensure that all State aid concerns are properly addressed in a timely manner, avoiding the opening of a formal investigation, so that delays in the implementation of ESI Fund operations are avoided. Procedures have already been put in place to ensure the speedy treatment of major projects under ESI Funds in an integrated process. If the Member State provides full information requested in the available standardised form, the Commission is usually able to issue a decision in a matter of months.

These simplification measures are accompanied by initiatives to clarify and communicate the meaning of the State aid rules and definitions. An **E-wiki** has been set up, detailed **Q&As** published and preliminary assessment given to Member States on specific cases, such as on broadband roll-out. A number of 'analytical grids' have also been published to clarify the application of State aid rules to specific infrastructure investments, along with further training for Member States' administrations. In relation to broadband, the Commission's broadband investment guide and the broadband guidelines for State aid provide further guidance.

The Commission's Directorate-General for Competition continues to provide detailed advice on specific projects on request and supports the creation of a European network of national broadband competence offices that could assist local authorities.

Continuing attention will be paid to any need for additional guidance or expert group work. Priority, fast-track, procedures apply to broadband projects under the European Fund for Strategic Investments that include Member State subsidies, so that a decision can be granted in six weeks, following the early announcements that apply to EFSI projects. Upon the request of a Member State, the Commission may also grant priority treatment to broadband projects which are not backed by EFSI, and often does so in practice.

State aid rules and ERDF innovation projects

"Harmonisation and coordination between ESIF and state aid control procedures would be necessary to minimise administrative burden and increase funding efficiency and legal certainty in order to improve private participation" - REFIT Platform Government Group

In 2017, the REFIT Platform adopted an Opinion (Ref V.5a) concerning certain barriers between **State aid rules, public procurement rules and the Structural Funds** and recommends that the Commission services issue better guidance about criteria, procedures and deadlines to ensure the alignment of the different EU strategies and policies and avoid inconsistencies, contradictions and duplications.

To address this recommendation, the Commission will increase training and support to administrations and businesses on how to work with different sets of EU rules (e.g. the E-wiki platform providing replies to Member States about the interpretation of State aid rules). Where relevant, the Commission will develop new or updated guidance on how projects, including those for innovation, can be supported in line with State aid rules (e.g. guidance on state aid in ESI Funds financial instruments; explanatory note on the application of state aid rules to projects with a Horizon 2020 'Seal of Excellence', etc.).

The Commission has considered the broader question of coherence between different EU rules linked to public spending in the context of its discussions related to the preparation of the post-2020 Multiannual Financial Framework. In particular, to ensure that spending under the new MFF is as effective as possible, the Commission is considering the State aid rules in a targeted manner so as to ensure that national money – including from ESI Funds managed at national level – and centrally-managed EU funds can be combined as seamlessly as possible, while ensuring that the principles underlying EU State aid are applied more efficiently. The initiative is conditional upon the amendment of Council Regulation (EU) [2015/1588](#) on horizontal State aids.

De Minimis Regulation

In its opinion on the **De Minimis Regulation** (Ref. V.7.a), the REFIT Platform considers that some definitions (such as “single undertaking” or ‘affiliated company’) should be clarified. It further points to some grey areas (e.g. in the field of “safe harbours”) where it encourages the Commission to develop guidelines on methodologies to follow when providing aid through soft loans, guarantees and fiscal rebates.

The Commission intends to follow up on this recommendation through the evaluation of the De Minimis Regulation, together with a number of other State aid rules that will expire in December 2020.

4 Opinions of the REFIT Platform in the Area of competition:
- State aid rules and regional policy (Ref. V.3a) (2016)
- State aid rules related to broadband (Ref. V.4a) (2016)
- State aid rules and ERDF innovation projects (Ref. V.5a) (2017)
- De Minimis Regulation (Ref. V.7.a) (2018)

2.4 Communication networks

Andrus Ansip, Vice-President for the Digital Single Market

"Our proposals will deliver the trust in the Digital Single Market that people expect. I want to ensure confidentiality of electronic communications and privacy. Our draft ePrivacy Regulation strikes the right balance: it provides a high level of protection for consumers, while allowing businesses to innovate."

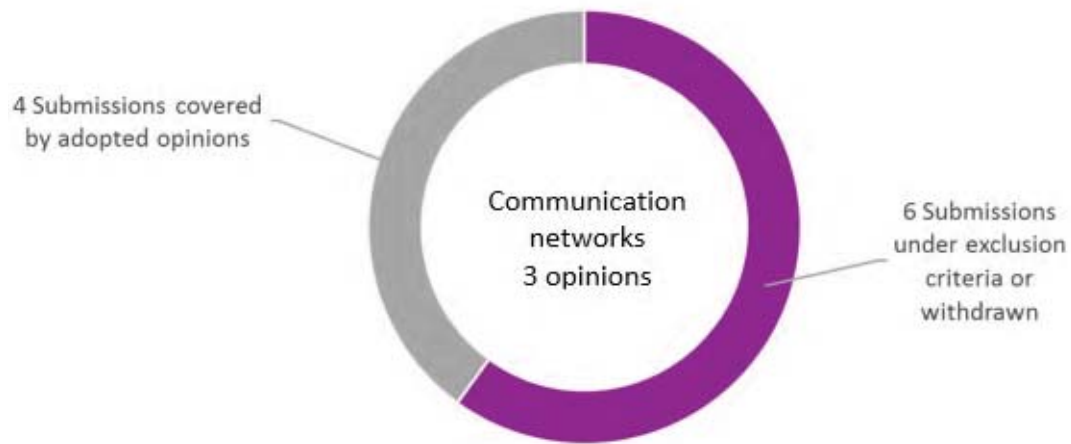
The REFIT Platform adopted **3** opinions in the area of communication networks. One opinion concerns improving the functioning of the **e-privacy Directive** in relation to "cookies" rules, the new General Data Protection Regulation and national implementation issues. Those recommendations have been followed up by the Commission in its review of the ePrivacy directive and the subsequent legislative proposal made in January 2017.

Regarding the current **fragmentation of the copyright levies system** across the EU, the REFIT Platform calls for more consistency between the national private copying systems to achieve a well-functioning single market in this area (Ref. IV.3.a-b). Acknowledging the issue, the Commission is following closely national actions in this area and their potential impacts on the single market with a view to reassessing within the next two years whether any further action is needed.

In its opinion on **digital consent-based solution** (Ref. IV.6.a), the REFIT Platform encourages the use of the "once only" principle both at Commission and Member State level as it has the potential of simplify and streamline the relationship between consumers and businesses with public administrations. Such a recommendation feeds the Commission actions to facilitate the uptake and the application of the once only principle in Member States.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Proposal for an ePrivacy Regulation – January 2017 (pending in legislative procedure)
- Assessment of the fragmentation of the copyright-levies system – ongoing (2018-2020)
- Implementation of the Once-Only principle – ongoing

ePrivacy Directive

"The Commission must propose amendments to the e-Privacy directive to align it with the General Data Protection Regulation and harmonise cookies provisions" - REFIT Platform stakeholder Group

In its opinion on the **ePrivacy Directive** (Ref. IV.1b), the REFIT Platform issued three sets of recommendations to the Commission. They relate to i) a strengthened the protection of personal privacy through an alignment of the ePrivacy Directive with the GDPR, ii) enhancing citizens protection and decreasing implementation costs for industry by adding exceptions to the ‘consent’ rule for cookies provided they do not create a privacy risk and iii) national implementation problems and the exchange of best practice amongst Member States.

The Commission has paid particular attention to those issues in the context of the ePrivacy review which led in January 2017 to the adoption of a proposal for an ePrivacy Regulation. This proposal aims at ensuring effective privacy and confidentiality of electronic communications for end-users and the protection of personal data, while providing clarity and simplification to reduce compliance costs and efforts of businesses that occur due to the obligations set forth.

In particular, the proposed ePrivacy Regulation addresses the REFIT Platform’s concerns by:

- clarifying the scope, which would help to eliminate/reduce the risk of divergent implementation by Member States;
- clarifying and simplifying the consent rule for the use of cookies and other identifiers, thereby helping to eliminate/reduce the risk of divergent application and render the rule more effective in protecting end-users, while lowering compliance costs for businesses;
- introducing the consistency mechanism set forth under the GDPR for matters covered under Chapter II of this Regulation and the advisory role of the European Data Protection Board for the remaining Chapters in order to improve the uniform interpretation of this Regulation.

Once-only principle and digital consent-based solutions

In its opinion on the **once-only principle and digital consent-based solutions** (Ref. IV.6.a), the REFIT Platform considers that the “once-only” principle has the potential to simplify and streamline the relationship between consumers and businesses with public administrations and should therefore be encouraged at both Commission and Member State level. It recommends that the European Commission should continue to facilitate the uptake of the “once only”

principle (OOP) in Member States, in line with the Tallinn Declaration on eGovernment of 6 October 2017, signed by EU Member States, and fully respecting EU data protection legislation.

This recommendation supports the work of the Commission in this area. In particular, in 2018, the Commission took some important steps regarding the application of the OOP:

- the Commission facilitated the agreement on the Regulation setting up the Single Digital Gateway, which for the first time mandates the application of the once only principle at the EU level. The cross border application of the once only principle will give further impetus to efforts by Member States to apply the principle at the national level.
- On 29 September 2018, the electronic identification (eID) part of the eIDAS (electronic identification and trust services for electronic transactions in the internal market) Regulation entered into force, paving the way for the cross border use of notified national electronic identity schemes in the EU. As an enabler, the use of eIDs will support the application of the OOP, because the use of online and secure identification and authentication mechanisms is required for the exchange of data between administrations and in some cases the private sector.
- Further progress was made by the TOOP project (funded by Horizon 2020) and the 21 Member States taking part to develop and pilot the technical infrastructure for the application of the once only principle in the areas of cross-border e-services for business mobility, updating connected company data and online ship and crew certificates
- The SCOOP4C project (Horizon 2020) continued to investigate, discuss, and disseminate how co-creation and coproduction in public service provisioning for citizens can be achieved by implementing the once-only principle in the EU. 91 actual cases and enablers for the implementation of the OOP have been identified

Copyright levies regimes

In its opinion on **copyright levies regimes** (Ref. IV.3.a-b), the REFIT Platform underlined the current fragmentation of the single market in this area, which is due to different approaches that Member States are taking in implementing private copying levies systems. The Platform is recommending more consistency between such national systems.

The Commission acknowledges that levies continue to represent an important issue and is continuously monitoring and assessing the developments at national level and their impacts on the single market (for example, through regular meetings with relevant stakeholders, case law, etc.). In particular, the Commission is closely following the emergence of national initiatives to reform national levies schemes, based on the ample case law of the Court of Justice of the EU and technological advancements.

In addition, the Collective Right Management Directive (Directive 2014/26/EU) recently implemented across Member States contains specific rules on governance and transparency. It should improve the systems of collection of levies, which should become more efficient and transparent.

Considering this ongoing work, the Commission services aim at reassessing within the next two years whether any further action is needed.

3 Opinions of the REFIT Platform in the Area of Communication Networks
- ePrivacy Directive (Ref. IV.1b) (2016)
- Copyright levies (Ref. IV.3.a-b) (2017)
- Digital consent-based solutions through public-private partnership (Ref. IV.6.a) (2017)

2.5 Consumer policy

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality

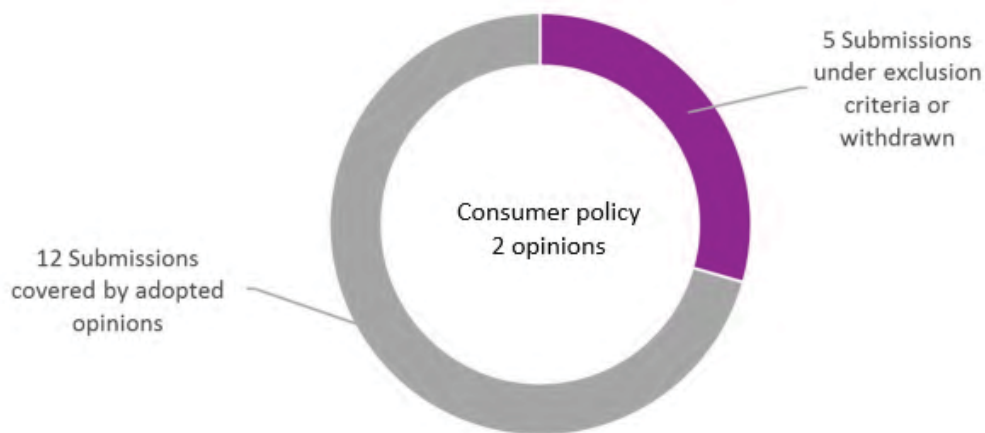
“In 2017 the European Commission carried out a thorough evaluation of existing consumer rules that led to the adoption of the New Deal for consumers in April 2018. Our proposal will strengthen EU consumer rights and enforcement, ensuring that all European consumers fully benefit from their rights under Union law. It will also introduce improved conditions for businesses, removing unnecessary burden related to the obligations on companies as regards the consumer's withdrawal right.”

The REFIT Platform adopted **2** opinions in the area of consumer policy. One opinion relates to the **Consumer Credit Directive**, in which it recommends that the Commission should assess the relevance, effectiveness and efficiency of information requirements set by this Directive, as well as its coherence with related legislation, in particular on unfair commercial practices. The Commission will address those recommendations by carrying out a fully-fledged evaluation of the Consumer Credit Directive in 2019.

The other opinion concerns the **Consumer Rights Directive**, where the REFIT Platform recommended assessing whether some information requirements could be simplified to decrease administrative burden. It also called for an assessment of the functioning of the rules on the right of withdrawal, including the calculation of the diminished value of used goods, as well as returning money before the goods are returned. The REFIT Platform also recommended examining situations where consumers are unjustifiably denied their right to withdraw and recommended that the Commission should act accordingly to improve the situation. Such recommendations were addressed by the revision of the EU consumer law directives proposed by the Commission in April 2018.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Evaluation of the Directive 2008/48/EC on credit agreements for consumers – in the course of 2019
- New deal for consumers – amendments of the Consumer Rights Directive – April 2018

Consumer Credit Directive

"The REFIT Platform stakeholder group and several Member States recommend that the Commission assesses the relevance, effectiveness and efficiency of the standard information requirements as well as the coherence with other Directives such as the Directive on unfair commercial practices" - REFIT Platform

In its opinion on the **Consumer Credit Directive** (Ref. VI.4a-f), the REFIT Platform Stakeholder group and several Member States recommended that the Commission assesses by 2019 the relevance, effectiveness and efficiency of the requirements to provide standard information when advertising consumer credit agreements, in particular on radio. In addition, it recommended examining the coherence with other Directives such as the Directive on unfair commercial practices.

In response to this opinion, the Commission decided to extend the scope of its reporting obligation set in Directive 2008/48/EC on credit agreements for consumers and conduct a fully-fledged evaluation of this Directive in the course of 2019.

Consumer Rights Directive

Regarding the **Consumer Rights Directive** (Ref. VI.1.a-f), the REFIT Platform recommended assessing whether some information requirements could be simplified to decrease administrative burden, in particular by making better use of information technologies. It also recommended an assessment of the functioning of the rules on the right

of withdrawal, including the calculation of the diminished value of used goods, as well as returning money before the goods are returned. It also called for examining situations where consumers are unjustifiably denied their right to withdraw and recommended to the Commission to act accordingly to improve the situation. Such recommendations were addressed by the revision of the EU consumer law directives proposed by the Commission in April 2018.

2 opinions of the REFIT Platform in the area of consumer policy:

- Consumer Credit Directive (Ref. VI.4.a-f) (2017)
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- Consumer Rights Directive (Ref. VI.1.a-f) (2017)
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2.6 Education

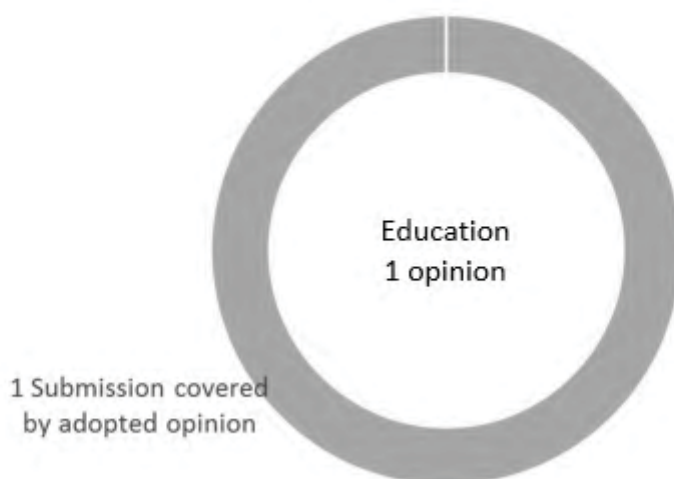
Jyrki Katainen, Vice-President for Jobs, Growth, Investment and Competitiveness

"One of Europe's greatest achievements was to build bridges across our continent with the creation of an area of free movement for workers and citizens. But there are still obstacles to mobility in the area of education. By 2025 we should live in a Europe in which learning, studying and doing research is not hampered by borders but where spending time in another Member State to study, learn or work is the norm."

The REFIT Platform issued one opinion on **professional qualifications and academic recognition**, recommending regular monitoring of the database for Regulated Professions to make sure that it is being updated by Member States and the strengthening of existing programmes and networks. The Commission is following up on this opinion by strengthening the work of the NARIC (National Academic Reference Information Centres) network, by improving its current system of exchange and facilitation of cross-border validation of diplomas and study periods and by its ongoing monitoring of the implementation of the Regulated Professions Directive.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Communication on strengthening European identity through education and culture: Sept. 2017
- Strengthening of the NARIC network: dedicated call through Erasmus+

- Ongoing monitoring of the implementation of the Regulated Professions Directive

“The most effective way to support the academic recognition is to further support the NARIC network itself and the initiatives taken by the NARIC’s” - REFIT Platform Government group

In its opinion on **professional qualifications and academic diploma recognition** (Ref. XX.1.a), the REFIT Platform indicated that no new legislation or framework Directive was needed. Instead, in the field of professional qualifications, it asked the Commission to monitor regularly the database for regulated professions, and to make sure that Member states update it regularly, as it considers it as being the most effective way to support qualified professionals wanting to apply for jobs in other EU countries. In the field of academic recognition, the REFIT Platform recommended strengthening existing programmes (e.g. ERASMUS+) and networks (e.g. the NARIC network).

The Commission allocated EUR 1 million to NARIC projects dealing with: a) the recognition commitments of the renewed agenda and the Bologna process; or b) recognition of qualifications held by refugees. Ten cooperation projects and three administrative projects (maintaining the ENIC-NARIC website and organising annual meetings) were submitted. All projects were approved for funding. The projects will run from March 2018 to the end of February 2020. Furthermore, in May 2018, the Commission adopted a proposal for a Recommendation on the automatic mutual recognition of higher education and upper secondary education diplomas/study periods abroad with Article 165 TFEU as the legal basis. To support this, a cooperation process to build mutual trust in school education systems across the Union will be launched, and an online database of qualifications giving access to higher education in each Member State will be established.

In the field of professional qualifications, the Commission is following up on this opinion in the framework of its ongoing monitoring of the implementation of the Regulated Professions directive.

1 opinion of the REFIT Platform in the area of education:
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- Diploma recognition (Ref. XX.1a) (2017)

2.7 Employment

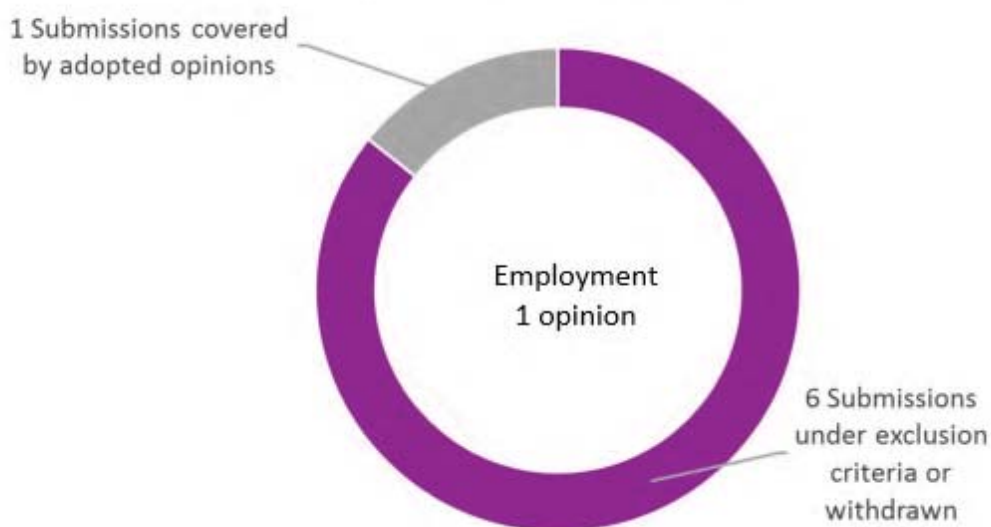
Marianne Thyssen, Commissioner for Employment, Social Affairs, Skills and Labour Mobility

“Free movement is a fundamental right of our Union cherished by its citizens. It brings benefits to workers, employers and the economy at large, helping tackling labor shortages and skills gaps. We need labor mobility to help restore economic growth and competitiveness. But mobility needs to be based on clear, fair and enforceable rules. “

The REFIT Platform has adopted **1** opinion in the area of employment regarding the **coordination of social security**. The Commission is following up on this opinion through its actions in supporting training activities, the deployment of a new IT platform and the electronic exchange of social security information system connecting 15,000 EU and EEA social security institutions. Furthermore, the Commission’s proposal to revise the social security coordination Regulations will ensure that these rules are fair, clear and easier. The Commission is also working on a potential initiative towards a European social security number to facilitate the identification of persons across borders and the identification of their social security insurance coverage.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Revision of the EU legislation on social security coordination – December 2016, pending in legislative procedure
- Training activities and outreach in Member States through a network of legal experts funded by Commission – ongoing
- Electronic exchange of social security information system (EESSI): launched July 2017, Member States to connect by July 2019

"Training is essential to ensure a proper understanding of the Regulations to empower mobility within the European Union (...). The Stakeholder group believes that (...) expert networks must be made as effective as possible to ensure a continuous assessment of the rules and monitor their evolutions and the need for further adaptation to the needs of employers, workers and European citizens in general" - REFIT Platform Stakeholder group

In its opinion on **social security coordination** (Ref. VII.5a), the REFIT Platform stakeholder group, supported by a large majority of Member States, emphasised that training is an essential element for ensuring the proper understanding of the applicable regulations to empower mobility within the European Union. It also pointed out the positive role of existing networks of independent experts on the free movement of workers and social coordination, which provide assistance to national authorities. Members of the REFIT Platform government group additionally referred to the recent launch of an electronic system enabling the exchange of information in the social security sector as a main element of modernisation in the area, as well as to the on-going revision of the social security coordination Regulations, which modernises the current rules.

The Commission is supporting training activities and outreach in Member States through a network of legal experts. Those contracts are currently being renewed to continue provisions of such services in the coming years.

The Commission is working on modernising social security coordination via the launch of a new IT platform, the Electronic Exchange of Social Security Information System (EESSI) that will connect electronically around 15,000 social security institutions of EU Member States plus Iceland, Liechtenstein, Norway and Switzerland, which should be up and running by mid-2019. It will replace the current paper-based exchanges between social security institutions, to allow for a quicker, easier and secure exchange of social security information throughout the EU and beyond. The Commission provides support to Member States with the deployment and maintenance of the system. In addition, the Commission's proposal to revise the social security coordination Regulations in order to ensure that these rules are fair, clear and easier to enforce is pending in legislative procedure since December 2016.

In order to reduce administrative difficulties, enhance training and cooperation across borders to protect citizens' social security rights, the Commission is also working on a possible initiative on a European social security number, which would facilitate the identification of persons across borders and the quick and accurate verification of their social security insurance coverage. Benefits for citizens would include simplification of administrative

procedures and better access to EU social security rights. For national administrations, it would lead to a reduction of administrative burden and help to combat fraud and error.

1 opinion of the REFIT Platform in the area of employment:

- Social security coordination (Ref. VII.5a) (2017)

2.8 Environment

Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries

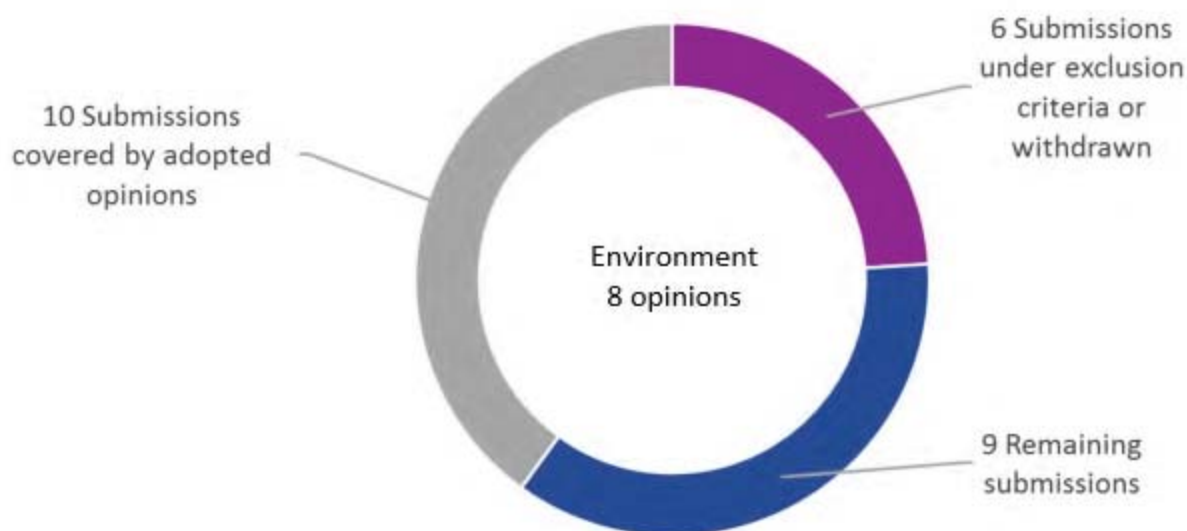
"More progress is necessary, both in the application of the Commission Recommendation on minimum principles for shale gas and in the correct and uniform application of EU environmental legislation."

The REFIT Platform adopted **8** opinions in the area of environment, covering:

- **Waste of electrical and electronic equipment**, where the Commission will establish a common format for registration of producers of electrical and electronic equipment and harmonise the frequency of reporting.
- **Disposal charges on batteries, energy-saving bulbs and electronic equipment**, where follow up will be provided i) through the evaluation of the batteries directive and ii) through the common registration and reporting format referred to previously for waste of electrical and electronic equipment
- **Shipments of waste**, which will feed the evaluation of the Waste Shipment Regulation
- **EU packaging and packaging waste**, where the Commission will ensure follow up through soft law measures
- **Air quality**, where the submission and related Platform opinion will be considered in the ongoing fitness check on the EU Ambient Air Quality Directives
- **Hydraulic fracturing**: The Commission is closely monitoring legislative and non-legislative developments in Member States and will undertake a reassessment of the effectiveness of the current policy approach on unconventional fossil fuels by 2019.
- **BREFs (best available techniques reference documents)**: Ongoing work conducted in the context of the Seville process ensures that the BREF review process is effective, efficient and transparent.
- The opinion of the REFIT Platform on the **EU policies on water, renewable energy and nature protection** is followed up through sector-specific guidance on hydropower and Natura 2000 that will be issued by the Commission in the context of the follow up action plan to the Natures Directives fitness check

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Implementing act simplifying and developing reporting and registration arrangements for producers of electrical and electronic equipment: end 2018
- evaluation of the Batteries and Accumulators Directive: end 2018
- Hydraulic fracturing:
 - study examining permitting practices in Member States – finalized June 2018
 - hydrocarbons guidance document (including the identification of Risk Management and Best Available Techniques for hydrocarbons exploration and production) – end 2018/beginning 2019
 - Reassessment of the effectiveness of the recommendation: end 2019
- Evaluation of the Regulation on shipments of waste: end 2019
- Fitness check of the EU ambient Air Quality Directives: end 2019
- EU packaging and packaging waste Directive: dialogue and actions together with Member States – ongoing
- Sector-specific good practice guide on hydropower and Natura 2000: end June 2018

Waste (waste of electrical and electronic equipment Directive (WEEE); disposal charges on batteries, energy saving bulbs and electronic equipment; shipments of waste; EU packaging material)

In its opinion on the **waste of electrical and electronic equipment Directive (WEEE)** (Ref. IX.1a), the REFIT Platform recommended to the Commission to take action to implement a common harmonised reporting and registration system that would take enforcement and manageability into account without adding burden on the Member States.

In its opinion Ref. IX.13.a on **disposal charge on batteries, energy-saving bulbs and electronic equipment**, the REFIT Platform considers that there is scope for reducing administrative burden on companies in relation with the registration and reporting procedures. The REFIT Platform stakeholder group also recommends an EU-wide information exchange system between national registries to reduce the administrative burden that companies face when retrieving disposal charges/fees when selling cross-border.

In response to both opinions and addressing the requirements of the Directive, the Commission is planning to adopt an implementing act establishing a common format for registration and reporting of producers of electrical and electronic equipment, including a harmonised data structure. The implementing act is planned for adoption at the end of 2018, with a view to be implemented from the beginning of 2020, which will give sufficient time to Member States to adapt (if needed) their existing national registration and reporting systems.

In addition, the opinion on disposal charges for batteries will be considered in the context of the ongoing evaluation of the batteries directive, expected to be finalised early 2019.

As regards the **shipment of waste**, the REFIT Platform in its opinion IX.3.a-c recommends to consider more types of waste to be added to the so-called "green list" and to strengthen the monitoring and the control of waste streams as well as the mutual recognition of national registries of waste carriers. This opinion will feed into the ongoing evaluation of the Waste Shipment Regulation, expected to be finalised by mid - 2019.

On the **EU packaging and packaging waste Directive** (Ref. IX.8.a), the REFIT Platform acknowledges the misuse by some Member States of the voluntary system for the marking and identification of EU packaging material that has been made mandatory although the EU Packaging and Packaging waste Directive (PPWD) and proposes a voluntary labelling system. The REFIT Platform invited the Commission to monitor and ensure the harmonised implementation of this Directive as well as to consider whether a modification of the PPWD might be appropriate to clarify the issue.

This recommendation is actively followed up by the Commission in its bilateral contacts with the relevant Member States, which are currently adapting their national legislation. Furthermore, the Commission monitors closely the application of the Directive and its related developments in the Member States. In relevant technical committees, it also provided clarification on this issue to Member States. It may, if needed, issue further guidance to Member States and economic operators on other interpretation issues (for example in the format of a "Frequently Asked Questions" document). For the time being, the modification of the legal text of the PPWD to make clearer that such a system is voluntary does not appear necessary, given those ongoing actions.

Best available techniques reference documents (BREFs)

In its opinion on **best available techniques reference documents (BREFs)** (Ref. IX.6b), the REFIT Platform recommended to the Commission to ensure that the process for reviewing such documents is efficient and transparent and that clear and robust methodology for BAT (Best Available Techniques) derivation is developed.

The Commission considers that the Seville process by which it deals with those technical matters (identification of BAT at EU level, definition of BAT Associated Emission Levels (BAT-AELs,) and which involves all relevant stakeholders (e.g. non-governmental organisations, industry associations, Member States) provides the necessary mechanisms to ensure efficient effective and transparent BREF reviews. The REFIT Platform recommendation will be considered in the context of the continuous improvement of this process.

Hydraulic fracturing

"The findings highlight the inefficient and ineffective application of the Commission Recommendation on shale gas³³. It is therefore recommended that the Commission takes a risk-based precautionary approach and considers in particular the publication of an Action Plan to evaluate the performance of existing legislation and invites practical suggestions for solutions from stakeholders and the public" - REFIT Platform Stakeholder group

In its opinion on **hydraulic fracturing** (Ref. IX.12a), the REFIT Platform stakeholder group recommended to the Commission to take a risk-based precautionary approach and to consider in particular the publication of an action plan committing to evaluate the performance of existing legislation and inviting practical suggestions for solutions from stakeholders and the public – a recommendation that was supported by a few Member States.

The Commission monitors closely legislative and non-legislative developments in Member States in the field of unconventional oil and gas extraction. In particular, it has commissioned a study (finalised mid-2018³⁴) to examine permitting practices in relevant Member States in the field of shale gas, tight gas, coal bed methane and conventional oil and gas extraction using well stimulation techniques.

It also tracks information from Member States on how they apply Recommendation 2014/70/EU on high-volume hydraulic fracturing³⁵. A public data portal on unconventional oil and gas wells drilled in the EU is under development by the Commission, which will contribute to enhanced transparency in this sector. A first prototype is already publicly available and will be further elaborated in the coming three years.

The Commission is also elaborating a hydrocarbons guidance document that includes the identification of risk management and best available techniques for hydrocarbons exploration and production, which is expected to be ready by the end of 2018 / beginning of 2019³⁶. In

³³ 2014/70/EU: Commission Recommendation of 22 January 2014 on minimum principles for the exploration and production of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing

³⁴ <https://publications.europa.eu/en/publication-detail/-/publication/821b0b31-78ee-11e8-ac6a-01aa75ed71a1/language-en/format-PDF/source-73186205>

³⁵ (link to publication on env website)

³⁶ http://ec.europa.eu/environment/integration/energy/hydrocarbons_extraction_en.htm

addition, the Commission will reassess the effectiveness of the approach taken regularly and at the latest every three years, by the end of 2019.

EU policies on water, renewable energy and nature protection

In its opinion on **EU policies on water, renewable energy and nature protection** (Ref. IX.14.a), the REFIT Platform did not agree with the submission that there are contradictions between EU legislation on water, nature protection and renewable energy. It instead considers that the current legislation allows renewable energy generation to proceed in appropriate circumstances, following the procedures set out in the relevant pieces of legislation. However, it underlined the importance of working towards an integrated and balanced approach for implementing different EU legislative acts or policies. This opinion has informed the sector specific guidance on hydropower and Natura 2000 that has been issued by the Commission in the context of the follow up action plan to the Nature Directives fitness check³⁷.

Air quality

On **air quality** (Ref. IX.5.a), the REFIT Platform expressed its disagreement with the submitter's suggestion to adapt air quality limits according to the amount of population and to establish different thresholds depending on the area (e.g. residential vs. low populated) and its degree of population. The REFIT Platform considers that air quality limits should remain the same across the entire EU territory, to protect all EU citizens, and that current EU rules provide enough flexibility to national and local authorities as to the correct measures to be adopted to meet existing limits. The submission and the opinion (while recommending no action) will be considered in the context of the ongoing fitness check of the EU Ambient Air Quality Directives, expected to be finalised by the end of 2019.

8 opinions of the REFIT Platform in the area of environment:

- [Best Available Techniques Reference Documents](#) (Ref. IX.6b) (2017)
- [Hydraulic fracturing](#) (Ref. IX.12a) (2017)
- [Waste electrical and electronic equipment Directive](#) (Ref. IX.1a) (2016)
- [Regulation on Shipment of Waste](#) (Ref. IX.3.a-c) (2018)
- [Air Quality Directive](#) (Ref. IX.5.a) (2018)
- [Packaging materials](#) (Ref. IX.8.a) (2018)
- [Disposal charge on batteries, energy-saving bulbs and electronic equipment](#) (Ref. IX.13.a) (2017)
- [Better coordination of EU policies on water, renewable energy and nature protection](#) (Ref. IX.14.a) (2018)

³⁷ http://ec.europa.eu/environment/nature/natura2000/management/docs/hydro_final_june_2018_en.pdf

2.9 Financial Services

Jyrki Katainen, Vice-President responsible for Jobs, Growth, Investment and Competitiveness

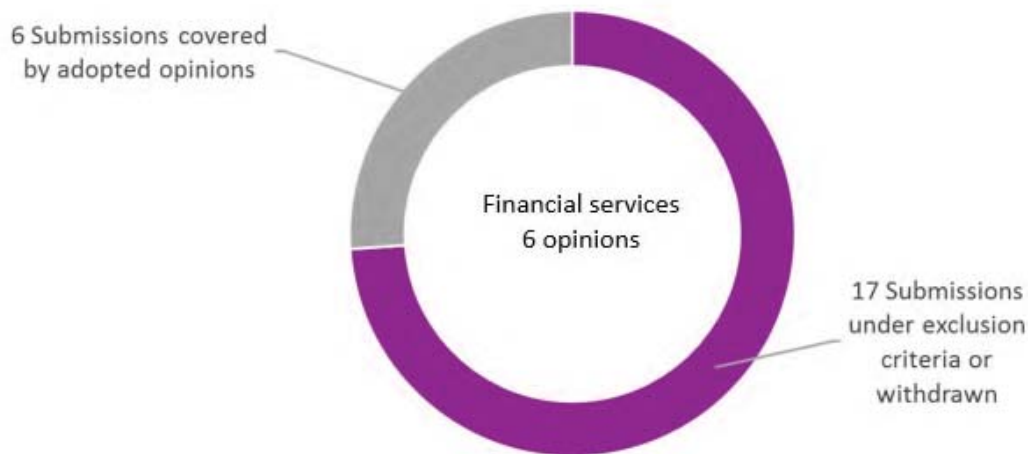
"The Commission is serious about better regulation. The Call for Evidence on the cumulative impact of financial services reforms has been a hugely important exercise. It showed us that the overall framework is sound, and it helped us target key themes in legislation where improvements can be implemented. The responses to the public consultation have been valuable in strengthening the Commission's policies, and in ensuring that our framework supports European growth and investment."

The REFIT Platform issued 6 opinions in the area of financial services relating to:

- financial reporting and the need to streamline the reporting of financial information to supervisory authorities so as to reduce administrative burden;
- the overlapping requirements in supervisory procedures for financial conglomerates under the Financial Conglomerates Directive (FICOD);
- the EU legislation on insurance and the need to reduce the administrative burden incurred due to the 3 legal acts governing this area;
- the digitalisation of the financial sector;
- the directive on undertakings for collective investment in transferable securities (UCITS);
- the regulation of listed companies.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Study assessing the performance of FICOD – finalised July 2017;
- Fitness check on supervisory reporting requirements in the financial services legislation – second quarter of 2019;
- Evaluation of the Insurance Distribution Directive – 2020;
- Review of the PRIIPS Regulation (Regulation on key information documents for packaged retail and insurance-based investment products) – initially due by the end of 2018 but postponed due to delayed application date of the Regulation (applicable only as of 1 January 2018);
- Targeted reviews of the Solvency II Directive (on the taking up and pursuit of business of insurance and Reinsurance) – 2018 to 2021;
- ESMA analysis on UCITS restrictions as regards the use of over-the-counter derivatives – ongoing.

Financial reporting

"The stakeholder group supports the streamlining of financial reporting to various supervisory authorities to reduce unnecessary administrative burden on financial institutions. There is a call for an integrated system which would align the various reporting streams" - REFIT Platform stakeholder group

In its opinion on **financial reporting** (Ref. X.13a), the REFIT Platform identified the need to streamline the reporting of financial information to various supervisory authorities to reduce administrative burden on financial institutions.

This opinion confirmed the evidence gathered by the European Commission as part of its call for evidence and further supports the need for action. Therefore, the Commission has undertaken a fitness check, which will provide a comprehensive overview of the key sources of the cost and burden of supervisory reporting in financial services legislation. The fitness check is expected to identify potential areas where the compliance cost and burden stemming from the reporting obligations could be reduced (for example by streamlining or simplifying them). It will allow further opportunities for input and to ensure that a full response is given to the concerns raised. The completion of the fitness check is expected by mid-2019. On this basis, the Commission will assess the need for concrete measures. This work is performed alongside the ongoing financial data standardisation (FDS) project, which will produce a comprehensive mapping of reporting requirements and aims to develop a common language on financial data.

Financial Conglomerates

The REFIT Platform also issued an opinion (Ref X.1a) on the **Financial Conglomerates Directive (FICOD)**, recommending a review of the Directive, focused in particular on overlapping requirements in the supervisory procedures for financial conglomerates.

This input informed the Commission's work in assessing the performance of FICOD. Since the adoption of the original FICOD in 2002, the regulatory landscape in which financial conglomerates operate has changed significantly. The development of enhanced sectorial regimes, and in particular the enhanced group supervision regime under Solvency II, has changed the relevance and application of FICOD, leading to a certain number of inconsistencies. However, the Commission services concluded in their staff working document on FICOD (SWD(2017)272 and 273) that the framework still functions to capture group risks and gives supervisors oversight over these cross-sector groups. In some instances, the gaps and inconsistencies are addressed by supervisors in the application of the FICOD framework and therefore do not fundamentally undermine the effectiveness of the FICOD framework. Overall, the Commission considered that FICOD remains a useful supervisory tool.

Insurance legislation

In its opinion on the **EU legislation on insurance** (Ref. X.21.a), the REFIT Platform considers that the currently applicable EU legislation on insurance leads to information overload and duplication and imposes obligations to provide pre-contractual information on paper that are not in line with current technological developments and consumer demands. The Platform also considers that the 3 legal acts governing the area (Regulation (EU) No 1286/2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs); Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) and Directive (EU) 2016/97 on insurance distribution (Insurance Distribution Directive, IDD)) (although two of them are not in force yet) create additional administrative burden and should be checked during their planned technical reviews. In its recommendation, the Platform insists on the importance of transparency of insurance products, which is not to be undermined in reviews of the acquis, and acknowledges achievements made by PRIIPS in this sense. This opinion will feed the

reviews of those legislative acts planned between 2018 and 2021 and, in particular, the evaluation of the Insurance Distribution Directive planned to be finalised in 2020.

Digitalisation of the financial sector

In relation with the **digitalisation of the financial sector** (Ref. X.22.a), the REFIT Platform considers that digitalisation affects and transforms businesses, national organisations and citizens in the field of financial services and other sectors. Future-proof legislation, technology neutrality, data protection and real time economy are themes in line with the goals set in the digital single market (DSM) strategy. In that context, the REFIT Platform recommends that the Commission pay particular attention to the use of customers' data and grant consumer protection while also acknowledging the need for personnel to develop new skills and competences.

Such aspects are considered in the context of the Commission action plan to build a deeper single market for retail financial services, adopted in March 2017, which also included actions to support the further development of an innovative digital world. Among other aspects, these actions seek to promote the use of e-IDs for digital on-boarding of customers and collect detailed evidence about which exact national rules and practices might constitute unnecessary barriers to firms seeking to offer their services cross-border. The action plan includes an action to address consumer protection issues in the digital sphere of financial services within the EU. Furthermore, the revised Payment Services Directive (Directive EU 2015/2366) adopted on 25 November 2015 and in application as of 13 January 2018 provides for better consumer protection through enhanced payment security requirements compared to the original Directive of 2007.

Directive on Undertakings for the Collective Investment in Transferable Securities (UCITS)

In response to a submission calling to amend the directive on undertakings for the collective investment in transferable securities (UCITS) due to conflicting provisions with other legislation such as the European Market Infrastructure Regulation (EMIR) and the use of central clearing parties (CCP), the REFIT Platform considered that in its view and considering the ongoing work of the European Securities and Markets Authority (ESMA), there is no need to amend UCITS. ESMA is currently working with the Commission to analyse the evidence collected on UCITS restrictions concerning the use of over-the-counter derivatives.

In relation with the **regulation of listed companies**, the REFIT Platform considered in its opinion X.12.a that no specific immediate action was needed in that area.

6 opinions of the REFIT Platform in the area of financial services:
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| <ul style="list-style-type: none">- Financial Conglomerate Directive (Ref.X.1a) (2016)- Financial reporting (Ref. X.13a) (2016)- Insurance legislation (Ref. X.21a) (2018)- Digitalisation (Ref. X.22a) (2018)- UCITS (Ref. X.3.a) (2018)- Regulation of listed companies (Ref. X.12.a) (2018) |
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2.10 Health and Food safety

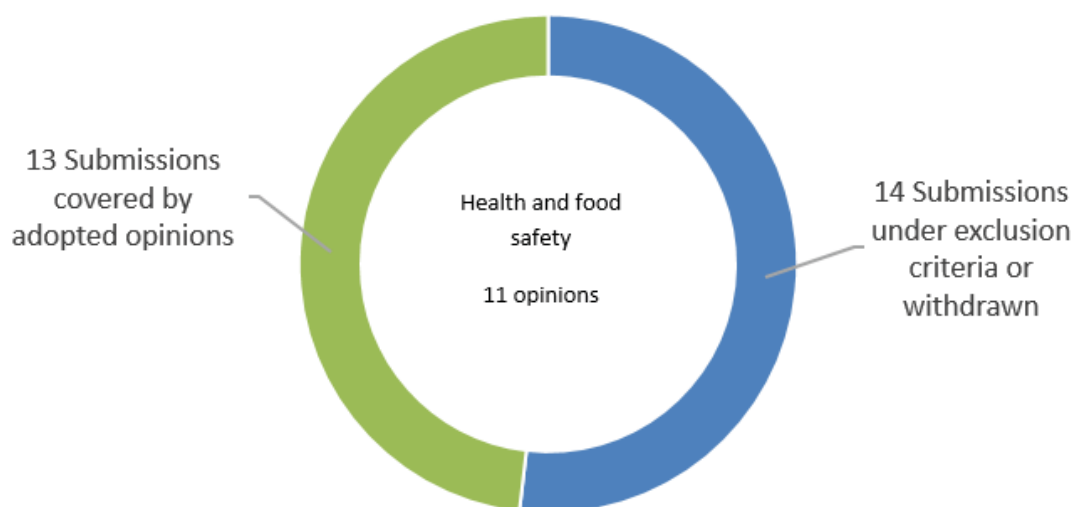
Vytenis Andriukaitis, Commissioner for Health and Food Safety

"I know first-hand that citizens are concerned about the impact of the use of pesticides on their health and the environment. We take these concerns into consideration and we are working with the Member States to achieve sustainable use of pesticides in the way we grow and produce our food. I will continue encouraging and supporting Member States in their task of implementing the measures to reduce risks derived from the use of pesticides".

The REFIT Platform adopted **11** opinions in the area of health and food safety. The recommendations of the REFIT Platform on food contact materials, traditional herbal medicinal products, multiple use/multiple source substances (pesticides) and nutrition and health claims will be addressed in the context of the ongoing evaluation of the applicable legislative frameworks, expected to be finalised over the period from the end of 2018 to early 2020. The recommendation on vegan food will be followed up by an implementing act, for which preparatory work will start in 2019. To address the recommendation on residues of veterinary medicinal products in food of animal origin, the Commission will present by 2020 a new delegated act planned for adoption before the entry into application of the new Official Control Regulation. Concerning a harmonised approach on maximum levels for vitamins and minerals, the Commission is reflecting on possible next steps. 3 opinions (protection of animals during transport, identification methods of equidae and the hygiene package) do not call for any follow-up.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Evaluation of the plant protection products legal framework – second quarter of 2019
- Evaluation of the EU food contact materials legislation – 2020
- Action plan on chlorate – adopted in 2017, actions are ongoing
- Evaluation of the Regulation on nutrition and health claims made on food and on plants – June 2019
- Guidance document on the implementation of certain provisions of the Feed Hygiene Regulation – February 2019

Food Contact Material

In relation to **food contact materials**, the REFIT Platform recommended in its opinion (Ref. XI.1.a) that the Commission issues a common *European requirement for a declaration of compliance* for all types of food contact materials. The Commission is following up on this opinion in the context of its evaluation of the EU food contact materials legislation, planned to be finalised in early 2020. On the basis of this evaluation, the Commission will consider whether or not any further measures are necessary at EU level.

Traditional herbal medicines products and nutrition and health claims:

On the **Traditional Herbal Medicines Products Directive**, the REFIT Platform recommends in its opinion (Ref. XI.6a-b) to wait for the results of the evaluation on nutrition and health claims before deciding on whether there is a need to collect additional evidence on the performance of the Traditional Herbal Medicines directive [2004/24/EC](#) and whether on this

basis, an amendment of the latter is needed. Opinion XI.11.a-b relates to practical suggestions to improve the functioning of the existing **Regulation on nutrition and health claims**, in particular the transparency of procedures for the authorisation of health claims, less scientific and more consumer-friendly wording of health claims and the possibility to market products with the same claims in all Member States.

The content of those 2 opinions will feed into the Commission's ongoing work on the evaluation of Regulation (EC) 1924/2006 on nutrition and health claims made on foods with regards to nutrient profiles and health claims made on plants and their preparations, expected to be finalised by June 2019.

Pesticides/chlorate

"The Stakeholder group considers that the Commission should assure that rules³⁸ should only apply to residues from plant protection and propose a change of the definition of "pesticide residues" to that effect. The Stakeholder group further considers that the Commission should in addition propose suitable Maximum levels and Maximum Residue Limits for multiple use substances under the relevant legislative framework." - REFIT Platform Stakeholder group

In its opinion on **multiple use/multiple source substances such as chlorate** (Ref. XI.10a), the REFIT Platform Stakeholder group recommends that suitable limits for chlorate should be found. It also recommends changing the definition of "pesticides residues" and proposing suitable MLs/MRLs (Maximum levels/Maximum Residue Limits) for multiple use substances under the relevant legislative framework. Given the complexity of the issue, the government group considers that the issues raised warrant thorough assessment in the context of the Commission evaluation of the plant protection products legal framework.

The Commission is addressing those concerns via 2 strands of work.

Specifically on chlorate, a multi-disciplinary action plan for reducing the dietary exposure to chlorate and for resolving the systemic non-compliance with the pesticides MRLs has been set up by the Commission. This action plan was supported by the meeting of the heads of national food safety agencies (HoA) in May 2017 and the Commission confirmed its intention to implement it at the meeting of the HoA in November 2017. This action plan includes several actions such as:

- the consideration of a chlorate limit for drinking water: the Commission proposal for the revision of Directive 98/83/EC on drinking water was adopted on 1 February 2018 and introduced a maximum level for chlorate of 0.25 mg/l. The proposal is currently under discussion with the European Parliament and the Council.

³⁸ Regulation (EC) No 396/2005 (on maximum residue levels of pesticides in or on food and feed of plant and animal origin)

- a recommendation on good food hygiene practices in order to reduce chlorate coming from chlorinated disinfectants. Good hygiene practices regarding the use of chlorinated disinfectant were included in May 2017 in the guidance document on addressing microbiological risks in fresh fruits and vegetables at primary production through good hygiene.
- Setting MRLs based on occurrence data for foods: a legislative proposal is under discussion with Member States to set temporary MRLs based on monitoring data.
- Maintaining the MRLs for foods intended for infants and young children at 0.01 mg/kg: these levels are in place and will not be modified by the regulatory proposal on chlorate in regular foods.

More generally, the concerns of the REFIT Platform on pesticides residues will be addressed in the context of the ongoing evaluation of the plant protection products legal framework, expected to be finalised by June 2019.

Vegan/vegetarian definition

In its opinion on the **definition of "vegan" and "vegetarian"** (Ref. XI.13a), the REFIT Platform recommends that the Commission fulfill rapidly its obligation under Regulation (EU) No 1169/2011 on the food information to consumers to adopt an implementing act on the criteria for voluntary food information related to the suitability of a food for vegetarians or vegans to avoid diverging national developments and a distortion of the EU market. The Commission intends to follow up on this recommendation by adopting an implementing act, for which preparatory work will start in 2019.

Residues of veterinary medicinal products and other substances in food of animal origin

In the opinion on the **monitoring of residues of veterinary medicinal products and other substances in food of animal origin** (Ref XI.3a), a majority of the members of the government group recommend that the Commission adopts an implementing act which sets general rules for Member States on risk-based sampling, without undermining policy objectives. The recommendation is also supported by some members of the stakeholder group. The Commission plans to address this recommendation by presenting such rules by 2020 through new tertiary legislation planned for adoption before the entry into application of the new Official Control Regulation.

Registration of feed business operators

The REFIT Platform acknowledges in its opinion on the registration of feed business operators (Ref. XI.7.a) that the registration requirements under the Feed Hygiene Regulation (FHR) trigger administrative burden for retailers placing products of animal origin on the market. However the REFIT Platform stakeholder group and a majority of the members of the government group consider that the submitter's concerns have already been addressed by the European Commission in the Commission notice "*Guidelines for the feed use of food no longer intended for human consumption*" and therefore no additional action in the form of a revision of the FHR Regulation is needed. The REFIT Platform also points to a proposal for a "Guidance document on the implementation of certain provisions of Regulation 183/2005

laying down requirements for feed hygiene" that is currently under discussion between the European Commission and the Member States, which should clarify the implementation of the FHR.

11 opinions of the REFIT Platform in the area of health and food safety:
- Food contact materials (Ref. XI.1a) (2016)
- Monitoring of residues of veterinary medicinal products and other substances in food of animal origin (Ref XI.3a)(2016)
- Multiple use/multiple source substances - chlorate (Ref. XI.10a) (2017)
- Definition of "vegan" and "vegetarian" (Ref. XI.13a) (2017)
- Traditional Herbal Medicines Products Directive (Ref. XI.6a-b) (2017)
- Vitamins and Minerals (Ref. XI.20a) (2018)
- Protection of animals during transport and related operations (Ref. XI.17a) (2018)
- Identification methods of equidae (Ref. XI.19a) (2018)
- The Hygiene Package (Ref. XI.16b) (2018)
- Nutrition and Health claims (Ref. XI.11.a-b) (2018)
- Registration of feed business operators (Ref. XI.7.a) (2018)

2.11 Horizontal issues

First Vice-President Frans Timmermans

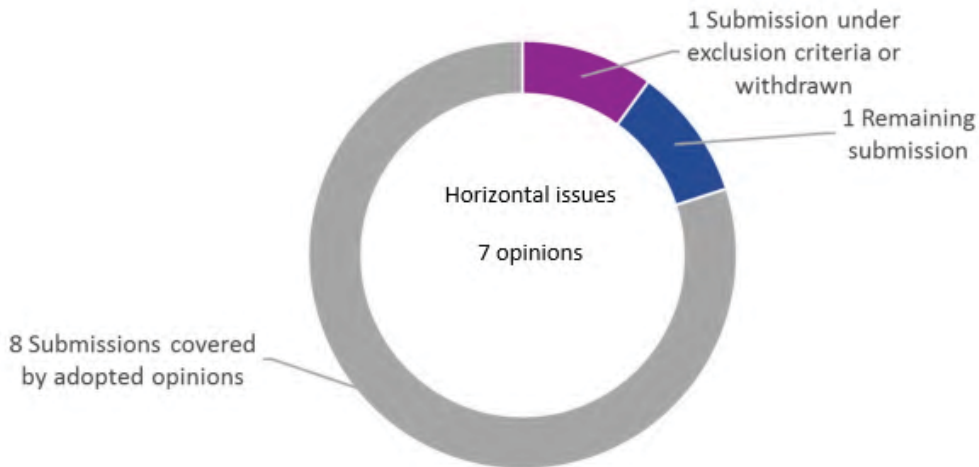
"We are empowering Europeans to participate in the democratic process. We want to make the European Citizens' Initiative more accessible for all Europeans. "

The REFIT Platform adopted 7 opinions on horizontal matters, covering topics such as standardisation, stakeholder consultation, the European Citizens' initiative (ECI), technology neutrality, real time economy and interconnection.

In response, the Commission simplified the **ECI** in September 2017 and made it more user-friendly. The Commission also improved its **consultation policy** by updating its internal procedures. It adopted an action plan in October 2017 to reduce the current backlog in the publication of **standards** and make the publication process with European Standardisation Organisations more efficient, transparent and accountable. **Technology neutrality** is a key principle supported by the Commission. For example, this concept has been included in the General Data Protection Regulation and in the Directive on security of networks and information systems (NIS Directive) as well as in the European regulatory framework for electronic communications. The Commission also supports technology neutrality in the context of interoperability. At the initiative of the Commission, building blocks required to enable the **real-time economy** have been developed and made available under the Connecting Europe Facility (CEF) Programme: eDelivery, eID, eInvoicing, eSignature and eTranslation. Regarding **interconnection**, the REFIT Platform will issue a series of sector-specific opinions in 2019.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Update Better Regulation guidelines and toolbox for improved reference to standardisation – July 2017
- Update Better Regulation guidelines and toolbox for improved mechanisms for stakeholders' consultation – July 2017
- Review of the implementation of the ECI instrument and legislative proposal: September 2017
- Action plan for the non-citation of harmonised standards: October 2017
- sector specific REFIT Platform opinions – course of 2019

European Citizens' Initiative (ECI)

"The EU must improve the ECI's cost effectiveness and user-friendliness" - REFIT Platform Stakeholder group

The REFIT Platform adopted an opinion on the **European Citizens' Initiative (ECI) (Ref. XXII.1a)** in which the stakeholder group and some members of the government group consider that there is a "need to make the ECI more 'fit for purpose' through simpler requirements for the application of the existing system and through revision of the legal framework". It recommended that the Commission takes into consideration the issues identified by the Platform in the review of the ECI, including both simplification of the implementation of the ECI and the revision of the Regulation (EU) No 211/2011 on the citizens' initiative (ECI Regulation).

The Commission has taken into consideration the issues identified by the Platform in its review of the implementation of the ECI instrument and the subsequent legislative proposal aimed at making the ECI more accessible, less burdensome and easier to use. The proposal adopted in September 2017 builds on lessons learnt during the five years since the Regulation came into force. In particular, in line with the recommendations of the REFIT Platform, the proposal includes:

- the possibility to establish citizens' committees (now groups of organisers) as legal entities for the purpose of managing an initiative;
- reinforced advice and support measures to organisers of initiatives;
- improvements in the registration procedure, including the possibility of partial registration of initiatives;
- the possibility for organisers to use a central online collection system under the responsibility of the Commission and without the need for certification;
- a maximum period of three months between the date of registration and the start of collection allowing organisers to prepare their campaign and their online collection system should they decide not to use the central system;
- simplified forms for the collection of statements of support and a unified approach based on nationality, allowing all EU citizens to sign;
- provisions on communication and awareness-raising activities to be carried out by the Commission.

Stakeholders' consultation mechanisms

Concerning **stakeholders' consultation mechanisms** (Ref. XXII.4a-b), the REFIT Platform made an extensive number of practical recommendations to improve current shortcomings of the Commission's policy on consultation of stakeholders. Those were duly taken into account during the revision of the better regulation guidelines and toolbox issued in July 2017³⁹.

In particular, feedback mechanisms have been better explained in the revised toolbox (tool 56), and are now all accessible via the central [contribute-to-law-making](#) platform. A social media campaign will also be launched, aimed at raising awareness of these tools. A short [video](#) explaining the feedback and consultation mechanism has also been produced.

The revised toolbox also includes more detailed guidance on the preparation of consultation documents, including on how to avoid technical barriers for stakeholders, how to ensure the openness of questions to all stakeholders, and how to use less technical language.

Standardisation

³⁹ https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox_en

On standardisation, the REFIT Platform issued two opinions: one on **standardisation as a cross-cutting instrument for better regulation** (Ref. XXII.2.a) and one on the **non-citation of harmonised standards** (Ref. XXII.2.b)

- on **standardisation as a cross-cutting instrument for better regulation**, the REFIT Platform recommended the use of standardisation to be referred to in the Commission better regulation guidelines and specific guidance on how to refer appropriately to standards in legal text to be provided in the Commission better regulation toolbox. The Commission has included such a reference in both the guidelines and toolbox updated in July 2017.
- on the **non-citation of harmonised standards**, the REFIT Platform recommends that the current backlog in the publication of standards be reduced and that a structural solution be adopted to prevent backlogs in the future. In response, the Commission and the European Standardisation Organisations (ESOs) have developed and agreed on an action plan for addressing the current stock of non-cited harmonised standards, to make the process more transparent and accountable to ensure the timely publication of the references of harmonised standards in the Official Journal of the European Union. This action plan was officially adopted and published in October 2017⁴⁰ and the Commission and the ESOs are currently working on its implementation. Additionally, the Commission adopted in November 2018 a Communication on harmonised standards⁴¹. It presents specific actions to enhance the efficiency, transparency and legal certainty for the actors involved in the development of harmonised standards. It aims to improve the practical implementation of the European standardisation system and to ensure that the European standardisation system meets the challenges of rapidly evolving technological developments, the digitisation of the European economy as well as emerging economic trends and growth models.

Technology neutrality

In its opinion on Intention of the Legislation, Digitalisation and **Technology neutrality** (Opinion XXII.3.b), the REFIT Platform fully supported taking account the principle of technology neutrality in both national and EU legislation, stressing that a future-proof and technology-neutral regulatory framework is essential for the development of the digital economy.

The principle of technology neutrality has been enacted and is one of the key principles of the European regulatory framework for electronic communications, first introduced in 2002 and reinforced in the 2009 telecoms package. It will also be one of the key principles of the future

⁴⁰ http://ec.europa.eu/growth/content/european-commission-launches-action-plan-improve-publication-harmonised-standards-industry_en

⁴¹ COM (2018) 764

European electronic communications code, proposed by the Commission in September 2016 and on which the co-legislators reached a political agreement in June 2018. Its formal adoption is expected by the end of 2018, so that the code will apply in the Member States by the end of 2020.

In the context of the European framework for electronic communications the principle of technological neutrality entails a requirement for Member States to ensure that national regulatory authorities take the utmost account of the desirability of making regulation technologically neutral, that is to say that it neither imposes nor discriminates in favour of the use of a particular type of technology. For instance, since 2009 all spectrum licences in Europe are supposed to be "technologically neutral".

Since 2011, technology neutrality has also been recognised as a key principle for internet policy (OECD, 2011). The concept is included in the General Data Protection Regulation (EU) 2016/679 and in the Directive on the security of network and information systems (NIS Directive) (EU) 2016/1148, both adopted in 2016.

The European Commission also supports technology neutrality in the context of interoperability. While “public services should be designed to work seamlessly across the Single Market and across organisational silos, relying on the free movement of data and digital services in the European Union” (“Interoperability by default” principle as stipulated in the eGovernment Action Plan 2016-2017), part of the vision set out in the Action Plan is that “administrations, public bodies, businesses and users know themselves best what they need. The choice of systems and technologies, of distributed or centralized designs should be entirely according to their choice and needs but need to fully respect agreed interoperability requirements.”

Similarly, in their Tallinn Declaration on eGovernment, the Member States reiterated that, for the principle of interoperability by default, they will work on national interoperability frameworks based on the European interoperability framework (EIF), while respecting the relevant national standards, and adhere to EIF for cross-border digital public services.

As successfully demonstrated by the building blocks developed under the Connecting Europe Facility (CEF) programme, technology neutrality and interoperability can be achieved alongside each other where technologically neutral legislation is accompanied by the re-use of joint solutions-based interoperability agreements between European Union Member States with a layer of technical specifications and standards at their core.

The Digital Europe Programme, which the Commission has proposed for the post-2020 Multiannual Financial Framework, will also include support for interoperability.

Real Time Economy

The REFIT Platform supports the principles of the **real time economy** (RTE) (Ref. XXII.3.c), which is an environment where financial and administrative transactions between citizens, businesses and public sector entities are in structured, standardised digital format, generated

automatically and thus completed in real time. It further encourages the Commission to follow closely the use of eInvoicing in public sector procurement.

Such an opinion actually supports the ongoing work of the Commission. At the initiative of the Commission, the ‘building blocks’ required to enable the RTE have been developed and made available under the CEF Programme: eDelivery, eID, eInvoicing, eSignature and eTranslation.

Moreover, a European standard for eInvoicing is being introduced via Directive [2014/55/EU](#) on electronic invoicing in public procurement to address interoperability issues regarding eInvoices issued as a result of the performance of public procurement contracts.

The legal framework for the use and uptake of eIDs and trust services at the EU level was put in place by the adoption of the eIDAS Regulation. As a horizontal instrument, future EU level legal initiatives that will require the use of electronic identity means and trust services for the provision of electronic services may therefore rely on the eIDAS Regulation and the framework it provides.

Furthermore, building on this REFIT opinion, the Commission has also started an internal reflection process on how these concepts can drive modernisation of the competitiveness and single market policy making process. A meeting with Member States experts was organised within the framework of the IMAC (Internal Market Advisory Committee) expert group. It provided a useful start to a conversation about more efficient use of available data sources, and potential provided by new data sources and artificial intelligence to better understand single market developments in real time. The internal reflection process will continue, together with the Member States and relevant Commission services.

Interconnection

On **interconnection** (Ref. XXII.8.a), the REFIT Platform acknowledges that a number of adopted REFIT opinions across policy areas denote a certain interconnection between different sets of EU legislation that in practical situations may lead to administrative burdens and other unintended consequences. These unintended consequences resulting from the interaction between different sets of EU legislation can, among other things, be traced back to sectoral policy-making. The REFIT Platform proposes to issue this opinion, as a first step of a series of opinions on “interconnection”. Others will follow with a different sectoral focus to identify any lack of alignment due to insufficient attention to the issue of interconnection in the EU policymaking process.

7 opinions of the REFIT Platform in the area of horizontal issues:
- European Citizens' Initiative (Ref. XXII.1.a) (2016)
- Stakeholders consultation mechanisms (Ref XXII.4a-b)(2016)
- Standardisation as cross cutting instrument for Better Regulation (Ref. XXII.2.a) (2017)
- Non-citation of harmonised standards (Ref. XXII.2.b) (2017)
- Intention, digitalisation and technology neutrality (Ref. XXII.3b) (2017)

- [Real Time Economy \(RTE\)](#) (Ref. [XXII.3c](#)) (2017)

- [Interconnection](#) (Ref. [XXII.8.a](#)) (2018)

2.12 Internal Market

Elżbieta Bieńkowska, Commissioner for the Internal Market, Industry, Entrepreneurship and SMEs

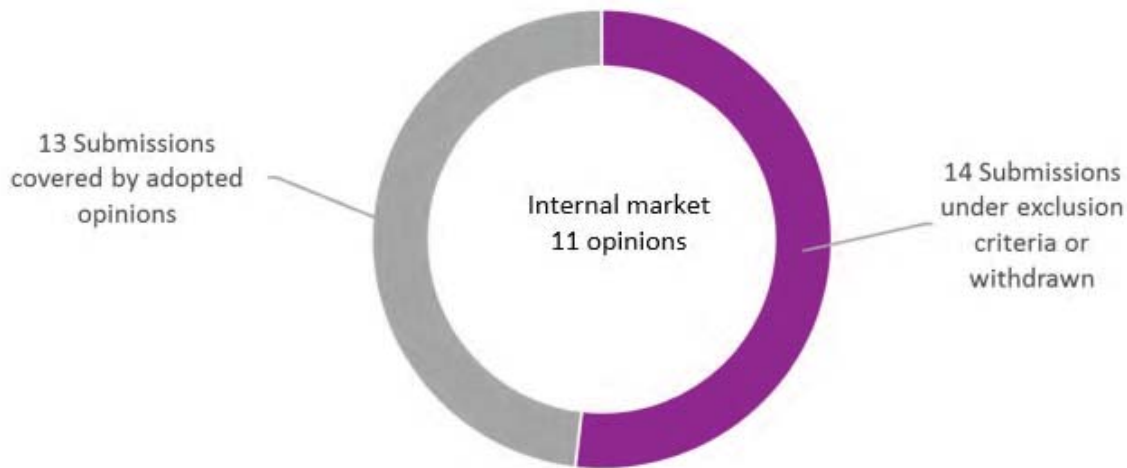
"The single digital gateway is a big step to make the EU Single Market more easily accessible for everybody – it will open up new professional and personal opportunities for people and companies across the EU. It is also a strong incentive to modernise public administrations by developing ambitious and user-focused eGovernment strategies."

The REFIT Platform adopted 11 **opinions in the area of internal market**, covering

- **Points of single contact**, on which the Commission facilitated the Regulation (EU) 2018/1724;
- **Construction products** (3 opinions), where the Commission is following up with its fitness check on the construction sector and the evaluation of the Construction Products Regulation;
- The **Single Market Transparency Directive**, on which the Commission is following up by updating its guidelines and increasing its translation efforts;
- **Late payment**, which feeds the Commission's current work to improve the implementation of the Directive;
- **Internal Market Information (IMI) System and Single Market Centres**, which the Commission will consider in the context of its ongoing work to improve their functioning;
- **European Single Procurement Document** (2 opinions), which informs the work that the Commission is currently doing to improve the implementation of this tool;
- the **SME test**, which feeds the efforts of the Commission in implementing this test both at the national and European level
- **Plugs and sockets**, where the Platform opinion was considered by the Commission in its preparation to update the market surveillance framework at the end of 2017.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 - 25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Single digital gateway initiative – Commission proposal adopted May 2017; text agreed by the co-legislators in October 2018 and publication in the Official Journal pending.
- Evaluation of the Construction Product Regulation – first quarter 2019
- Fitness check of the construction sector – first quarter 2019
- Single Market Transparency Directive, soft law action - continuous
- Internal Market Information system – continuous
- European Single Procurement Document – continuous
- SME Test - continuous

Points of Single Contact

"Companies clearly indicate they want the Points of Single Contact in a more developed form: online business portals. They need these portals to provide information and assistance, which saves time, costs and makes their life easier. Ultimately this will facilitate free movement in the single market, creating new jobs and growth" - REFIT Platform Stakeholder group

In its opinion on **Points of Single Contact** (Ref XII.5a-b), the REFIT Platform recommends the establishment of a single entry point for business in each Member State to assist companies operating in the single market. The Platform also suggests that the Commission

also establishes minimum criteria for the performance of points of single contact, for example when preparing the single digital gateway proposal and considering alignment with other relevant initiatives such as the services card.

The Commission addressed the reported problems in its proposal on the single digital gateway Regulation proposed on 2 May 2017, which was formally adopted by the co-legislators on 3 October 2018.

As of December 2020, EU citizens and businesses will be guided, from the Your Europe portal to all information they need on EU or national rules, rights and obligations pertaining to the single market. It will provide all the information that people need to do business across borders, travel, live, study or work in another EU country.

The single digital gateway is based on existing portals and assistance services. Seven assistance services form an integral part of the gateway (as listed in Annex III: PSC, PCP, PCP for Construction, national assistance centres for professional qualifications, national contact points for cross-border healthcare, EURES, online dispute resolution). Others (such as SOLVIT, EEN, consumer centres, etc.) may opt in on a voluntary basis, but under the same conditions.

The gateway is a quality label and therefore introduces binding minimum quality standards and a requirement of user-centricity. The Regulation will ensure that in five years' time, more than 20 of the most important procedures can be handled fully online, such as income tax declarations or university enrolments. Citizens and companies will no longer be blocked because their phone numbers, postal codes or e-IDs are rejected. The Regulation also introduced the 'once only' principle on a cross-border basis. This foresees that, as of December 2023, citizens and businesses will be able to ask for already submitted data or documents to be exchanged directly between authorities in different Member States – where authorities in Member States issue evidence in an electronic format that allows such automated exchange.

Construction Products

The Platform also issued an opinion on the ***Construction Products Regulation*** (Ref XII.8a), recommending that the Commission gives consideration to the problems of overlapping and repetitive requirements stemming from various EU legal acts and the need for clear and full European standards covering all requirements for construction products in the ongoing fitness check of the construction sector.

The Commission is following up on this opinion by examining the issues relating to potential legislative shortcomings and overlapping requirements as part of its ongoing fitness check on the construction sector. Two supporting studies have been carried out with the involvement of stakeholders in the form of a 'mirror group', an open public consultation and several additional targeted consultation activities (e.g. online survey, interviews). The adoption of the Commission staff working document is scheduled for the first quarter of 2019.

Moreover, as a follow-up to the July 2016 report on the implementation of the Construction Products Regulation (CPR) and with a view to improve the implementation of the CPR, the Commission has also engaged in further dialogue with stakeholders (including Member States and business representatives) through a series of "technical platforms". The first meeting, on 12 October 2016, was devoted to construction products standards. It was followed in 2017 by sessions relating to SME related simplification, the European Organisation for Technical Assessment, information requirements and the coexistence of EU and national systems. These discussions are also intended to contribute to a possible revision of the Construction Products Regulation within the mandate of the current Commission, as announced in the Communication on Clean Energy for all Europeans⁴².

The REFIT Platform adopted two additional opinions on **construction products**, dealing with **administrative requirements concerning the storage period of the declaration of performance** (Ref. XII.8b) as well as **issues with the standardisation process and the simplification provisions** of the CPR (Ref. XII.8.c). The REFIT Platform recommended that the Commission examine those issues as part of its evaluation of the CPR. The Commission will consider this issue in the context of its ongoing evaluation of the CPR, due to be finalised by the first quarter of 2019. Aspects relating to the standardisation process are also being followed up in the context of the joint initiative on standardisation and, in particular, through the horizontal dialogue that the Commission is having with the European Standardisation Organisations (ESO).

Single Market Transparency Directive

In its opinion on the **Single Market Transparency Directive** (Ref. XII.6a), the REFIT Platform stakeholder group recommended that the Commission enhance the clarity of the notification of technical rules, in particular by providing Member States with additional guidelines, increasing the transparency of the Technical Regulation Information System (TRIS) and initiating an evaluation of the notification procedure. While the government group is also in favour of more guidelines without increasing national administrative burdens, it remains divided about public access to Commission and Member States' comments on notifications and about the need to launch an evaluation.

As a follow-up to those recommendations, the Commission is currently working on updating its guidelines clarifying the notification procedure. Furthermore, the Commission is visiting Member States' authorities and stakeholders, including SMEs, to improve the understanding and implementation of the Directive at their level. In addition to the fact that all notified draft regulations are available on the public TRIS database, translated in all EU languages, the final adopted text will also soon be available in all EU languages. In relation to transparency concerning the reactions of the Commission and of the Member States to the notified draft

⁴² COM(2016)860

regulations, the EU Court of Justice delivered a landmark judgment on 7 September 2017 in Case C-331/15 ("Schlyter"). In the light of the Schlyter case and to the extent that any of the exemptions under Article 4 of Regulation (EC) 1049/2001 is not applicable, the Commission services ensure the highest degree of transparency, even for notifications whose standstill or dialogue period is on-going.

Late Payment

In its opinion on the **Late Payment Directive** (Ref. XII.13a), the REFIT Platform recommends improving the implementation and enforcement of the Directive, to encourage prompt payment practice, in particular by ensuring synergies with the public procurement Directives.

As a follow-up, a number of actions to improve the implementation of this Directive have been recommended by the Commission, on the basis of the evaluation concluded in 2016. Some of these actions fall within the responsibility of the Member States, such as increasing transparency about average payment periods or setting up systems and procedures to measure payment performance. Member States are also encouraged to continue raising awareness about the issue of late payment, and support initiatives that encourage correct payment discipline. The Commission will continue to identify and spread best practices as well as provide guidance and support to stakeholders and public authorities. It will also explore the possibility of collecting information about the effectiveness of national judicial systems in implementing the expedited recovery procedures laid down in the Directive.

In addition, to encourage prompt payment practices, wider use should be made of the option in the procurement Directive that enables Member States to provide for direct payment to subcontractors, thus ensuring that the whole supply chain benefits from timely payment and fair payment terms. In addition, payment discipline towards suppliers could be included amongst the criteria for selecting a potential contractor and fines could be imposed in case of delayed payment or non-payment to subcontractors.

Concerning commercial transactions from business to business (B2B), and with a view to follow up on one of the recommendations of the report, the Commission carried out a study to assess the effectiveness of voluntary and regulatory measures implemented in the Member States to combat late payments in B2B transactions.

The study⁴³ concludes that late payment in B2B is generally intentional, resulting more from the asymmetry in the size and in contractual strength of the parties, rather than from structural

⁴³ <https://publications.europa.eu/en/publication-detail/-/publication/c8b7391b-9b80-11e8-a408-01aa75ed71a1/language-en/format-PDF/source-76547629>.

problems or financial constraints. Against this background, the study suggests that there is no one-size-fits-all solution, but rather recommends a spectrum of interventions, both compulsory and voluntary. The Commission will be exploring with businesses, stakeholders and public authorities the feasibility of these options. Some good best practices could theoretically be put in place without the need to revise the Directive, at this stage.

Internal Market Information System and Single Market Centres

The REFIT Platform also issued an opinion on the general aspects of the single market, and in particular on the **Internal Market Information (IMI) System and Single Market Centres** (Ref. XII.2a – XII.4c), in which it recommends to expand IMI, strengthen SOLVIT and allocate sufficient human and financial resources to them so that they can operate efficiently and have enough visibility. It also calls upon Member States to set up Single Market Centres. This opinion is followed up in the context of the continuous improvement of the IMI system and those networks. In particular, the Commission is working with Member States to increase the use of the IMI in 15 existing policy areas, as well as to expand the use of IMI into additional new policy areas. The proposal for a Regulation on a single digital gateway (see above on Points of Single Contact) and the services package could expand the use of the IMI into new policy areas. The Commission also commits to increase awareness among European citizens and businesses about EU legislation. The single digital gateway is aimed at being the one-stop entry point to provide information and assistance in this regard to European individuals and firms.

European Single Procurement Document

The Platform issued 2 opinions on the **European Single Procurement Document** (Ref. XII.19.a and XII.19.b), in which it recommended a series of practical suggestions aiming at facilitating access and practical use of the electronic ESPD service.

This input is being considered by the Commission in its continuous effort to improve the implementation of the ESPD⁴⁴. In particular, the Commission ESPD service has been updated in light of the suggestions for simplification made by the REFIT Platform. It is now easier to see what criteria are mandatory or optional. The wording is being constantly updated to make it more user-friendly, based on feedback from Member States. In the first quarter of 2019, around 40 ESPD services are expected to be fully available in Member States. Many of those services are linked to the eCertis database, which is provided by the Commission.

In terms of next steps, the phasing out of the Commission's own ESPD service will take place in April 2019 as planned. This should increase the number of national solutions and the integration with existing services.

⁴⁴ http://ec.europa.eu/growth/single-market/public-procurement/e-procurement/espd_e

The Commission will organise in 2019 an ESPD satisfaction survey and publish a report with the results. In addition, the report will be discussed in expert groups and the REFIT Platform.

To support the 'once only' principle, the Commission will work on the interoperability of national ESPD services together with stakeholders all over Europe.

As regards the Tenders Electronic Daily (TED), two rounds of a targeted consultation on simplifying the TED were organised (more than 500 contributions were received). Authorities in the EU publish more than 500,000 such notices annually, which allow them to inform companies and citizens that they want to buy works/supplies/services and what they have finally bought.

New standard forms should be adopted by the Commission in the first quarter of 2019, via an implementing regulation. The new, simplified forms will give more flexibility to Member States: from 22 types of forms to just 5, from 150 pages to 25. Thanks to higher quality of information, they improve access to business opportunities for companies, especially SMEs.

SME Test

The REFIT Platform firmly supports the **SME Test** (opinion Ref. XII.17.a) and the “think small first principle” and recommends that the European Commission should apply them more rigorously. It also recommends that at the Commission level, the Regulatory Scrutiny Board should look thoroughly at its application and that the Commission facilitates the exchange of best practices on the implementation and enforcement of this test across Member States.

The SME test is one of the tools to implement the 'Think Small First' principle in EU legislation. The test has been part of the impact assessment guidelines since 2009, and requirements were strengthened in 2015 and updated in 2017 with the better regulation guidelines and toolbox (tool #22), in particular to account for needs of companies rapidly scaling up. Potential impacts on SMEs should be considered and reported systematically in all impact assessment reports. The test requires consultation of SME stakeholders to establish the nature and magnitude of the impacts that an initiative might entail for SMEs.

The Commission promotes regular dialogue and consultation with stakeholders, including businesses, which helps with the application of the SME test. The network of SME envoys plays a key role in disseminating good practices on the SME test among Member States. The network has issued two reports on the SME test in Member States, which describe how national authorities assess the impact of their new regulations on SMEs.

Plugs and sockets

On **plugs and sockets** (opinion ref. XII.24a), while the REFIT Platform recommends not to harmonise the plugs and socket outlet systems in Europe, the stakeholder group recommends that the Commission and the Member States allocate appropriate resources to market surveillance and increase their coordination efforts, in order to ensure that the single market is preserved and strengthened, to the benefit of consumers and manufacturers. It further

recommends launching information campaigns to increase consumer awareness about the risks posed by unsafe and non-compliant products and how to avoid them.

The Commission has considered this recommendation with its proposal on improving the current market surveillance system, released at the end of the 2017.

Although not strictly related to the internal market, the REFIT Platform also adopted an opinion on the **labelling and the standard product information on the consumption of energy and other resources by energy related products** (Ref. VIII.2.a), in relation with a submission calling for the possibility to position the label on some specific products in a more visible way. The REFIT Platform considered that the current applicable legislation (the labelling Directive) was flexible enough to consider the specific necessity of each product group. Therefore, no specific follow up is necessary in this case.

11 opinions of the REFIT Platform in the area of internal market:
- Points of Single Contact (Ref XII.5a and b) (2016)
- Construction Products Regulation (Ref XII.8a , (2016) XII.8b and XII.8.c (2017))
- Single Market Transparency Directive (Ref. XII.6a) (2017)
- Late Payment Directive (Ref. XII.13.a) (2017)
- Internal Market Information System and Single Market Centres (Ref. XII.2.a – XII.4.c), (2017)
- European Single Procurement Document (Ref. XII.19.a), (2017)
- Public procurement and the European Single Procurement Document (Ref. XII.19.b) (2017)
- Plugs and sockets (opinion ref. XII.24a) (2017)
- SME Test (Ref. XII.17.a) (2017)

2.13 Justice

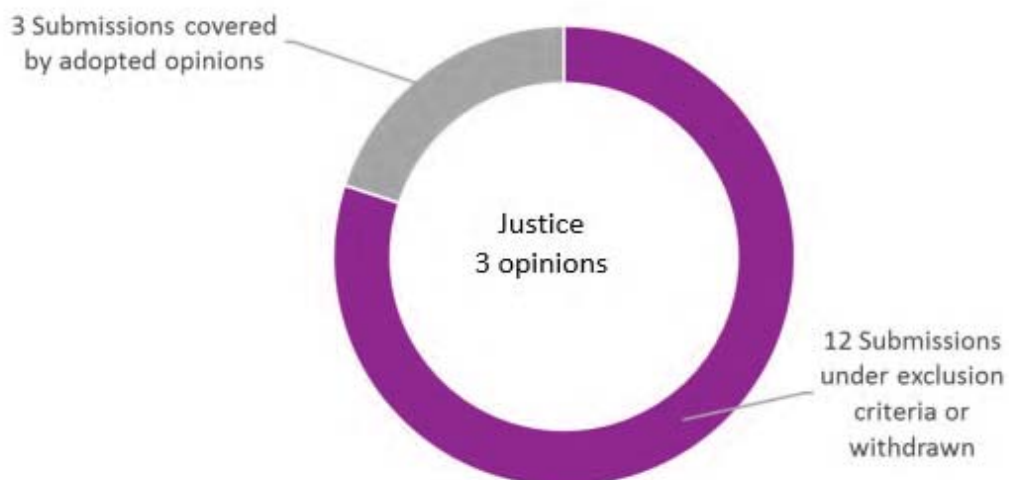
Věra Jourová, Commissioner for Justice, Consumers and Gender Equality, responsible for EU citizenship rights

“Too often, European companies are prevented from looking for business opportunities abroad. I want to change this and modernise the company law rules. First, I want more online solutions for European businesses so that they cut costs and save time. Second, I want to offer the honest entrepreneurs the choice of where to do business and how to grow or reorganise their businesses”

The REFIT Platform adopted three opinions in the area of justice. The opinion on identity and travel documents has been followed up by the Commission in its proposal in April 2018 to enhance the security of identity and residence documents, which will facilitate the right to move freely and reside in the EU. The opinion on company act was considered by the Commission in its company law package adopted in April 2018. On the Free movement Directive, the Commission is assessing the different possibilities to provide clarification on some grey areas raised by the REFIT Platform.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Identity and residence documents: legislative proposal – April 2018
- Company law package: legislative proposal – April 2018

Identity and Travel Documents

"Considering the fact that the right to free movement is at the core of European citizenship and is still the most cherished right by EU citizens (81% of Europeans are in favour of the "free movement of EU citizens who can live, work, study and do business anywhere in the EU"), the Stakeholder group is encouraging the Commission to analyse the feasibility of harmonising these documents, or any of their key features, with a view to facilitating free movement and tackling the challenges encountered by EU mobile citizens in their host countries" REFIT Platform Stakeholder group

In its opinion on **Identity and Travel Documents** (Ref. XIII.3a), the REFIT Platform encourages the Commission to analyse the feasibility of harmonising identity and residence documents or any of their key features, with a view to facilitating further the free movement of Union citizens and their family members and tackling the challenges encountered by EU mobile citizens in their host countries.

This opinion was followed up by the Commission in its legislative proposal in April 2018. The initiative aims at enhancing the security and common features of identity and residence documents. It is expected to improve security within the EU and at its borders and facilitate the citizens' right to move freely and reside in the EU. It would enhance document security and reduce fraud, improve acceptance and authentication of documents, identification of persons, raise awareness and simplify daily life for citizens, cut red tape and lower the costs for all stakeholders.

Company law

Regarding **company law**, (Ref. XIII.9a), the REFIT Platform recommends that the company act should be technology neutral. It considers that company law should simplify the company acts regarding third party services and that legal means should be foreseen to allow people to use electronic tools of communication in their exchanges with public authorities. For this purpose, a number of recommendations regarding digitalisation of company law and corporate governance are proposed. The Commission considered this opinion in the company law package proposed in April 2018, which aims at facilitating the use of digital technologies throughout a company's lifecycle, in particular in relation to online registration procedures and to the electronic filing of company documents and information in business registers.

Free Movement Directive

On the **Free Movement Directive** (Ref. XIII.10.a), the REFIT Platform recommended that the Commission clarify certain "grey areas" in this directive, considering CJEU judgements that affect citizens' free movement rights since 2009. The Commission acknowledges such issues and is reflecting on the best possibility to address such concerns.

3 opinions of the REFIT Platform in the area of justice:
- Identity and travel documents (Ref XIII.3a) (2017)
- Residence Rights (Ref. XIII.10a) (2017)
- Reviewing the company act (Ref. XIII.9a) (2018)

2.14 Maritime affairs and fisheries

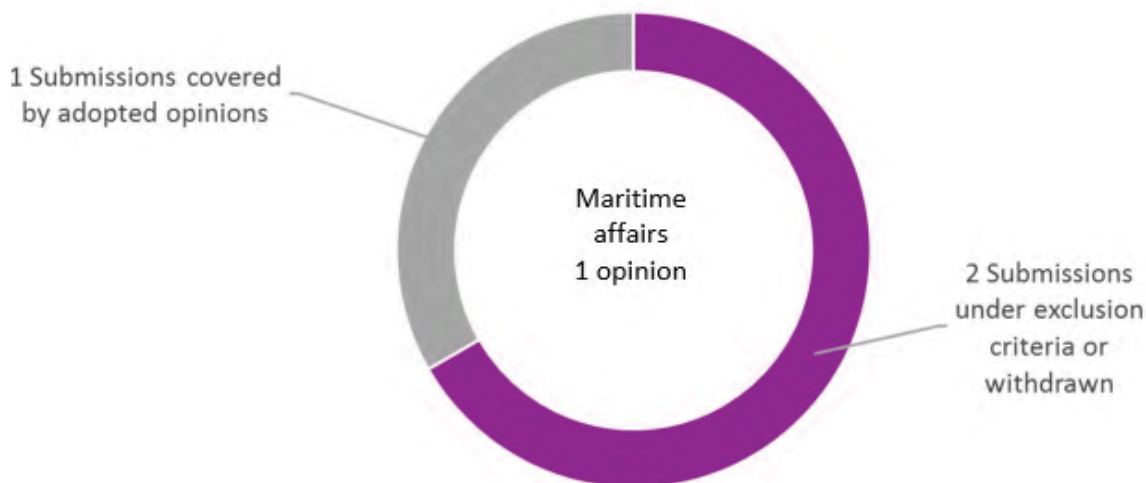
Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries

" The EU's Common Fisheries Policy has already gone a long way towards making sure our seas are healthy, while building a strong fishing industry and thriving coastal communities. At the same time, we need to keep up the work and make sure the commonly agreed rules are enforced across the EU. This is why we are proposing improvements to modernise the existing control system to make it more efficient and ensure that all operators in the fishing industry in the EU are treated equally"

The REFIT Platform adopted **one** opinion in the area of maritime affairs, relating to the control of EU fisheries, on which the Commission ensured follow-up by its proposal reviewing and improving the current legislative framework, adopted in May 2018.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- review of the Fisheries Control system – May 2018

Control of EU fisheries

"Certain provisions of the Regulation No 1224/2009 (Fisheries Control Regulation) can create regulatory burden for the fisheries administration as well as for the fishing vessels' operators and other fish market operators" REFIT Platform Government group

In its opinion on **the control of EU fisheries** (Ref. XIV.3a), the REFIT Platform stressed the need for proportionate and effective application of the fisheries control Regulation, recognising that certain provisions of Regulation No 1224/2009 can create regulatory burden for fisheries administrations as well as for the operators of fishing vessels and other fish market operators.

The Commission has considered this opinion in the context of its review of the EU fisheries control system, with a Commission proposal adopted on 30 May 2018. Based on the results of the evaluation, the initiative aims at amending the Union fisheries control system to simplify it, to make it more effective and efficient and to ensure full compliance with the reformed Common Fisheries Policy (CFP). In particular, the initiative aims to:

- remove obstacles that lead to ineffective or different implementation of provisions by Member States and to situations that hinder equitable treatment of operators within and across Member States, *e.g.* concerning the enforcement of rules;
- simplify the current legislative framework and reduce administrative burden *e.g.* by streamlining reporting requirements; promoting the use of harmonised and/or interoperable IT tools, and harmonising the catalogue of serious infringements.
- improve availability, reliability and completeness of fisheries data and information, in particular of catch data, which are key to monitor and deliver on the CFP objectives and allow exchange and sharing of information;
- bridge the gaps with the reformed CFP, with special regard to appropriate control rules relating to the landing obligation and to the revised multiannual approach to fisheries management;
- enhance the level of coordination among and within Member States, the European Commission and the European Fishery Control Agency (EFCA) to improve synergies and promote a level playing field at EU level.
- align EFCA's mission and tasks with recent developments in the CFP, notably the landing obligation, regionalisation, measures to combat illegal, unreported and unregulated (IUU) fishing and the external dimension of the CFP as well as with any future revision of the Control Regulation.

1 opinion of the REFIT Platform in the area of maritime affairs:

- Control of EU fisheries (Ref XIV.3a) (2017)

2.15 Migration and Home affairs

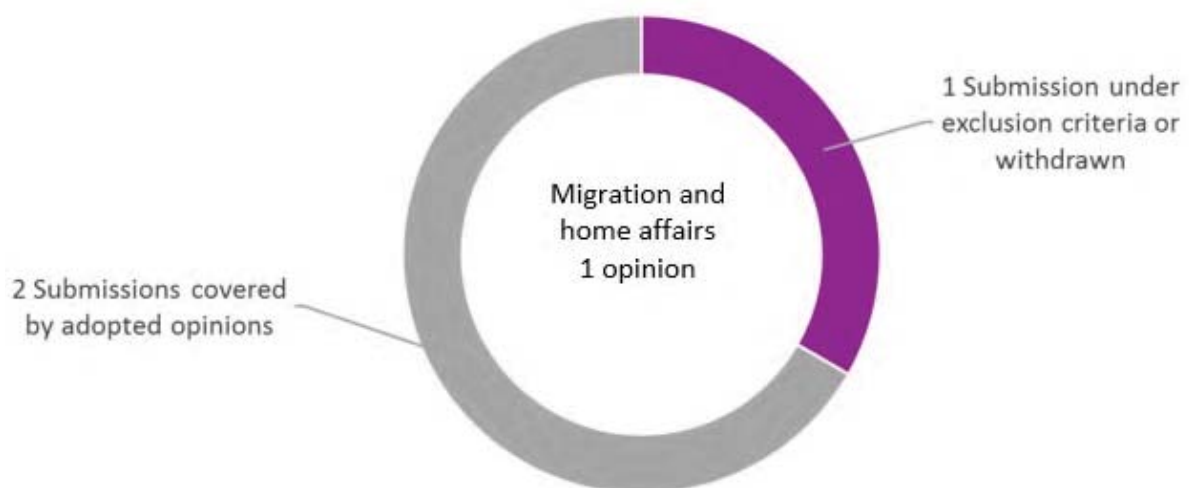
Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship

"Enhancing the Security Union will also remain a priority in 2018, emphasising cross-border access by law enforcement authorities to electronic evidence and to financial data, strengthening the rules against explosives precursors, removing terrorist content online, supporting Member States on countering radicalisation and in implementing the action plan on protecting public spaces"

The REFIT Platform adopted one opinion in the area of migration and home affairs, on the marketing and use of explosive precursors. The Commission has followed up on this opinion with its proposal reviewing and improving the current legislative framework, adopted in April 2018.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- review of the regulation on the marketing and use of explosive precursors – April 2018

Explosives precursors

"The Stakeholder group recommends the Commission explores possibilities for facilitating a unified application of the Regulation in the Member States such as establishing common

conditions and criteria for licences and their mutual recognition across borders as well as clarification of any ambiguities related to the reporting (notification of “suspicious transactions”) requirements ” REFIT Platform Stakeholder group

In its opinion on Regulation (EU) No 2013/98 on the **marketing and use of explosives precursors** (Ref. XXI.2a-b), the REFIT Platform recommended that the Commission explore opportunities for facilitating a unified application of the Regulation in the Member States and clarify requirements on supply chain actors. A few Member States recommend that the issues should be addressed by the standing committee on precursors (SCP).

The Commission followed up on this opinion in the context of the revision of this regulation proposed in April 2018, which aims at strengthening protection against the illicit use of explosive precursors, in particular by improving the effectiveness and efficiency of the EU restrictions and controls and ensuring the appropriate reporting of suspicious transactions through the supply chain.

1 opinion of the REFIT Platform in the area of migration and home affairs:

- Marketing and use of explosives precursors (Ref XXI.2a-b) (2017)
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2.16 Mobility and transport

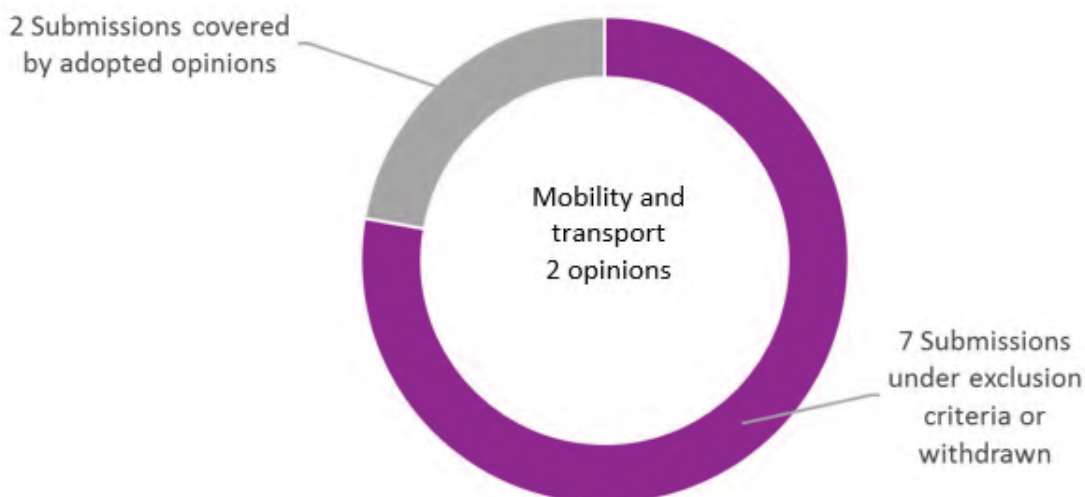
Violeta Bulc, Commissioner for Transport

"The Regulation on a European Maritime Single Window environment will establish harmonised reporting interfaces, procedures and data formats for ships calling EU ports. This will cut red tape and contribute to multimodal solutions."

The REFIT Platform adopted **two opinions in the area of mobility and transport**. On **passenger transport** and in particular on the **elimination of the journey waybill for occasional services by coach**, the Commission has ensured follow-up to this opinion in its proposal reviewing and improving the common rules for access to the international market for coach and bus services. The proposal was adopted in November 2017. It is proposed to abolish the journey form as a control document for occasional services, in order to eliminate administrative burden. As for **reporting formalities for ships**, the REFIT Platform opinion was considered in the proposal for a European maritime single window in May 2018.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 - 25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Review of the regulation on common rules for access to the international market for coach and bus services – proposal adopted November 2017

- European Maritime Single Window – proposal adopted in May 2018

Passenger transport

"The journey form has lost its relevance due to adaptations of European Regulations" - REFIT Platform Stakeholder group

In its opinion on **passenger transport** (Ref. XV.9a), the REFIT Platform Stakeholder group considered that the journey form has lost its relevance, generates administrative burden for many operators, in particular SME,s and therefore has recommended its removal. Within the government group, views are divided. While a few Member States consider that the abolition of the journey waybill would reduce regulatory burden for both carriers and Member States, the majority of Member States see the journey waybill as an effective control tool to complement tachographs and should be maintained.

This opinion was considered by the Commission as part of its review of Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services. In its proposal adopted on 8 November 2017, the Commission proposed to abolish the journey form as a control document for occasional services in order to eliminate administrative burden.

Reporting formalities for ships

In its opinion on **reporting formalities for ships** (Ref. XV.8.a), the REFIT Platform considers that some reporting requirements could be fulfilled in a simpler way and points to limitations of the "reporting only once" principle. The REFIT Platform sees also a need for the revision of Directive 2010/65 that could take, in the view of the REFIT Platform stakeholder group, the form of a "European maritime single window". It also indicates several aspects that could be considered during the revision so as to cut administrative burden. The follow up to this opinion is ensured in the proposal for a European maritime single window environment, made by the Commission in May 2018. It is expected to address the current non-harmonised reporting environment for ships by bringing together, in a coordinated and harmonised way, all reporting associated with a port call. This, in turn, will also improve interoperability and interconnection between the relevant systems, thus enabling data to be shared and reused more efficiently, as appropriate.

2 opinions of the REFIT Platform in the area of mobility and transport:
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- Passenger transport (Ref XV.9a) (2017)
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- Reporting formalities for ships (Ref.XV.8a) (2018)
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2.17 Regional policy

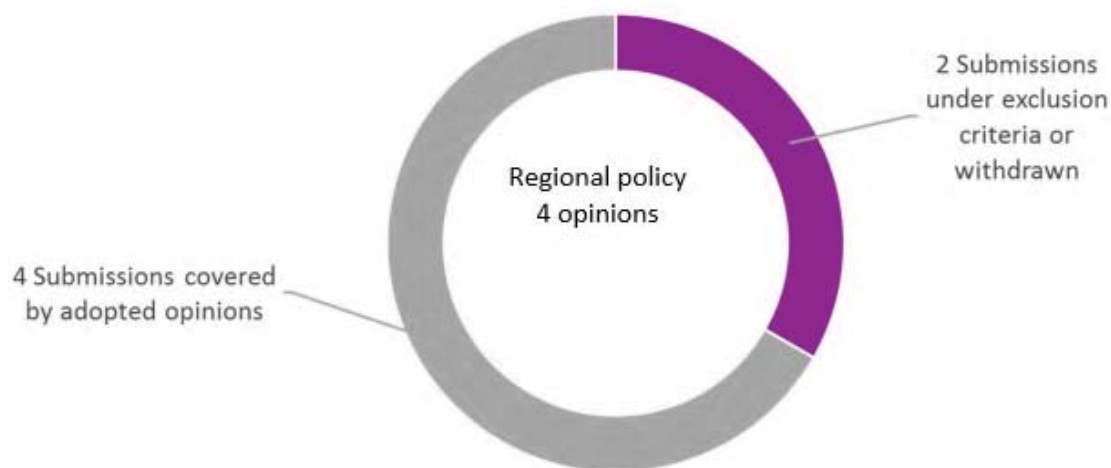
Corina Crețu, Commissioner for Regional policy

"We propose a Cohesion Policy for all regions, which leaves no one behind. We have made it more flexible, to adapt to new priorities and better protect our citizens. We also made the rules simpler and this will benefit all, from small businesses and entrepreneurs to schools and hospitals that will get easier access to the funds."

The REFIT Platform adopted **four** opinions in the area of regional policy. The Commission ensured follow-up primarily in the context of the Commission's proposal for a regulation on the financial rules applicable to the general budget of the Union⁴⁵ as part of the mid-term review/revision of the 2014-2020 Multiannual Financial Framework (MFF). This regulation was adopted on 18 July 2018 and entered into force on 2nd August 2018. The opinions were also carefully considered during the preparation of the EU budgetary framework for the post-2020 period, which led to the Commission proposals being released in May 2018 and which contain several simplification elements.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



⁴⁵ Regulation (EU, Euratom) 2018/1046

Key dates:

- Regulation on the financial rules applicable to the general budget of the Union – adopted on 18 July 2018
- Proposal for the post 2020 Multiannual Financial Framework – May 2018

Common Provisions Regulation governing the Cohesion Fund, European Regional Development Fund and European Social Fund

"For the current programming period, given the ongoing implementation of the operational programmes, far-reaching legislative changes should be avoided in the interest of legal certainty. However, small changes to clarify rules and simplify implementation should be envisaged as soon as possible. However, given that the rules and regulations of Cohesion policy and the corresponding implementation system entail such a heavy administrative burden that fundamentally new delivery mechanisms for Cohesion policy should be envisaged for the next programming period" - REFIT Platform Stakeholder group

The REFIT Platform adopted two opinions on the ***Common Provisions Regulation*** governing the Cohesion Fund, ERDF and ESF (Ref XVI.1a and Ref XVI.2a). In its opinions, the Platform recommends that far-reaching legislative changes should be avoided in the interest of legal certainty, but that small changes to clarify rules, simplify implementation and remove inconsistencies should be envisaged. The REFIT Platform also recommended that **the opinions be transmitted to the High Level Group (HLG) on Simplification of the ESI Funds**⁴⁶.

Acting on this recommendation, the European Commission communicated the simplification measures identified by the Platform to the HLG, which took into account the REFIT submissions when formulating its own recommendations. On 24 January 2017, the HLG agreed on its detailed responses to the REFIT Platform opinion and issued a series of recommendations to the Commission. The response of the Commission and corresponding detailed follow-up actions have been published⁴⁷.

⁴⁶ http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/high-level-group-simplification

⁴⁷ <https://ec.europa.eu/futurium/en/content/commission-services-response-hlgs-non-legislative-recommendations-e-governance>

<https://ec.europa.eu/futurium/en/content/commission-services-response-hlgs-non-legislative-recommendations-simplified-cost-options>

<https://ec.europa.eu/futurium/en/content/commission-services-response-hlgs-non-legislative-recommendations-access-eu-funding-smes>

<https://ec.europa.eu/futurium/en/content/commission-services-response-hlgs-non-legislative-recommendations-financial-instruments>

<https://ec.europa.eu/futurium/en/content/commission-services-response-hlgs-non-legislative-recommendations-gold-plating>

The Commission's Regulation 2018/1046 on the financial rules applicable to the general budget of the Union includes many of the legislative proposals from the HLG, in particular in the area of simplified costs. The provisions entered into force on 2 August 2018. The non-legislative recommendations for 2014-2020 are also being implemented. In particular, a specific action plan was prepared for recommendations related to audit and recommendations on gold plating (see also REFIT Platform opinion Ref. XVI.3a). The more far-reaching recommendations for post 2020 were taken into account in the preparation of the post-2020 budgetary framework, which led to the Commission proposals for cohesion policy over 2021-2027, in May 2018. Those proposals contain 80 simplification measures, as further detailed in the simplification handbook⁴⁸. For example, for businesses and entrepreneurs benefiting from EU support, the new framework proposed by the Commission cut red tape, with simpler ways to claim payments using simplified cost options. To facilitate synergies, a single rulebook now covers 7 EU funds implemented in partnership with Member States (“shared management”). The Commission also proposes lighter controls for programmes with a good track record, with increased reliance on national systems and the extension of the “single audit” principle, to avoid duplication of checks.

European Regional Development Fund (ERDF) and audit costs

In its opinion on **European Regional Development Fund (ERDF) and audit costs** (Ref. XVI.3a), the REFIT Platform considered several simplification suggestions made by the submitter concerning the reduction of legislation, of administrative burden and of audit pressure and audit burden. The Platform recommended that the Commission examine those suggestions when preparing the programming period post-2020 and that it transmit this opinion to the HLG on simplification of the ESI funds.

Some elements of the submission raised in this opinion are already being addressed. For example, the European Court of Auditors has agreed to join the "single audit" system and will rely on the audit work of the Commission and national auditors. The Commission services are working with the national audit authorities to improve the use of existing sampling possibilities to achieve more proportional audit efforts, as the audit burden (e.g. the audit samples size) varies a lot between Member States. In response to the audit-related recommendations of the HLG, an action plan is being implemented by the Commission auditors and national audit authorities. Broader issues, such as a further move towards results-based payments, were considered as part of the preparation of the post-2020 period. The Commission proposals for cohesion policy over 2021-2027 contain several simplification measures, as further detailed in the simplification handbook, such as the extended use of simplified cost options (SCO's). Payments will increasingly be based on flat-rate

⁴⁸ http://ec.europa.eu/regional_policy/en/information/publications/factsheets/2018/simplification-handbook-80-simplification-measures-in-cohesion-policy-2021-2027

reimbursement, unit costs or lump sums. It will reduce bureaucracy linked to verifications and reduce the risk of errors. In addition, it is proposed to have a more proportionate approach to management checks by making management verifications risk-based, instead of covering 100% of operations. This is an important reduction of the control burden, reducing total administrative costs by 2-3% for cohesion policy funds.

European Structural and Investment Funds

In its opinion on the **simplification of the European Structural and Investment Funds (ESIF)** (Ref. XVI.4a), the REFIT Platform noted that while European territorial cooperation plays an important role in removing border obstacles and fostering cross-border cooperation via successful cross-projects, it has however faced particular difficulties due to the differences between systems at various levels. The REFIT Platform considers that simplifying the cooperation of cross-border regions could bring immediate benefits to the lives of people, local and regional authorities and businesses. The Platform recommends that the Commission services issue better guidance about criteria, procedures and deadlines to ensure the alignment of the different EU strategies and policies and avoid inconsistencies, contradictions and duplications.

As a follow-up to this opinion, the Committee of the Regions co-organised a workshop on 22 November 2017 in cooperation with several partner organisations on simplification of cross-border programmes, involving practitioners of such programmes. The Commission also launched a study aiming at assessing the costs and administrative burden coming from ESIF. Such work has fed into the preparation of the Commission proposals for cohesion policy over 2021-2027, released in May 2018, which contain several simplification measures. In particular, as part of those MFF proposals, a specific regulation has been proposed to resolve legal and administrative obstacles in a cross-border context. This addresses in particular the difficulties in interregional cooperation, raised by the REFIT Platform.

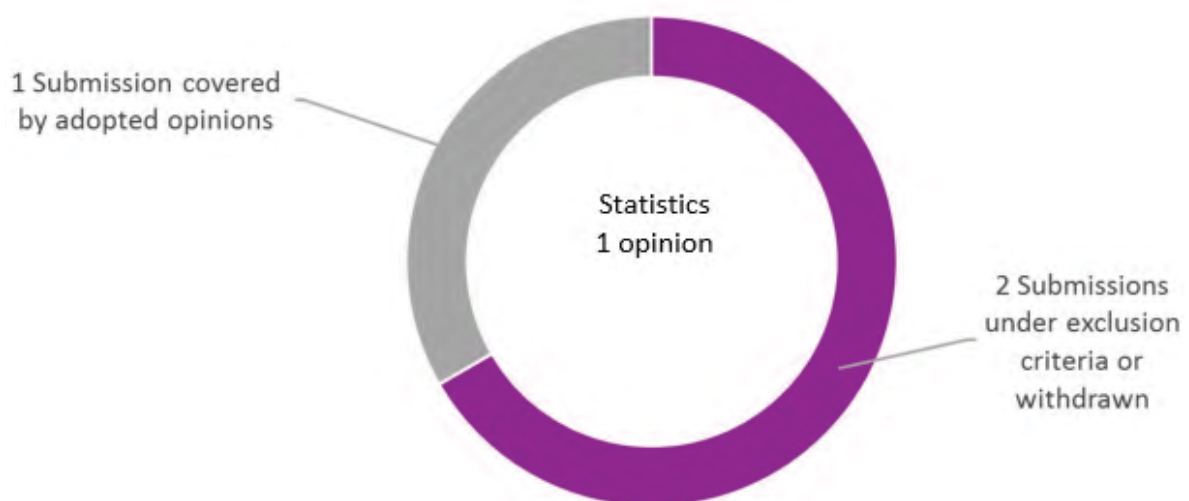
4 opinions of the REFIT Platform in the area of regional policy:
- Reducing bureaucracy for ERDF/ESF funding (Ref XVI.1a) (2016)
- Administrative and monitoring systems of the Cohesion policy (Ref. XVI.2a) (2016)
- European Regional Development Fund (ERDF) and Audit Costs (Ref. XVI.3a) (2017)
- Simplification of the European Structural and Investment Fund (ESIF) (Ref. XVI.4a) (2017)

2.18 Statistics

The REFIT Platform adopted an opinion on *environmental protection investment statistics and overlapping requirements between business statistics and environmental accounts*. *This has fed into the Commission* proposal on the new framework Regulation for integrating business statistics (FRIBS) proposed in March 2017. The new proposal does not include aspects of environmental protection expenditure accounts and therefore eliminates existing overlaps.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- legislative proposal on FRIBS (Framework Regulation for Integrating Business Statistics) – adopted 6 March 2017

Overlaps in reporting

"Repealing information obligations to collect the same variables under two different Regulations will reduce administrative burden on respondents (businesses) and reduce costs"
- REFIT Platform Government group

In its opinion on **environmental protection investment statistics** (Ref. XVII.9a), the REFIT Platform opinion recommended that the Commission continues its assessment on overlapping reporting requirements under Commission Regulation (EC) No 250/2009 (in the structural

business statistics domain) and Regulation (EU) No 691/2011 on environmental accounts, removes any duplication or overlaps and replaces the Regulation on structural business statistics with the new Framework Regulation for Integrating Business Statistics (FRIBS).

The REFIT Platform recommendation fed into the FRIBS proposal adopted in March 2017⁴⁹. The FRIBS proposal does not include the aspects of environmental protection expenditure accounts, which would then be solely covered by the Regulation on environmental accounts, thus cancelling any overlaps in reporting.

1 opinion of the REFIT Platform in the area of statistics:

- Environmental protection investment statistics (Ref XVII.3a) (2016)

⁴⁹ COM(2017)114

2.19 Taxation and Customs Union

Pierre Moscovici, Commissioner for Economic and Financial Affairs, Taxation and Customs

“Twenty-five years after the creation of the Single Market, companies and consumers still face 28 different VAT regimes when operating cross-border. Criminals and possibly terrorists have been exploiting these loopholes for too long, organising a €50bn fraud per year. This anachronistic system based on national borders must end! Member States should consider cross-border VAT transactions as domestic operations in our internal market by 2022. Today's proposal (on definitive VAT system) is expected to reduce cross-border VAT fraud by around 80%. At the same time, it will make life easier for EU companies trading across borders, slashing red tape and simplifying VAT-related procedures. In short: good news for business, consumers and national budgets, bad news for fraudsters.”

The REFIT Platform adopted 9 opinions in the area of taxation and customs union.

3 relate to **VAT**, on which the Commission is ensuring follow-up via its actions under the VAT action plan, and in particular the proposal for a definitive VAT system for cross-border trade adopted in October 2017.

The recommendation on **VAT information** is addressed via the Commission proposal on the digital single gateway, adopted in May 2017.

On a **common interpretation of EU laws on wine and spirits**, the Commission has ensured follow-up via its proposal for a revision of Directive 92/83/EEC on the harmonisation of structures of excise duties on alcohol and alcoholic beverages, adopted in May 2018.

The opinion related to the **electronic storing of accounting material** is being followed up in the context of the initiative on the free flow of data proposed in September 2017.

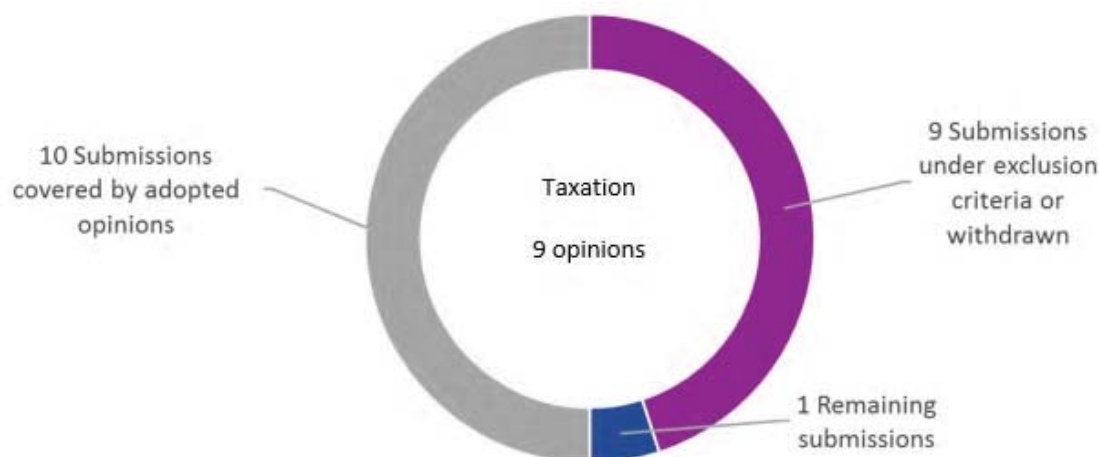
On **Single and Composite Supplies**, guidelines to address this issue are available.

The issues raised on **VAT simplified invoices** will be considered in the evaluation of the VAT invoicing rules, planned to be finalised by the first quarter of 2019.

As regards the **standard VAT declaration**, the Commission withdrew its proposal in 2016 for introducing a mandatory EU-wide standard VAT return declaration due to the current lack of support in Council for the simplification objectives pursued by the proposal.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -25 October 2018)

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015-25 October 2018)



Key dates:

- Legislative proposal on VAT on cross- border e-commerce: 1 December 2016
- Legislative proposal for a generalised reverse charge mechanism – 21 December 2016
- Legislative proposals for a definitive VAT system – 4 October 2017 and 25 May 2018
- Legislative proposal on the administrative cooperation between Member States – 30 November 2017
- Legislative proposal on simplified VAT rules for SMEs – 18 January 2018
- Legislative proposal on VAT rates – 18 January 2018
- Revision of Directive [92/83/EEC](#) on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages - 25 May 2018
- Evaluation of the VAT Invoicing Directive – to be finalised in the first quarter of 2019

"The level of documentary evidence required to enable the exemption of intra-EU transactions has been constantly raised in many Member States, often in order to tackle fraudsters more effectively. This frequently leads to disproportionate compliance burdens for legitimate businesses and impairs the fundamental principle of fiscal neutrality as well as the free movement of goods within the internal market. This causes increased burden on legitimate businesses" - REFIT Platform Stakeholder group

VAT Directive

In its opinion on **VAT exemptions for intra-community trade** (Ref XVIII.7a), the stakeholder group recommends reducing the burden on businesses of producing different documents in relation to intra-EU trade. Some members of the government group consider that reducing documentary obligations is too risky in light of VAT fraud, while others agree with the stakeholder group recommendation.

In the opinion on the **reverse charge mechanism within the VAT Directive** (Ref XVIII. 1a), the stakeholder group recommends to **withdraw the use of such a mechanism** and replace it with a simpler and more basic VAT regime in the EU. Some members of the government group consider that reverse charging may continue to be necessary to combat fraud or that other measures would be required to achieve the same objective.

In its opinion on **improving the efficiency of VAT** (Ref XVIII. 2a), the REFIT Platform stakeholder group makes several recommendations relating to chain transactions, the simplification rules for warehouses, the tax exemption on intra-community deliveries and avoiding the duplication of value added tax.

Those 3 opinions have been considered by the Commission in the context of its work under the **VAT action plan** to switch towards a definitive VAT system for cross-border trade. To this end, the Commission adopted several legislative proposals in October 2017. The proposals set out the principles for the future VAT system where the principle of taxation at destination is extended to cross-border B2B supplies of goods. In addition, businesses making intra-EU cross-border supplies of goods will be able to declare and pay the tax through the one stop shop (OSS). However, compliant businesses, certified by their tax administrations as reliable taxable persons (the so called certified taxable person (CTP)), will continue to be liable for VAT on goods purchased from other EU countries. As compliant businesses represent the vast majority of taxable persons involved in cross-border transactions, this would significantly reduce the amounts of VAT channelled through the one stop shop and would make it easier for businesses to adapt. This initiative constitutes the first step towards the implementation of the definitive VAT regime for cross-border supplies, under which taxation will cover all cross-border supplies so that all supplies in goods and services within the Single Market, either domestic or cross-border, will be treated the same way. As part of this first step and to implement practically the definitive VAT system, a proposal with detailed technical provisions was adopted by the Commission in May 2018.

VAT information portal

In its opinion on the **need to establish a VAT information portal** (Ref. XVIII.3a), the stakeholder group and a majority of the government group members recommend that the Commission should propose a regulation to create a comprehensive online VAT information portal and that this action be informed by the outcome of ongoing discussions in the Council on the Commission's Communication on the VAT action plan and the experience with the mini one stop shop (MOSS). The results of evaluation of the MOSS were incorporated in the proposal for the extension of the MOSS to cover also other services and distance sales of

goods. In the meantime, the Commission is investigating the possibilities for a possible linking of the VAT portal initiative with the digital single gateway.

The Commission attaches particular importance to facilitating business VAT compliance. In this context, the Commission proposed on 1 December 2016 its VAT e-commerce package introducing the VAT one stop shop for distance sales of goods, including imports of low value, and the concept of certified traders for the importation of small consignment goods. Both measures that should facilitate VAT compliance for businesses.

EU laws on wine and spirits

In its opinion on a **common interpretation of EU laws on wine and spirits** (Ref. XVIII.12a-b), the REFIT Platform stakeholder group recommends that the Commission reduce the room for interpretation in the Directives on wine and spirits by issuing a common threshold on fermented alcohol. The stakeholder group also suggests that the Commission ensures harmonisation in the taxation of wine and spirits in the EU and national measures (e.g. prohibition of strip stamps) to eliminate room for national interpretation. Some members of the REFIT Platform government group recognise that accurate definitions and greater clarity in legislation could reduce legal uncertainty. However, views are divided as to whether there is a need to simplify the structures of excise duties on alcoholic beverages and on whether there should be common thresholds on fermented alcohol. Given the ongoing revision of the "Structures Directive", most members of the government group are of the opinion that the Commission should continue the ongoing data collection exercise to come up with an informed impact assessment.

This opinion was considered by the Commission as part of its preparatory work to revise the Directive 92/83/EEC on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages, proposed in May 2018. The proposal is expected to reduce administrative and compliance costs, improve revenue collection, and in some areas to lead also to a reduction of fraud potential and to facilitate legitimate trade.

Single and Composite Supplies

The REFIT Platform also issued an opinion on **Single and Composite Supplies** (Ref. XVIII.8a), in which the stakeholder group and several members of the government group recommend that the Commission issue one general guideline on the distinction between single and composites supplies in line with the decisions taken by the European Court of Justice. It also notes that a harmonised definition of when a transaction should count as a single or composite supply could reduce costs to businesses, increase investments and reduce uncertainty.

The Commission has already addressed this issue by providing guidance on such matters and as part of more general explanations at the time of the adoption of new legislation (Council implementing Regulation n°282/2011 on the common system of value added tax, last modified by Council implementing Regulation No 1042/2013 for the place of supply of services).

Although not legally binding, these explanatory notes were prepared by the Directorate-General for Taxation and Customs Union of the Commission after extensive consultation with Member States and business representatives. The Commission considers that, for the time being, it cannot provide more guidance due to the specific aspect of each situation and the need for a case-by-case analysis.

Electronic storing of accounting material

In the opinion on the **electronic storing of accounting material** (Ref. XVIII.13a), the Stakeholder group highlights that localisation requirements on data are very often legacy requirements that were not designed with the digital evolution in mind. In the broader perspective of the European data economy, the stakeholder group is therefore in favour of the Commission following up on the promises made in the Digital Single Market Strategy and recommends to the Commission to issue a Regulation that ensures the free flow of data in the EU and bans data localisation measures with few clear exceptions, such as national security interests. The government group does not support the proposal for the harmonisation of EU laws to allow the storage of accounting documents in all Member States, including the countries of the European Economic Area, as this requirement is already fulfilled.

As far as VAT is concerned, the requirement for a harmonised EU law to allow for storing invoices electronically in all Member States as well as in other EEA countries (in particular Norway) has been fulfilled with the entry into force of the agreement on the exchange of information in the field of VAT between the EU and Norway on 1 September 2018. This will overcome the limitation that is currently in the VAT Directive, whereby the storage of data in a country with which there is no such agreement may be prohibited by Member States.

On other aspects, on 13 September 2017, the Commission adopted a proposal for a Regulation on a framework for free flow of non-personal data in the EU, aiming to unlock the potential of the data economy by removing unjustified data location requirements, while at the same time ensuring that competent authorities have access to data stored in other Member States. It also encourages, through self-regulatory approaches, the porting of data between providers of data storage and processing services or back to users' own facilities. The recommendations of the REFIT Platform fed into the impact assessment informing the proposal.

VAT invoices

The REFIT Platform opinion on **simplified VAT invoices** (Ref. XVIII.17.a) raises the issue of the limit of the simplified invoices as set by the VAT Directive and the VAT invoicing Directive to a maximum of EUR 400 and a minimum of EUR 100. The REFIT Platform stakeholder group is in favour of increasing the threshold up to EUR 1000 as this would decrease administrative burden and benefit to consumers while a majority of the members of the government group are in favour of keeping such a threshold, mainly for considerations related to fraud. This opinion will inform the evaluation of the VAT invoicing Directive, due to be finalised by the first quarter of 2019.

9 opinions of the REFIT Platform in the area of taxation and Customs Union:
- Reverse liability (Ref. XVII.1a)(2016)
- Improving the efficiency of VAT (Ref. XVIII.2a) (2017)
- VAT Information portal (Ref. XVIII.3a) (2016)
- Standard VAT Declaration (Ref. XVIII.4a) (2016)
- VAT exemption for intra-community trade (Ref. XVIII.7a)(2016)
- Single and Composite Supplies (Ref. XVIII.8a) (2017)
- Common interpretation of EU laws on wine and spirits (Ref. XVIII.12a-b)(2017)

- Electronic storing of accounting material (Ref. XVIII.13a) (2017)

- Simplified VAT invoices (Ref. XVIII.17.a) (2018)
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3 Summary Table

1. Opinions feeding into legislative revision

Opinion and date of adoption	Commission Work Programme	Description	Adoption by College (provisional or actual adoption date)
Point of Single Contact Ref. XII.5a-b; 2016	CWP 2017	Digital single gateway initiative	Legal act adopted by co-legislators on 21 November 2018 (Regulation (EU) 2018/1724)
e-Privacy Directive Ref. IV.1b, 2016	CWP 2017	Review of the e-Privacy Directive; proposal for a ePrivacy Regulation	Adopted, 10 January 2017 Pending in legislative procedure
WEEE (Waste electrical and electronic equipment) and disposal charges on batteries Ref. IX.1a, 2016 and IX. .13.a	CWP 2017	Implementing act simplifying and developing reporting and registration arrangements	Q4 2018
Control of EU fisheries Ref. XIV.3a, 2017	CWP 2018	Review of the Fisheries Control System	Adopted, 30 May 2018 Pending in legislative procedure

Identity and Travel Documents Ref. XIII.3a-b, 2017	CWP 2018	Legislative Initiative	Adopted, 17 April 2018 Pending in legislative procedure
VAT exemptions for intra-community trade Reverse charge mechanism Improving the efficiency of VAT Ref. XVIII. 1a, 2a, 7a; 2016+2017	CWP 2017	Sets of proposals for a definitive VAT system under the VAT Action Plan	Adopted, Dec.2016 to May 2018
Social security coordination Ref. VII.5a, 2017	CWP 2018	European Social Security Number initiative Review of the Regulation on the coordination of the social security systems	2019 (to be confirmed) Adopted in December 2016. Pending in legislative procedure
Marketing and use of explosive precursors Ref. XXI.2a-b, 2017	CWP 2018	Review of the regulation on the marketing and use of explosive precursors	Adopted, 17 April 2018 Pending in legislative procedure

Regional policy Ref. XVI.1a, 2a, 3a, 4a; 2016+2017	CWP 2017 CWP 2018	Omnibus Regulation proposal Proposal for the future Multi-annual financial framework (MFF) beyond 2020	Proposal adopted, 12 October 2016 ; final text adopted by co-legislators in July 2018 Adopted, 2 May 2018, pending in legislative procedure
Passenger transport Ref. XV.9a, 2017	CWP 2017	Review of the regulation on common rules for access to the international market for coach and bus services	Adopted 8 Nov 2017 Pending in legislative procedure
Reporting formalities for ships Ref. XV.8.a; 2018	CWP 2018	European Maritime Single Window	Adopted 17 May 2018, Pending in legislative procedure
Common interpretation of EU laws on wine and spirits Ref. XVIII.12a-b; 2017	CWP 2017	Revision of the Directive 92/83/EEC on the harmonization of the structures of excise duties on alcohol and alcoholic beverages	Adopted 25 May 2018 Pending in legislative procedure
Definition of Vegan and vegetarian Ref. XI.13a, 2017		Implementing act	2019-2020
European Citizens Initiative (ECI) Ref. XXII.1a, 2016		Review of the Regulation on the European Citizens Initiative	Adopted, 13 September 2017 Pending in legislative procedure

Electronic storing of accounting material Ref. XVIII.13a, 2017		Agreement on the exchange of information in the field of VAT between EU and Norway Free flow of non-personal data initiative	Agreement adopted by the Commission on 26 Oct. 2017; adopted, entry into force 1 Sept 2018 2018 Adopted, 13 September 2017
Environmental protection investment statistics Ref. XVII.9a; 2016 27/28 June 2016		Legislative proposal on FRIBS (Framework Regulation for Integrating Business Statistics)	Adopted, 6 March 2017 Pending in legislative procedure
Monitoring residues of veterinary medicinal products and other substances in food of animal origin Ref. XI.3a, 2016		Implementing act	2020
Common Agricultural Policy (including greening) Ref. I.2a, 3a, 4a, 5a, 7a-f, 8a-f, 11.a-e, 12a; 2016+2017 Ref. I.10a-g; 2017	CWP 2018	Communication on the future of EU food and Farming Proposals for the new CAP as part of the Multi Financial Framework	29 Nov. 2017 Adopted 1 June 2018, pending in legislative procedure
Consumer Rights Directive Ref. VI.1.a-f; 2017	CWP 2018	A new deal for consumers – revision of the EU consumers laws Directives	Adopted, 11 April 2018 Pending in legislative procedure
Company act Ref. XIII.9.a; 2018	CWP 2017	Company law package	Adopted 25 April 2018 Pending in legislative procedure

Digitalisation of the financial sector Ref. X.22.a		Commission Action plan to build a deeper Single Market for retail financial services	Adopted March 2017
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2. Opinions calling for improving the implementation of existing measures and feeding evaluations or soft law measures

Opinion	Proposed action	(Planned) Completion date
Marketing standards for fresh fruits and vegetables Ref. I.6a, 2016	Evaluation of the EU marketing standards	Q1 2020
Overlaps in legislation on chemicals and safety and health at work Ref. II.2a, 2016	Clarification of the overlaps between REACH and OSH legislation	During 2020
REACH authorization process Ref. II.4a, 2017	Evaluation of REACH	March 2018
State aid rules and regional policy/broadband aid Ref. V.3a, 4a; 2016	Ongoing work in the context of the State aid Modernisation	Continuous ongoing work
State Aid rules and ERDF innovation projects Ref. V.5a, 2017	Ongoing training and support work Updated guidance Post 2020 Multi financial framework	Ongoing work
De Minimis Regulation Ref. V.7.a, 2018	Evaluation of the De Minimis Regulation and other related state aid rules	2020
Consumer Credit Directive Ref. VI.4a-f, 2017	Evaluation of the Consumer Credit Directive	2019
Diploma recognition Ref. XX.1a, 2017	Monitoring of the implementation of the Regulated Professions Directive	Ongoing work
Social Security coordination Ref. VII.5a, 2017	training activities deployment of the EESSI assistance to MS via a network of legal experts	Ongoing work

BREF (Best Available Techniques Reference Documents) Ref. IX.6b, 2017	Seville process	Ongoing work
Hydraulic fracturing Ref. IX.12a, 2017	Study examining permitting practice Tracking information on how MS apply Recommendation 2014/70/EU Reassessment of the effectiveness of the Recommendation	Completed, July 2018 Ongoing End 2019
Shipments of waste Ref. IX.3.a-c; 2018	Evaluation of the Waste Shipment Regulation	mid - 2019
EU packaging and packaging waste Ref. IX.8.a; 2018	Bilateral dialogue Commission/Member State	Ongoing
Disposal charges for batteries Ref. IX.13.a; 2017	Evaluation of the Batteries directive	Q4 2018
Air quality Ref. IX.5.a; 2018	Fitness Check of EU ambient Air Quality Directives	End 2019
EU policies on water, renewable, energy and nature protection Ref. IX.14.a, 2018	Guidance on hydropower and Natura 2000	2019
Financial reporting Ref. X.1a, 2016	Fitness check on the reporting requirements in the financial services legislation	Q2 2019
Financial Conglomerates Directive 2016	Study assessing the performance of FICOD	Finalized 13 July 2017
Insurance legislation Ref. X.21a, 2018	Evaluation	2020
Food contact material Ref. XI.1a, 2016	Evaluation of the EU food contact materials legislation	2020

Multiple use/multiple sources (chlorate) Ref. XI.10a, 2017	Action plan on chlorate Evaluation of the Plant protection products legal framework	Adopted 2017, actions on going Q3 2019
Traditional Herbal Medicines Products Directive Ref. XI.6a-b 2017 Nutrition and health claims Ref. XI.1.a-b; 2018	Evaluation of the Regulation (EC)No 1924/2006 on nutrition and health claims made on food and on plants	End 2018
Vitamins and minerals Ref. XI.20.a	Ongoing reflection on the way forward	Ongoing
Stakeholders consultation mechanisms Ref. XXII.4a-b, 2016	Update of the Better Regulation toolbox and Guidelines	July 2017
Standardization as a cross-cutting instrument for Better Regulation Ref. XXII.2a, 2017	Update of the Better Regulation Guidelines and Toolbox	July 2017
Non citation of harmonized standard Ref. XXII.2b, 2017	Action plan Communication on enhancing transparency and legal certainty for a fully functioning Single Market	Adopted, 9 Oct.2017 Adopted, 16 Nov. 2018
Construction products regulation Ref. XII.8a, b; c 2016+2017	- Fitness check of the construction sector - Evaluation of the construction product regulation	Q1 2019 Q1 2019
Single Market Transparency directive Ref. XII.6a, 2017	Soft law action (update of guidelines, improved translation system)	Ongoing
Internal Market Information System and Single Market Centers Ref. XII.2a, 4c, 2017	Continuous improvement of the systems (increase of the use of IMI to 15 existing policy areas, consideration for expansion to new policy areas; raising awareness etc.)	Q4 2018

European Single Procurement Document Ref. XII.19.a and 19.b, 2017	Ongoing work improving the implementation of the e-ESPD	Ongoing
VAT information portal Ref. XVIII.3a, 2016	Update and extension of the VAT MOSS (Mini One Stop Shop) Possible linkage to the Digital Single Gateway initiative/assessment ongoing	Legal acts adopted by the legislators, 5 Dec. 2017 Ongoing
Single and Composite supplies Ref. XVIII.8a, 2017	Guidelines and explanatory notes	Completed; 2017
Copyright levies Ref. IV.3.a-b; 2017	Ongoing monitoring	2018-2020
Once-only principle and digital content-based solutions Ref. IV.6.a; 2017	Facilitation of the uptake of the once-only principle	Ongoing
Intention, digitalization and Technology neutrality Ref. XXII.3.b, 2017	Incorporated in several legislative acts (European Regulatory Framework for Electronic communications, European Electronic Communication code, General Data Protection Regulation, Directive on security of networks and information system etc) European Interoperability Framework Connected Europe Facility (CEF) Programme	Ongoing
Real Time Economy Ref. XXII.3.c, 2017	Connected Europe Facility (CEF) Programme	Ongoing
SME test Ref.XII.17.a, 2017	Implementation of the test at EU and national level	Ongoing
Free Movement Directive Ref. XIII.10.a, 2018	Internal Commission assessment on how to best address the grey areas	Ongoing
UCITS Ref. X.3.a, 2018	ESMA analysis	Ongoing

CLP and massive metal mixtures Ref. II.3.b, 2018	Discussion and development of a specific test method Guidance on the application of certain derogations under CLP	Ongoing
Simplified VAT invoices Ref. XVIII.17.a, 2018	Evaluation of the VAT Invoicing Directive	Q1 2019