



Council of the
European Union

Brussels, 12 May 2020
(OR. en)

7947/20

BETREG 11
COMPET 172
MI 131
FISC 107
ECOFIN 300
REGIO 67
TRANS 205
AGRI 130

PECHE 118
JAI 354
CHIMIE 14
SCHENGEN 6
IPCR 17
ENER 115
POLMAR 7
DIGIT 34

COVER NOTE

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

date of receipt: 7 May 2020

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

No. Cion doc.: SWD(2020) 81 final

Subject: COMMISSION STAFF WORKING DOCUMENT 2019 Annual Burden
Survey - The European Union's efforts to simplify legislation

Delegations will find attached document SWD(2020) 81 final.

Encl.: SWD(2020) 81 final



Brussels, 6.5.2020
SWD(2020) 81 final

COMMISSION STAFF WORKING DOCUMENT

2019 Annual Burden Survey - The European Union's efforts to simplify legislation

EU's efforts to simplify legislation in 2019

Introduction

Simple and efficient legislation is a key objective of the Commission's work and an integral part of its Better Regulation agenda. Throughout its work, the Commission systematically seeks to identify possibilities for simplification and burden reduction of Union legislation to ensure that its objectives are reached at least costs for citizens and business, especially small and medium sized enterprises (SMEs).

These efforts have been part of the Commission's work for over a decade and are now being carried out in the context of the Regulatory Fitness and Performance Programme (REFIT)¹. This is monitored through the online Scoreboard² which presents all simplification initiatives since 2015. The Commission presents highlights from this work in annual burden surveys³.

In 2019, the Commission focused on the proposals already tabled to be adopted by the co-legislators. This resulted in less new legislative proposals. Instead, work focused on several evaluations that will help pave the way for further improvements and burden reductions of legislation. This 2019 annual burden survey presents examples of this work.

Under the REFIT programme, the Commission set up the REFIT Platform, a high-level expert group bringing together Member States, stakeholders and the Committee of the Regions and the European Economic and Social Committee. During its mandate, which ended in October 2019, the Platform adopted 105 opinions based on suggestions for simplification and burden reduction coming from citizens and business.

This 2019 Annual Burden Survey highlights the Commission's efforts to simplify and reduce burdens throughout the year. It includes in its annex also the final report of the activity of the REFIT Platform that gives account of the activities of the Platform during its mandate and the follow up the Commission has given to its recommendations.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Regulatory Fitness, COM (2012)746

² <https://op.europa.eu/webpub/com/refit-scoreboard/en/index.html>

³ The annual burden survey is a Commission commitment under the Interinstitutional Agreement on Better Law-Making between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016Q0512\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016Q0512(01))

How we work

The Commission has been making efforts to reduce regulatory burdens since 2007 when it launched the Administrative Burden Reduction Programme (ABR)⁴.

The ABR aimed to measure costs imposed by information obligations on business and to eliminate unnecessary administrative burdens without jeopardising the objectives of the legislation. The programme covered EU legislation as well as national legislation implementing and transposing EU law. Within the ABR, the Commission proposed an ambitious joint strategy with the Member States to reduce the administrative burden on business stemming from EU legislation by 25 % by 2012. The Council simultaneously invited Member States ‘to set national targets of comparable ambition’. The Commission used the ‘EU Standard Cost Model’⁵ to quantify administrative costs. A baseline measurement was done as basis for calculating the impact of the burden reduction measures.

The final results of the ABR programme showed that the 25 % reduction target, established at the beginning of the exercise, was achieved. The Commission had tabled proposals with an administrative burden reduction potential of EUR 40.9 billion. Following the legislative process with the European Parliament and Council some of this potential was diminished and resulted in the overall reduction estimated at EUR 37.6 billion (30.5 % of the total estimated burden).

However, even though the burden reduction objective was based on extensive data gathering, **the benefits for final users of legislation could not be demonstrated. Data availability, transparency and reliability were limited.**

The Regulatory Fitness and Performance Programme (REFIT)⁶ was launched in 2012 to address these issues and step up the Commission efforts on simplification and burden reduction.

REFIT aims to ensure that EU legislation delivers benefits for citizens and businesses effectively, efficiently and at minimum cost. To do so, REFIT focuses on keeping EU law simple and removing unnecessary burdens without undermining social, economic and environmental benefits.

The programme is part of the Commission’s Better Regulation agenda and is integrated fully in the policy cycle. The Better Regulation tools (impact assessments, evaluations, stakeholder

⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Action Programme for Reducing Administrative Burdens in the European Union, COM(2007)23

⁵ The EU Standard Cost Model is the EU tool used to assess net cost of information obligations imposed by EU legislation. These include reporting requirements and other costs for audits; notifications; preparation and submission of reports; applications; information labelling (e.g. energy labelling); inspections; disclosure obligations; registrations; certifications; authorisations; records and log keeping. See Better Regulation Guidelines, tool #60, https://myintracomm.ec.europa.eu/sg/better_regulation/Documents/tool_60.pdf

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Regulatory Fitness, COM (2012)746

consultation) provide the necessary analysis to meet the REFIT goals. Existing legislation is systematically evaluated (with over three quarters of impact assessments having been preceded by an evaluation in 2018⁷ - according to 'evaluate first' principle) to identify simplification and burden reduction potential. All revisions of existing legislation systematically strive for simplification and burden reduction. The explanatory memoranda, that are part of the Commission's legislative proposals, describe the action taken in this regard.

Stakeholders' involvement has always been and continues to be instrumental for the success of the REFIT programme. As of 2015, the REFIT Platform⁸, a Commission expert group, contributed to the REFIT programme by recommending concrete actions to make legislation more efficient and effective. Its work was primarily based on stakeholders' input and its own analysis. The Platform was composed of representatives from Member States, stakeholders including businesses, civil society organisations and social partners, as well as representatives from the European Economic and Social Committee and Committee of the Regions. Since its launch, the REFIT Platform has reviewed over 300 submissions from business and citizens suggesting how EU legislation can be simplified. It has adopted 105 opinions on these inputs. On 31 October 2019, the mandate of the Platform ended.

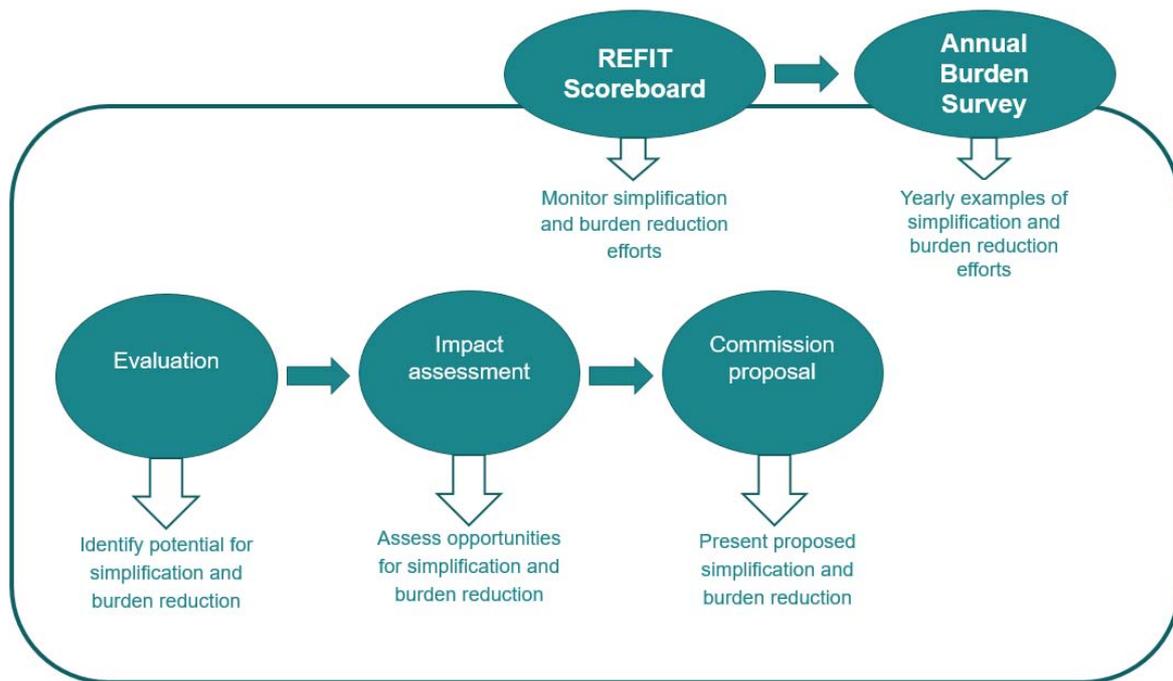
Just as Better Regulation as a whole, the REFIT programme is the shared responsibility of the Commission, the co-legislators (European Parliament and Council) and the Member States. How much of the savings and simplification materialise depends on the outcome of the negotiations between the co-legislators as well as on the Member States' implementation and application of them. It is essential therefore that all institutions do a common effort to deliver simple laws and burden reduction for business and citizens.

The Commission tracks the progress of the programme in the REFIT Scoreboard⁹, which presents an overview of all efforts of the Commission on simplification and burden reduction since 2015. As illustrated below, the Scoreboard covers initiatives throughout their lifecycle: from evaluation to revision and implementation.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Better Regulation: taking stock and sustaining our commitment, COM(2019)178, p. 2

⁸ 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

⁹ <https://op.europa.eu/webpub/com/refit-scoreboard/en/index.html>



Annually, the Commission also publishes this Annual Burden Survey. The survey gives the overview of the annual EU’s efforts to simplify, avoid overregulation and reduce regulatory burdens. It provides illustrative examples of these efforts.

What has been achieved

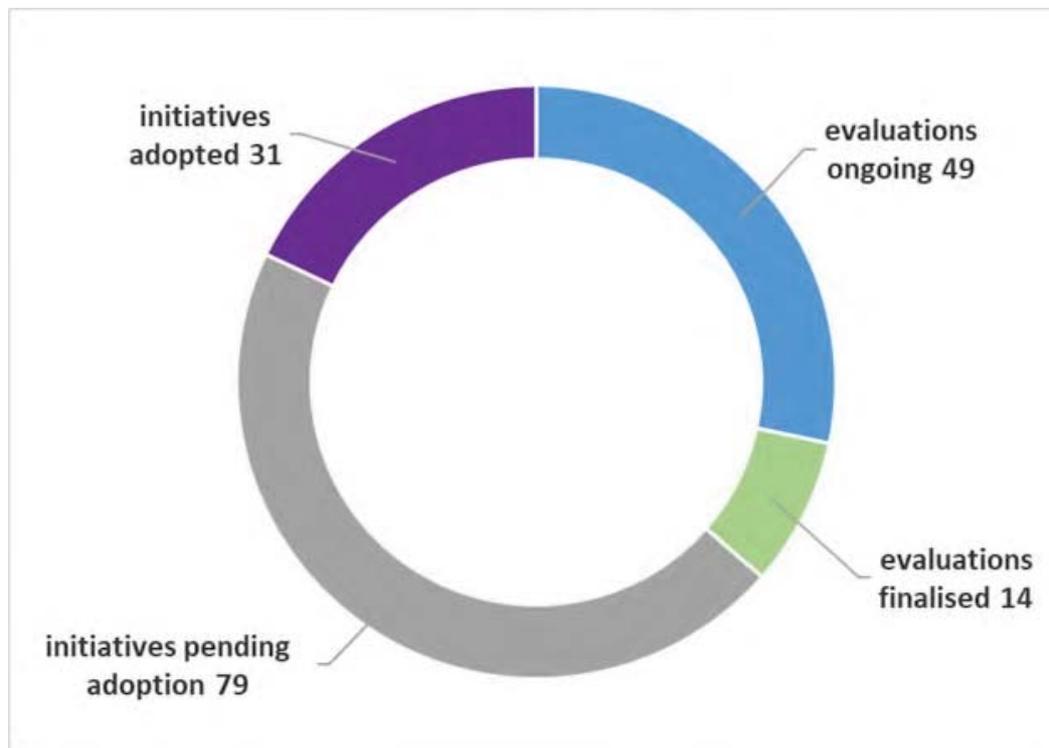
In 2019, the Commission focussed its work on the legislative proposals already tabled. To prepare for the new legislative cycle, the Commission has undertaken numerous evaluations and fitness checks, observing the ‘*evaluate first*’ principle. The 2019 Commission work programme¹⁰ included [ten major](#) evaluations and fitness checks aimed at identifying potential for simplification and burden reduction, including those that followed up on the opinions of the REFIT Platform. In 2019, the REFIT Platform continued its work and adopted further opinions, which the Commission presents in detail in the follow-up report (see Annex) and in the [REFIT Scoreboard](#).

The Commission strived to quantify the costs and cost savings in the case of REFIT initiatives¹¹. When this is not possible, mainly because of limited data availability, qualitative assessments were used instead to help explain the simplifications and burden reduction potential.

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Commission Work Programme 2019 Delivering what we promised and preparing for the future, COM(2018)800

¹¹ Since 2018, REFIT initiatives are all revisions of existing EU law and all evaluations.

Overall, in 2019, 31 initiatives with a simplification and burden reduction objective were adopted; 14 evaluations and fitness checks were finalised; 79 initiatives are still pending adoption; and no less than 49 evaluations are ongoing. These initiatives and evaluations cover an extensive number of policy areas, from agriculture to transport and home affairs.



Agriculture and rural development policy

The Commission finalised the evaluation¹² of the performance of **the greening provisions**. It found that greening as currently implemented has not fully realised its potential for environment and climate. Stakeholders also see it as administratively complex. The findings of this evaluation related to the administrative burden have been taken into account in the post-2020 proposals for the Common Agricultural Policy. As a result, the Commission's proposals¹³ contain provisions that would produce substantial simplification gains by

¹² SWD(2018)478 of 23.11.2018

¹³ COM(2018)392, COM(2018)393, COM(2018)394 of 1.06.2018

allowing Member States to define eligibility conditions best suited to their particular circumstances.

In February 2019, the Commission amended the ***De Minimis Regulation***¹⁴. The amendments¹⁵ will enlarge the scope for granting *de minimis* state aid to react quickly to urgent problems with less administrative costs, in particular as regards aid to small and medium sized enterprises. This change is expected to lead to savings in administrative costs for national authorities.

In 2019, the Commission launched an evaluation on **the framework for the protection of Geographical Indications and Traditional Specialities Guaranteed in the EU**. In total, the EU registered over 3200 geographical indications and 60 traditional specialities guaranteed for agricultural products, foodstuffs, spirit drinks and wines. The evaluation will analyse the coherence among the various pieces of legislation and help identify possible further modernisation and simplification of the framework.



Digital sector policy

The 2019 amendment¹⁶ of **the rules regulating satellite and cable transmissions**¹⁷ will likely simplify the clearance of broadcasters' rights to make some of their programmes available online in other Member States and for retransmissions operators providing their services via means other than cable.



Energy policy

The Commission carried out a fitness check of **reporting and monitoring obligations**¹⁸ stemming from EU policy in the field of energy. Its findings have led to the adoption of a Regulation¹⁹ by the European Parliament and Council that streamlines reporting with an estimated potential for cost savings in the impact assessment of EUR 3.4 million.

¹⁴ Regulation (EU) No 1408/2013 of 18.12.2013

¹⁵ Regulation (EU) 2019/316 of 21.02.2019

¹⁶ Council Directive 93/83/EEC of 27.09.1993

¹⁷ Directive (EU) 2019/789 of 17.04.2019

¹⁸ SWD(2016) 397 and SWD(2016) 396 of 30.11.2016

¹⁹ Regulation (EU) 2018/1999 of 11.12.2018



Financial policy

Following the financial crisis, **the European Market Infrastructure Regulation²⁰** was put in place to make financial markets safer and more stable and to increase the transparency of the over-the-counter derivatives market, thereby reducing risks arising from derivatives transactions. In 2019, the European Parliament and Council have adopted amendments to the Regulation²¹ to eliminate disproportionate costs for small financials, corporates and pension funds, and simplify rules without putting at risk financial stability. The impact assessment accompanying the Commission's proposal for amendments²² estimated the potential savings from EUR 2.3 billion to EUR 6.9 billion in one-off costs and EUR 1.1 billion to EUR 2.66 billion in operational costs.



Internal market policy

Shortcomings in **mutual recognition of goods marketed in another Member State²³** are de facto regulatory burdens triggering barriers to trade. Based on a Commission proposal²⁴, the legislators adopted²⁵ in 2019 new rules in the area. The Commission proposal aimed to decrease the costs associated to lost opportunities and delayed entry on the market. It aimed to increase awareness of mutual recognition, legal certainty for business and national authorities and enhance communication and cooperation between national authorities. The impact assessment²⁶ concluded that the introduction of a voluntary mutual recognition declaration will have a major impact in reducing administrative burdens for economic operators. Streamlining the procedures for accessing the market and communicating with national authorities will facilitate market access and therefore reduce costs for economic operators. Furthermore, better cooperation and communication among authorities will increase trust and therefore reduce delays when assessing the goods on the market. The initiative adopted is expected to improve the functioning of mutual recognition, notably better market access and thus result in simplification for businesses.

On **public procurement**, the REFIT Platform adopted an opinion²⁷ in 2019 advising to 1) include the 'light procedure' in the upcoming evaluation of the procurement directives; 2) evaluate whether certain tenders relating to a single individual could be exempted from the

²⁰ Regulation (EU) No 648/2012 of 4.07.2012

²¹ Regulation (EU) No 2019/834 of 20.05.2019

²² COM(2017) 208 of 4.05.2017

²³ Regulation (EC) No 764/2008 of 9.07.2008

²⁴ COM(2017)796 of 19.12.2017

²⁵ Regulation (EU) 2019/515 of 19.03.2019

²⁶ SWD(2017) 472 of 19.12.2017

²⁷ [Ref. XII.19c](#)

tendering process even if exceeding the threshold; 3) further pursue the Commission's ongoing initiatives for capacity-building measures and to provide guidance for example through the planned national workshops. The Commission will take this into account when the procurement directives are up for evaluation again.

In 2019, the Commission has concluded a **fitness check of EU legislation on chemicals**²⁸ (except REACH), covering more than 40 pieces of legislation. The fitness check found that the EU framework essentially protects citizens and the environment. It facilitates the free circulation of chemicals through harmonised standards and requirements, while the overall regulatory costs of the EU chemicals legislation for the EU industry are estimated to be several billion euro per year. The fitness checks identified potential for simplifying and streamlining the hazard and risk assessment process at the EU level. According to the fitness check, an increased use of grouping approaches (where chemicals are grouped together for risk assessment on the basis of similar hazard/risk as opposed to substance-by-substance approaches) could result in considerable efficiency gains.



Home affairs

In 2019, the Commission finalised its **fitness check of the legislation related to legal migration**²⁹. The fitness check pointed to some fragmentation of the overall framework with EU and national legislation regulating differently specific needs of different categories of migrants. The assessment found that different national implementation choices lead to inconsistencies: in particular, the numerous 'optional clauses' have been implemented differently and the Member States retain parallel national schemes for highly-skilled workers and long-term residents.

An evaluation of the EU rules on **the protection of European critical infrastructure**³⁰ was finalised³¹ in 2019. The evaluation showed that there were shortcomings in establishing a common approach to assess the need to improve the protection of European critical infrastructure. The general phrasing of some of the Directive's provisions leaves room for different interpretations by Member States. Therefore, there is room for reflection at EU level on how to further strengthen the protection of critical infrastructure in Europe.

The European Parliament and Council have adopted also three legal acts³² to strengthen the **Schengen Information System**. The acts aim at strengthening the information exchange between Member States, leading to reduced burden for law enforcement officers and border guards. The acts will also further streamline the communication process. This will simplify

²⁸ COM(2019) 264 and SWD(2019) 199 of 25.06.2019

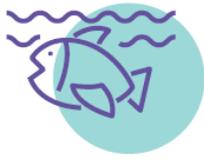
²⁹ SWD(2019)1055 of 29.03.2019

³⁰ Council Directive 2008/114/EC of 8.12.2008

³¹ SWD (2019) 308 of 23.7.2019

³² Regulation (EU) 2018/1860, Regulation (EU) 2018/1861 and Regulation (EU) 2018/1862 of 28.11.2018

the internal communication process in each Member State and reduce the administrative burden on involved staff.



Maritime and fisheries policy

In 2019, new rules on **the conservation of fisheries resources and the protection of marine ecosystems through technical measures**³³ were adopted. Their aim is to simplify the previous framework of technical measures, by retaining only the core measures and by allowing for sufficient flexibility to facilitate regionalised approaches.



Mobility and transport policy

In 2019, a new framework for **the training and certification of seafarers**³⁴ was adopted. This aligns EU rules with the international framework, improves the mechanism for the recognition of third countries and increases legal clarity regarding the mutual recognition of seafarers certificates issued by the Member States.

In 2019, the European Parliament and Council have adopted amendments³⁵ to the framework for **the promotion of clean vehicles**³⁶. The revision ensures that the Directive covers all relevant procurement practices (going beyond direct purchase by public bodies to also include renting, leasing or hire-purchase of vehicles) and that provisions are simplified and effective. It also supports better alignment of public procurement policies in Member States, which is likely to lead to a larger impact on the market.

In Hindsight

In response³⁷ to the recommendations of the **Task Force for subsidiarity and proportionality**³⁸, the Commission committed to ensure that evaluations look more closely at subsidiarity, proportionality, legislative density and the role of local and regional authorities.

³³ Regulation (EU) 2019/1241 of 20.06.2019

³⁴ Directive (EU) 2019/1159 of 20.06.2019

³⁵ Directive (EU) 2019/1161 of 20.06.2019

³⁶ Directive 2009/33/EC of 23.04.2009

³⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The principles of subsidiarity and proportionality: Strengthening their role in the EU's policymaking, COM(2018)703

³⁸ https://ec.europa.eu/commission/files/report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en

The Task Force pointed to the necessity of increasing the efforts under REFIT to assess the effects of legislation when implemented on the ground, including those of delegated and implementing acts.

The Task Force made recommendations regarding the REFIT Platform. In terms of composition, it recommended that the Platform would include a greater presence of representatives from local and regional authorities, for example, by replacing the experts from the Member States.

In 2019, the Commission **finalised its Better Regulation Stocktaking**³⁹. The stocktaking has shown that the Commission's efforts under REFIT are on the right track. The findings indicated broad agreement from internal and external audiences that the EU should continue to base its policymaking on evidence, that the EU intervention should be proportionate and deliver on the ground, while avoiding unnecessary costs. But the stocktaking also found that more needs to be done to reinforce and communicate the Commission's efforts to simplify and to reduce burdens.

The findings of the stocktaking exercise showed the stakeholders' support for the REFIT Platform. The Platform has contributed to the Commission's work on simplification and burden reduction. In general, the Platform was recognised as a unique structure that allowed citizens, civil society and business to make concrete simplification proposals on existing EU laws and as a forum for stakeholders and Member States to exchange views.

However, most stakeholders want it to be more productive, to gather more ideas for simplification and for concrete changes to flow more quickly from those ideas.

Stakeholders want a wider mandate and better reporting on the follow-up to opinions. Industrial organisations pointed to the need to raise awareness about the Platform to increase submissions on potentially problematic legislation. The Commission is also being urged to publish information on measures that are implemented following each Platform opinion. There should also be better guidelines on how to create a good submission to the Platform and more focus on reducing costs and burdens for SMEs.

In addition, the Platform was not sufficiently known to the public and its mandate not fully understood. To this end, ways to increase the involvement of local and regional authorities who are responsible for implementing EU legislation will be explored.

³⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Better Regulation: taking stock and sustaining our commitment, COM(2019)178

The way forward

The Commission has decided to set up a new high-level group, called the Fit for Future Platform. It is going to support the Commission's work on simplification and burden reduction, paying special attention to any digitalisation potential.

In the future, the Commission is committed to an ambitious environmental, digital and social agenda. The Better Regulation tools (evaluations, impact assessment and stakeholders' consultations) and the REFIT programme together with the Fit for Future Platform will play a key role in implementing these goals successfully. They will make sure that the policy objectives are achieved effectively, at minimum costs, and with the involvement of citizens and businesses.

The Commission will continue to evaluate existing legislation and all revisions will consider simplification and burden reduction, including digitalisation potential. The Commission will also continue its efforts to quantify to the extent possible the costs and benefits of EU legislation. This will require strengthened efforts and emphasis on monitoring and collecting data.

Furthermore, according to the 'One-in, One-out' approach, announced by President Von der Leyen in her communication on "The Working Methods of the European Commission"⁴⁰, new burdens on citizens and businesses resulting from new legislative proposals should be offset by removing an equivalent existing burden in the same policy area. The purpose is to make sure that the EU legislation benefits the end users of legislation without imposing additional burdens on businesses and citizens.

This new approach will strengthen the REFIT programme, by extending the programme beyond the burdens stemming from individual pieces of existing legislation to include also burdens from new legislation as well as managing the accumulative burden in each policy area.

The Commission Work Programme for 2020⁴¹ lists in an annex the most important REFIT work, both on legislative revisions and evaluations.

Notable examples include the following:

The evaluation of **food contact materials**⁴² scrutinises all aspects of the current EU food contact materials legislation. On the basis of this evaluation, the Commission will consider if

⁴⁰ Communication from the President to the Commission, The Working Methods of the European Commission <https://ec.europa.eu/info/sites/info/files/working-methods.pdf>

⁴¹ COM(2020) 37 of 29.01.2020

⁴² Regulation (EC) No 1935/2004 of 27.10.2004

further measures are necessary at EU level, including issues such as the one raised by the REFIT Platform⁴³, which recommends a common European requirement for a declaration of compliance for all types of food contact materials.

The Commission will carry out an evaluation of on the framework for the **sustainable use of pesticides**⁴⁴. Simplification potential will be considered, for example concerning the rules for inspection of pesticides application equipment and new official control rules.

The ongoing **fitness check of the 2012 State aid modernisation package, railways guidelines and short term export credit insurance** will assess to what extent the current regime has contributed to achieving a reduction of the administrative burden and whether there is a further potential for streamlining and simplifying State aid rules.

The **postal sector** is going through substantial changes due to digitalisation and the Commission will evaluate the Postal Services Directive⁴⁵ to determine whether it is still fit for purpose and future-proof.

In 2020, the Commission will finalise its evaluation of the Regulation on the **internal market and cross-border e-commerce** (Geo-Blocking)⁴⁶. The Commission will consider the overall impact of the Regulation on the internal market and cross-border e-commerce, including, in particular, the potential additional administrative and financial burden for traders stemming from the different applicable rules on consumer contract.

The revision of the **Machinery Directive**⁴⁷ includes proposed provisions to simplify the requirements for documentation by allowing digital formats, hence reducing administrative burden for economic operators, with an additional positive impact on environmental costs.

The revisions of the **Batteries Directive**⁴⁸, following the findings of the evaluation/implementation reports, should aim to better incorporate circularity, improve sustainability and keep pace with technological developments. The proposal will in particular encompass end-of-life and sustainability requirements.

Findings from the ongoing evaluation of the Directive on **credit agreements for consumers**⁴⁹ will feed into the planned revision. The aim is to ensure better consumer information and understanding of consumer credits, taking into account the digitalisation in the provision of such products.

⁴³ [Ref.XI.1a](#)

⁴⁴ Directive 2009/128/EC of 21.10.2009.

⁴⁵ Directive 97/67/EC of 15.12.1997

⁴⁶ Regulation (EU) 2018/302 of 28.02.2018

⁴⁷ Directive 2006/42/EC of 17.05.2006

⁴⁸ Directive 2006/66/EC of 6.09.2006

⁴⁹ Directive 2008/48/EC of 23.04.2008

REFIT Platform final report

This annex provides an overview of the activities of the REFIT Platform and of the opinions issued during its mandate.

Introduction

The REFIT Platform was set up in May 2015⁵⁰ to advise on how to make EU regulation more efficient and effective while reducing unnecessary costs. It consisted of a Government Group, with one seat per Member State and a Stakeholder Group with 18 members and two representatives from the European Social and Economic Committee and the Committee of the Regions.

The key purpose of this Platform chaired between 2015-2019 by the Commission's First Vice President Timmermans was to provide opinions to the Commission on possible improvements to existing legislation based on bottom-up input from citizens, civil society organisations and business (submissions). This input was provided via a dedicated web site, "Lighten the Load"⁵¹.

The Platform's guiding principles were:

- **Transparency** – The REFIT Platform worked in a transparent way and operated in full accordance with the Commission's general rules on expert groups. Suggestions, meeting minutes and working documents are all made public⁵².
- **Inclusiveness** – Work was 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 responded to all suggestions received. If the Platform decided not to pursue a suggestion, an explanation was provided to the relevant stakeholder.

The Commission committed to respond to all submissions and to assure follow-up on adopted opinions. In its follow-up, the Commission indicated whether it considered appropriate to take action, the type of action envisaged as well as their timing. The follow-up actions are listed in

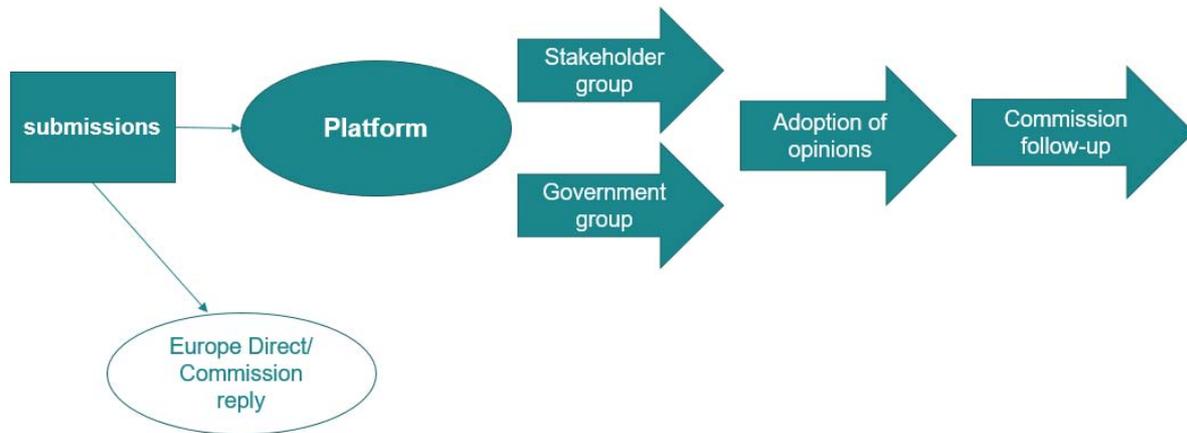
⁵⁰ Commission Decision of 19 May 2015 establishing the REFIT Platform, C(2015) 3261 final, https://ec.europa.eu/info/files/commission-decision-establishing-refit-platform_en

⁵¹ https://ec.europa.eu/info/law/better-regulation/lighten-load_en

⁵² 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

the Commission's Annual Work Programmes⁵³, the REFIT Scoreboard⁵⁴ and the dedicated follow-up reports⁵⁵.

Workflow of the REFIT Platform



What has been achieved

Since it was set up and until 31 October 2019, the REFIT Platform held seven plenary meetings chaired by First Vice President Timmermans and some 35 working group meetings.

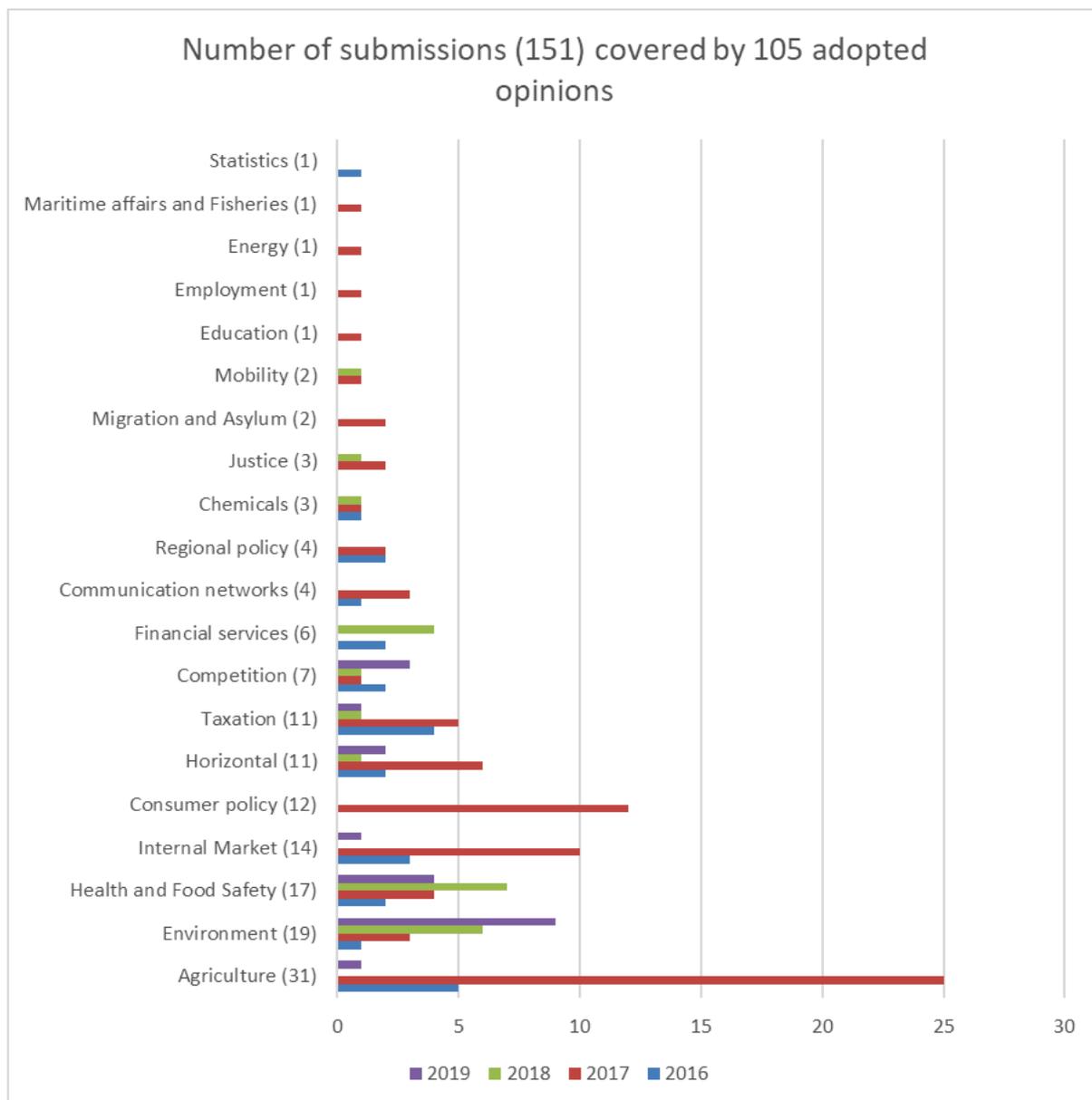
During this time, it received 758⁵⁶ suggestions from citizens, civil society (e.g. consumer, environmental, non-governmental associations, etc.) and business in a variety of policy areas.

⁵³ https://ec.europa.eu/info/publications/european-commission-work-programme_en

⁵⁴ <http://publications.europa.eu/webpub/com/refit-scoreboard/en/index.html>

⁵⁵ https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly/refit-platform/follow-platform-recommendations-opinions_en

⁵⁶ Several submissions from stakeholders simply included requests for information or addressed subjects beyond the mandate of the REFIT Platform.



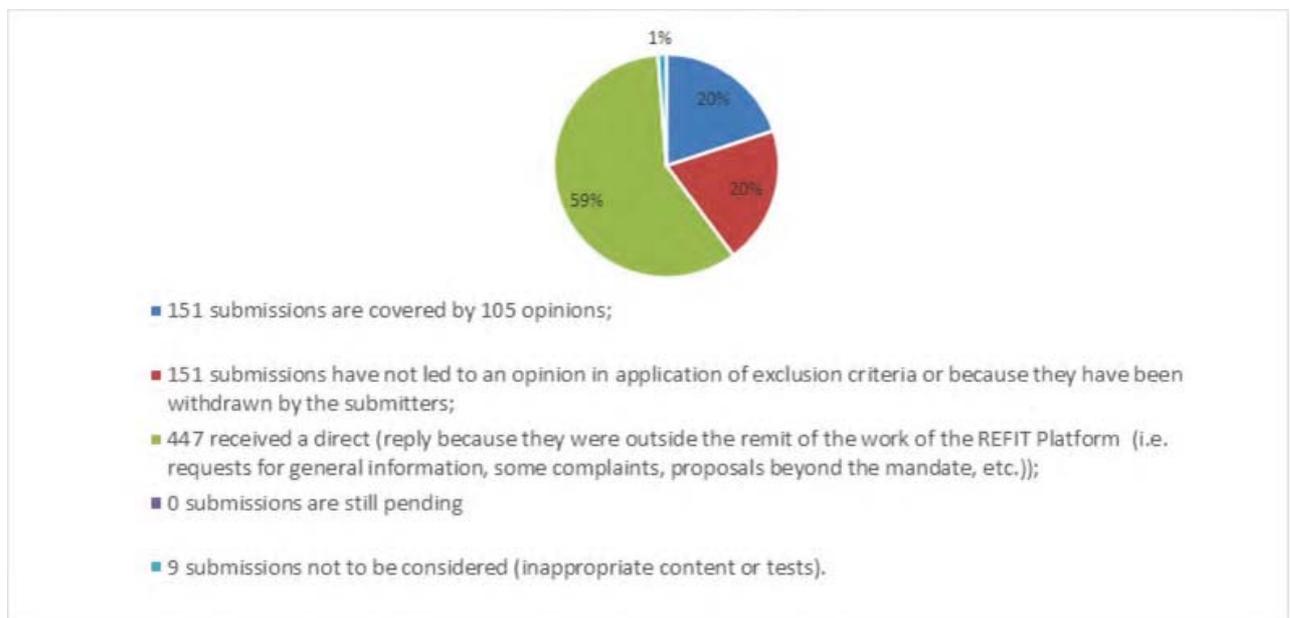
EU citizens and business associations accounted for almost three quarters of all submissions. Public authorities (including local and regional authorities) accounted for approximately 7% of submissions. Adopted submissions covered many policy areas. The stakeholders sent the highest number of submissions in the areas of agriculture (31), environment (19), health and food safety (17) and internal market (14).

Not all 758 submissions⁵⁷ have resulted in opinions. The Platform did not normally prepare opinions on issues that were:

- being examined by the European Parliament and Council on a proposal from the Commission in the EU legislative procedure;
- covered by recent legislative proposals, which only entered into application less than two years previously; the short period of experience with the application of the measure would not allow to draw sound conclusions on its performance;
- subject to a planned or ongoing consultation of the social partners;
- concerning the implementation of EU law in one or only a few Member States.

Moreover, a number of submissions concerned issues of general nature not related to the mandate of the Platform and therefore did not result in any opinion. Nevertheless, all 758 submissions have received a reply.

Out of these 758 submissions:



Out of the 105 opinions that have been adopted, 54 have called for improving the implementation of existing measures and were taken into account in 41 evaluations or soft law measures. Another 36 opinions resulted in 21 legislative revisions. The Commission has adopted proposals on all of them but two⁵⁸ that will follow.

The adopted opinions vary according not only to subject matters, but also to the kind of action they suggest, ranging from opinions calling for legislative revision to those pointing to the need for guidance, adaptation of implementing arrangements or issues to be taken into account in evaluations.

⁵⁸ Definition of Vegan and vegetarian (ref. XI.13a, 2017 https://ec.europa.eu/info/files/refit-platform-recommendations-health-and-food-safety-xi13a-vegan-food_fr) and Monitoring residues of veterinary medicinal products and other substances in food of animal origin (ref. XI.3a, 2016 https://ec.europa.eu/info/files/refit-platform-recommendations-health-and-food-safety-xi3a-residues-live-animals-and-products_fr)

1. Opinions resulting in Commission proposals or adopted legislation

In 21 cases, the REFIT Platform opinions led to legislative initiatives.

In the opinion on the *European Citizens' initiative*⁵⁹, the Platform recommended that the Commission takes into consideration issues linked to both simplification of the implementation and the revision of the Regulation (EU) No 211/2011 on the citizens' initiative⁶⁰. A revision of the Regulation, taking on board almost in full the six⁶¹ recommendations of the REFIT platform, followed.

The REFIT Platform recommended in its opinion regarding *Consumer Rights*⁶² to simplify the administrative burden of the relevant legislation. It also invited the Commission to examine situations where the consumers are unjustifiably denied the right to withdraw. The “New Deal for Consumers”⁶³ addressed the REFIT Platform requests regarding Consumer Rights in a revision of the EU consumer legislation.

In its opinion on *Identity and Travel documents*⁶⁴, the REFIT Platform encouraged the Commission to analyse the feasibility of harmonising identity and residence documents or any of their key features to facilitate further the free movement of Union citizens and their family members and tackle the challenges encountered by EU mobile citizens in their host countries. A legislative proposal followed in April 2018⁶⁵.

Ten of the opinions adopted in the field of agriculture⁶⁶ 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 2017⁶⁷ and have informed the work on the future of European Agricultural Policy⁶⁸. In particular, the Commission adopted three proposals on the CAP post-2020 in June 2018⁶⁹,

⁵⁹ REFIT Platform opinion XXII.1.a European Citizens' initiative https://ec.europa.eu/info/sites/info/files/opinion_european_citizen_initiative_final.pdf

⁶⁰ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ L 65, 11.3.2011, p. 1–22

⁶¹ The six recommendations are the following:

- the so-called ‘legal admissibility test’ (the registration of the submitted ECIs by the Commission)
- the procedure of the follow-up to a successful ECIs;
- the citizens' committee and the liability of organisers;
- lowering the age for support to 16 years;
- the moment of the start of the 12-month collection period;
- the simplification of the online collection of signatures.

⁶² REFIT Platform opinion VI.1.a-f Consumer Rights https://ec.europa.eu/info/files/refit-platform-recommendations-consumer-policy-ref-vi1a-f-consumer-rights_en

⁶³ http://europa.eu/rapid/press-release_IP-18-3041_en.htm

⁶⁴ REFIT Platform opinion XIII.3.a Identity and Travel documents https://ec.europa.eu/info/files/refit-platform-recommendations-justice-xiii3a-identity-and-travel-documents_en

⁶⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018PC0212&from=EN>

⁶⁶ 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#agriculture-and-rural-development

⁶⁷ COM(2017)713

⁶⁸ SWD(2018)301

⁶⁹ COM/2018/392, COM(2018)393, COM(2018)394

which provide more flexibility and simplification to MS for the implementation of the CAP post-2020.

While it is not always possible to measure quantitatively the results of the burden reduction achieved through the work of the Platform, there have been notable examples of opinions that resulted in quantifiable burden reduction.

Examples of measures with quantified burden reduction

Point of single contact⁷⁰, a single digital gateway to provide information, procedures, assistance and problem-solving services: The opinion of the REFIT Platform recommends the Commission to propose a Regulation to create a true online business portal for both goods and services to complement the text of the 2006 Services Directive⁷¹ and clearly indicate which minimum criteria for performance must apply to the Points of Single Contact (PSCs). Indeed, companies clearly indicate they want the PSCs or online business portals. They need these portals to provide information and assistance, which saves time, costs and makes their life easier. The greatest benefit that PSCs can offer is the possibility to complete administrative procedures entirely online. At the time of the proposal⁷², the Commission estimated that the single digital gateway could reduce by 60% the estimated 1.5 million hours that people currently spend researching online before going abroad and businesses could save between €11 and €55 billion annually.

Reporting formalities for ships⁷³: in the opinion on this topic, 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. This opinion has contributed to the adoption of the European Maritime Single Window environment, to reduce the administrative burden on ships and to facilitate the use of digital information with the aim of improving the efficiency, attractiveness and environmental sustainability of the maritime transport and contribute to the integration of the sector to the digital multimodal logistic chain. At the time of the proposal⁷⁴, the Commission estimated that the European Maritime Single Window Environment, bringing together, in a coordinated and harmonised way, all reporting associated with port calls, would 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.

Value added tax (VAT) for cross-border business to consumer e-commerce⁷⁵. At the time of the proposal, the Commission estimated that the one-stop shop will generate an overall

⁷⁰ REFIT Platform opinion XII.5.a-b Point of single contact https://ec.europa.eu/info/files/refit-platform-recommendations-internal-market-xii5a-and-b-point-single-contact_en

⁷¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32006L0123>

⁷² [COM\(2017\)256](#)

⁷³ REFIT Platform opinion XV.8a Reporting formalities for ships https://ec.europa.eu/info/files/refit-platform-recommendations-mobility-and-transport-xv8a-reporting-formalities-ships_en

⁷⁴ [COM\(2018\)278](#)

⁷⁵ [COM\(2016\) 757](#)

saving of €2.3 billion for businesses and €7 billion increase in VAT revenues for Member States. The REFIT Platform opinions XII.5.a-b⁷⁶ and XVIII.3.a⁷⁷ built into this process.

2. Opinions taken into account in evaluations or simplification measures

The Platform also made recommendations aimed to simplify the current legislative acquis. This is notably the case for the opinions on the *Construction Products Regulation*⁷⁸ in which the REFIT Platform recommends, among others, that the Commission gives priority consideration to the problems of overlapping and repetitive requirements and the need for clear and full European standards covering all requirements for construction products. The Commission considered these issues in the context of its evaluation of the Regulation, finalised in 2019.

In its opinion on *multiple use/multiple source substances such as chlorate*⁷⁹, the REFIT Platform recommended to find suitable limits for chlorate. It also recommended changing the definition of "pesticides residues" and proposing suitable maximum levels and maximum residue limits for multiple use substances under the relevant legislative framework. The Commission has set up a multi-disciplinary action plan for reducing the dietary exposure to chlorate and will address more general concerns of the Platform on pesticides residues in an ongoing evaluation of the EU pesticides legislation⁸⁰ expected to be finalised in 2020.

The Commission followed the recommendations made by the Platform in its opinion on *Conflicting definitions*⁸¹ to better align EU state aid rules and the rules governing EU funds. The future proposal on multiannual financial framework related amendments of the General Block Exemption Regulation, in the framework of the Enabling regulation adopted in November 2018, will contribute to the objective of simplification of State aid rules and synergies between national and EU funding. Moreover, the currently ongoing fitness check, expected to be finalised in 2020, aims among others to identify excessive administrative burdens, overlaps, gaps, inconsistencies, including those relating to the interaction of European Structural Investment Fund and State aid rules.

⁷⁶ REFIT Platform opinion XII.5.a-b Point of single contact https://ec.europa.eu/info/files/refit-platform-recommendations-internal-market-xii5a-and-b-point-single-contact_en

⁷⁷ REFIT Platform opinion XVIII.3.a VAT Information portal : https://ec.europa.eu/info/files/refit-platform-recommendations-taxation-xviii3a-vat-information-portal_en

⁷⁸ REFIT Platform opinions on Construction Products: XII.8.a https://ec.europa.eu/info/files/refit-platform-recommendations-internal-market-xii8a-construction-product-regulation_en , XII.8.b https://ec.europa.eu/info/files/refit-platform-recommendations-internal-market-xii8b-construction-product-regulation_en and XII.8.c https://ec.europa.eu/info/files/refit-platform-recommendations-internal-market-ref-xii8c-construction-products-regulation-cpr_en

⁷⁹ REFIT Platform opinion XI.10.a Multiple use/multiple source substances such as chlorate: https://ec.europa.eu/info/files/refit-platform-recommendations-health-and-food-safety-xi10a-multiple-use-multiple-source-substances-chlorate_en

⁸⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009R1107>

⁸¹ REFIT Platform opinion V.3.a Conflicting definitions https://ec.europa.eu/info/files/refit-platform-recommendations-competition-v3a-conflicting-definitions_en

3. Opinions addressing horizontal aspects

Other Platform opinions focused on horizontal aspects of legislation and policy-making.

The opinion on *Interconnection*⁸² voices concerns regarding potential overlaps of pieces of the EU acquis and proposes action, highlighted in a number of adopted REFIT opinions across policy areas. The unintended consequences of legislative overlaps resulting from the interaction between different sets of EU legislation can create significant burdens for citizens and business.

The REFIT Platform encourages the Commission to pursue its actions towards a transparent implementation of EU legislation by Member States in its opinion on *Implementation*⁸³. This could avoid unnecessary costs and make the EU more competitive. The Commission has indeed adopted a more strategic approach to its enforcement policy, focusing on systemic problems in its Communication “EU law: Better results through better application”⁸⁴.

In the field of *Stakeholder public consultation*, the REFIT Platform made an extensive number of practical recommendations in a dedicated opinion on *Stakeholder’s consultation mechanisms*⁸⁵, in order to improve current shortcomings of the Commission’s policy on consultation of stakeholders. The recommendations were taken into account during the revision of the Better Regulation Guidelines and Toolbox⁸⁶ in July 2017.

The REFIT Platform decided to contribute to the Commission’s Better Regulation Stocktaking exercise⁸⁷ and issued an opinion on *Future prospects*⁸⁸. The opinion indicates that the Platform itself is satisfied with its contribution to the REFIT agenda and proposes to continue in its current form, with a Stakeholder group and a Government group. The Stakeholder group and the Government group suggest improvements but both groups consider the Platform’s mandate and scope should not change substantially.

The REFIT Platform opinion on the Platform’s future

The members of the Platform agreed that the Platform should be continued with the two groups. Further details on their recommendations can be found in the opinion

⁸² REFIT Platform opinions on Interconnection : XXII.8.a https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-issues-xxii8a-interconnection_en and XXII.8.b https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-issues-xxii8b-interconnection-alignment-rules-state-aid-and-esif_en

⁸³ REFIT Platform opinion XXII.9.a Transparent Transposition https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-issues-xxii9a-transparent-transposition_en

⁸⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AC%3A2017%3A018%3ATOC&uri=uriserv%3A0J.C_.2017.018.01.0010.01.ENG

⁸⁵ REFIT Platform opinion XXII.4.a-b Stakeholder’s consultation mechanisms https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-xxii4a-b-stakeholder-consultation-mechanisms_en

⁸⁶ https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en

⁸⁷ https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-taking-stock-and-sustaining-our-commitment_en

⁸⁸ REFIT Platform opinion XXII.10.a REFIT Platform Survey – Future prospects: https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-issues-xxii10a-refit-platform-survey-future-prospects_en

Follow-up to the Platform opinions adopted per policy area

1. Agriculture

The REFIT Platform has adopted **11 opinions in the area of agriculture**. 10 of these opinions focused directly on improving the efficiency and effectiveness of the **Common Agricultural Policy (CAP), including its greening scheme** (identified as the biggest source of complexity in the CAP), 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 2017⁸⁹ and have informed the work on the future of European Agricultural Policy⁹⁰. In particular, the Commission adopted three proposals on the CAP post-2020 in June 2018⁹¹, keeping a strong but simplified EU framework with less rules and conditions set by the EU and more flexibility for the Member States to design their intervention according to their real needs. The Commission also introduced deadlines for animal- and area-based measures under Rural Development as of 2019 regarding provisions for late payments. The Platform's views on **marketing standards for fresh fruits and vegetables** feed into a dedicated evaluation, which is due in 2020.

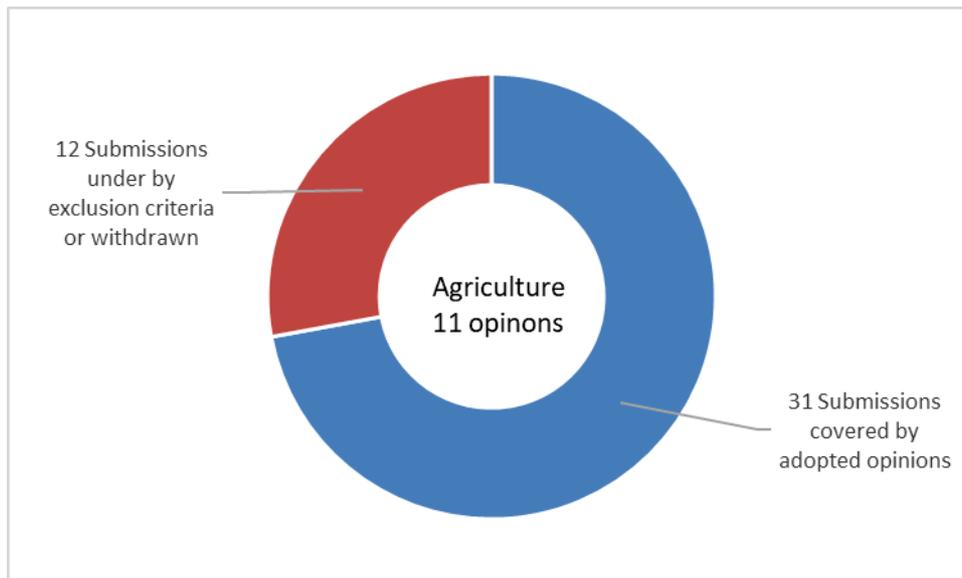
Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 - 31 October 2019)

Agriculture policy 11 opinions
12 submissions under exclusion criteria or withdrawn
0 remaining submissions
31 submissions covered by adopted opinions

⁸⁹ [COM\(2017\)713](#)

⁹⁰ [SWD\(2018\)301](#)

⁹¹ [COM/2018/392](#), [COM\(2018\)393](#), [COM\(2018\)394](#)



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 5 opinions in 2016, 5 opinions in 2017 and 1 opinion in 2019 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.2a, I.3a, I.7a-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 (Ref. I.10a-g);
- the Stakeholder group proposed the introduction of compensatory interest on late

payments to farmers but the Government group disagreed (Ref. I.17a).

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 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 2017⁹². The Platform views have also been followed up by the Commission in its proposals on the CAP post-2020, adopted on 1 June 2018⁹³. **The Commission has proposed that the CAP Strategic Plans must specifically set out and explain how a Member State has ensured a simple implementation of the policy.** 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 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. The future CAP proposal plans also a reduction for non-respect of payment deadlines in the monthly/quarterly payments, which is to be confirmed in the annual clearance.

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 (Ref.I.6a).

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.

11 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)

⁹² COM(2017)713, 29 Nov. 2017

⁹³ COM(2018)392, COM(2018)393 and COM(2018)394

- EU legislation on the farm subsidies reform (Ref. I.12a) (2017)
- Compensation for late EU payments (Ref. I.17.a) (2019)
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. Chemicals

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 (concluded in March 2018) and the fitness check on the most relevant chemicals legislation (excluding REACH) (concluded in June 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 - 31 October 2019)

Chemicals policy 3 opinions
6 submissions under exclusion criteria or withdrawn
3 submissions covered by adopted opinions
0 remaining submissions

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) - June 2019
- Clarification of the interface between REACH and OSH legislation - June 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 has clarified the interface between REACH and OSH legislation by transferring the scientific assessment of chemical substances from the scientific committee on occupational exposure limits (SCOEL) to the risk assessment committee (RAC) in ECHA. Furthermore, methodologies to establish safe level of exposure to chemicals at the work place have been aligned. Both actions aim to ensure consistency in the assessment of chemical substances. In addition, several evaluations in this area have been 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), concluded in June 2019⁹⁴. Among other things, these evaluations evaluate the issues raised in the opinion of the REFIT Platform. Based on the outcome of these evaluations, the Commission will assess any need for further action.

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 2018⁹⁵. 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

⁹⁴ <http://ec.europa.eu/DocsRoom/documents/21364>

⁹⁵ COM(2018)116 and SWD(2018)58

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.3b), 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
- Overlaps in legislation on chemicals and safety and health at work (Ref. II.2a) (2016)
- REACH authorisation process (Ref.II.4a) (2017)
- CLP massive metal mixtures (Ref. II.3b) (2018)

3. Competition

The REFIT Platform adopted **7 opinions in the area of competition**. **4** of them concern **state aid rules in the area of regional policy, land sale, ESIF 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. An 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. In a seventh opinion, the REFIT Platform states not opposing to the extension of the scope of the General Block Exemption Regulation (**GBER**) but recommends awaiting for the outcome of the impact of the Regional State Aid Guidelines (RAG) 2014-2020.

***Overview of stakeholders' submissions and REFIT Platform opinions
(19 May 2015 - 31 October 2019)***

Competition policy 7 opinions
6 submissions under exclusion criteria or withdrawn
0 remaining submissions
7 submissions covered by adopted opinions

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/land sale/ESIF/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 its opinion on 'State aid rules/land sale' (Ref. V.6a), the REFIT Platform invites the European Commission to remain committed to supporting local and regional authorities to cope with uncertainties about the right application of EU law, while guaranteeing a satisfactory level of transparency and avoiding excessive administrative burden; it does also suggest fostering a systemic training programme.
- The REFIT Platform suggests the European Commission to take adequate notice of the complexity linked to the management of ESIF funded projects (Ref. V.8a).
- 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 four 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 European Commission does also intend to step up the support to local and regional authorities in the application of State aid rules by organising targeted and demand-driven trainings, as well as by ad-hoc guidance through replies to specific interpretation questions submitted via the E-wiki facility.

The Commission's Directorate-General for Competition continues to provide detailed advice on specific projects upon 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.

The future proposal on MFF related amendments of the GBER, in the framework of the Enabling regulation adopted in November 2018, will contribute to the objective of simplification of State aid rules and synergies between national and EU funding. Moreover, the Commission is also currently undertaking the evaluation of state aid rules in form of a fitness check, in line with the Better Regulation rules. The fitness check, expected to be finalised in Q3 2020, aims among others to identify excessive administrative burdens, overlaps, gaps, inconsistencies, including those relating to the interaction of ESIF and State aid rules.

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 another one related with this theme in 2019 (Ref. V.9a). The REFIT 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. The REFIT Platform does also recommend to await for the outcome of the impact of the Regional State Aid Guidelines (RAG) 2014-2020.

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.

Although the REFIT Platform disagreed with the submitter of the submission treated under opinion V.9a, requesting that innovation related investments in ‘c’ areas are included in GBER, the Commission follows up. Under the GBER, aid may be granted to large enterprises in 'c' regions for initial investments in favour of new economic activity in the area concerned, where such aid complies with the conditions set out in the GBER. Regional investment aid is not the only possibility for supporting such investments. In certain other situations, aid may be granted for example for environmental protection or RDI related projects. The Commission announced its intention to prolong existing state aid rules, which have an expiry date, by two years, until the end of 2022. The Commission has just launched a fitness check leading to an evaluation of the existing rules, which will serve as a basis for the decision on whether to further prolong or possibly to update the rules for the period after 2022.

De Minimis Regulation

In its opinion on the **De Minimis Regulation** (Ref. V.7a), 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.

7 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)
- State aid rules and Land sale (Ref. V.6a) (2019)
- De Minimis Regulation (Ref. V.7a) (2018)
- State aid rule and ESIF (Ref. V.8a) (2019)
- Regional investment aid (Ref. V.9a) (2019)

4. Communication networks

The REFIT Platform adopted 3 opinions in the area of communication networks.

One opinion concerns improving the functioning of the **ePrivacy Directive** in relation to "cookies" rules, the new General Data Protection Regulation and national implementation issues (Ref. IV.1b). 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.3a-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 at reassessing within the next two years whether any further action is needed.

In its opinion on **digital consent-based solution** (Ref. IV.6a), the REFIT Platform encourages the use of the “once only” principle both at Commission and Member State level as it has the potential to 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 -31 October 2019)***

Communication Networks policy 3 opinions
11 submissions under exclusion criteria or withdrawn
4 submissions covered by adopted opinions
0 remaining submissions

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 (2018-2023)

ePrivacy Directive

"The Commission must propose amendments to the ePrivacy 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 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 a Regulation on Privacy and Electronic Communication. 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;
- alignment of the supervisory authorities with the authorities competent to enforce the GDPR and reliance on the consistency mechanism of the GDPR 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.6a), 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. It should therefore be encouraged at both Commission and Member State level. The Platform recommends that the European Commission continues 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 Regulation setting up the Single Digital Gateway, which for the first time mandates the application of the once only principle at the EU level was adopted on 2 October 2018. 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.3a-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.3a-b) (2017)
- Digital consent-based solutions through public-private partnership (Ref. IV.6a) (2017)

5. Consumer policy

The REFIT Platform adopted **2** opinions in the area of consumer policy. One opinion relates to the **Consumer Credit Directive**, in which it recommends the Commission to 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 is addressing 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 -31 October 2019)***

Consumer policy 2 opinions
9 submissions under exclusion criteria or withdrawn
12 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- Evaluation of the Directive [2008/48/EC](#) on credit agreements for consumers – Q1 2020
- New Deal for consumers – amendments of the Consumer Rights Directive – December 2019

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 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. The evaluation is expected to be finalised in the first quarter of 2020.

Consumer Rights Directive

Regarding the **Consumer Rights Directive** (Ref. VI.1a-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 in the “New Deal for consumers”, on which a provisional agreement was reached between the Council and the European Parliament in April 2019 and resulted in [Directive \(EU\) 2019/2161](#), published in OJ 328 on 18 December 2019.

2 opinions of the REFIT Platform in the area of consumer policy:
- Consumer Credit Directive (Ref. VI.4a-f) (2017)
- Consumer Rights Directive (Ref. VI.1a-f) (2017)

6. Education

The REFIT Platform issued **1** 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 -31 October 2019)

Education policy 1 opinion
0 submissions under exclusion criteria or withdrawn
1 submission covered by adopted opinions

0 remaining submissions

Key dates:

- Communication on strengthening European identity through education and culture - November 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.1a), 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 2 million EUR to NARIC projects dealing with: a) the goals of the European Education Area, in particular the implementation of the Council Recommendation on promoting automatic recognition of higher education and upper secondary diplomas and the outcomes of learning periods abroad⁹⁶; b) the quality and effectiveness of the NARIC network; c) the recognition commitments of the renewed agenda and the Bologna process, in particular by taking forward commitments in the 2018 Paris Communiqué regarding recognition⁹⁷; d) recognition of qualifications held by refugees. Fifteen cooperation projects and two administrative projects (organising annual meetings) and one project focused on the creation of the Technical Support Team were submitted for evaluation. The objectives are amongst others to maintain and revamp the ENIC-NARIC website and assisting the network. The contracting phases is planned for June 2020. The approved projects will run from June 2020 to the end of May 2022. The Commission is working intensively through expert meetings and other tools (amongst which the EUROPASS, Diploma Supplements etc.) to encourage and support the implementation of the Council recommendation on the automatic mutual recognition of higher education and upper secondary education qualifications/learning periods abroad (under Article 165 TFEU). To support this, a cooperation process to build mutual trust in school education systems across the Union will be launched and an online

⁹⁶<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1568891859235&uri=CELEX%3A32018H1210%2801%29>

⁹⁷

http://www.ehea.info/Upload/document/ministerial_declarations/EHEAParis2018_Communique_final_952771.pdf

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:
--

- Diploma recognition (Ref. XX.1a) (2017)

7. Employment

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 thousands of European 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. As a follow-up to the announcement of the European Social Security Number initiative in the 2018 work programme, the Commission is also working on a potential digital initiative to facilitate the identification of persons across borders and the verification of their social security insurance coverage.

***Overview of stakeholders submissions and REFIT Platform opinions
(19 May 2015 -31 October 2019)***

Employment policy 1 opinion
9 submissions under exclusion criteria or withdrawn
1 submission covered by adopted opinions
0 remaining submissions

Key dates:

- Revision of the EU legislation on social security coordination proposed in December 2016 (legislative procedure currently on-going)
- European Labour Authority set up in June 2019
- 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 in July 2017

"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.5.a), 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 were 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 connects electronically thousands of social security institutions of EU Member States and other countries such as Iceland, Liechtenstein, Norway or Switzerland. It replaces 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 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.

On 13 March 2018, the European Commission published a proposal on the establishment of a European Labour Authority and a Proposal for a Council recommendation on access to social protection for workers and the self-employed. [Regulation 2019/1149](#) was signed on 20 June and published in the Official Journal 11 July 2019. It entered into force on 31 July 2019. The European Labour Authority started its work in Bratislava on 16 October 2019 and will reach its full operational capacity by 2024.

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

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

8. Environment

The REFIT Platform adopted **11** 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 has been considered in the fitness check on the EU Ambient Air Quality Directives.
- **Hydraulic fracturing**: The Commission is closely monitoring legislative and non-legislative developments in Member States. In view of lack of exploration operational activities in Member States, the planned reassessment of the effectiveness of the current policy approach on unconventional fossil fuels was not carried out.
- **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.
- **Environmental Liability**, where the REFIT Platform encourages the European Commission to accelerate work together with Member States and other relevant stakeholders under the Multi-Annual Work Programme (MAWP) 2017-2020 to establish a substantially improved EU-wide evidence base regarding the ELD application.
- On **Noise**, the Commission is launching a study to assess the most cost-effective measures and the legislation that will best deliver on noise reduction in the EU.

*Overview of stakeholders submissions and REFIT Platform opinions
(19 May 2015 -31 October 2019)*

Environment policy 11 opinions
7 submissions under exclusion criteria or withdrawn
19 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- Implementing act simplifying and developing reporting and registration arrangements for producers of electrical and electronic equipment - Regulation (EU) 2019/290 adopted on 19 February 2019
- Evaluation of the Batteries and Accumulators Directive - [Evaluation report](#), April 2019
- 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**) – published in April 2019
 - Reassessment of the effectiveness of the recommendation: not carried out due to lack of exploration operational activities in Member States.
- Evaluation of the Regulation on shipments of waste - Q1 2020
- Fitness check of the EU ambient Air Quality Directives - finalized November 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 opinions Ref. IX.13a and IX.13b-e 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.

The **REFIT Platform** invites the Commission to 1) consider the harmonisation of registration and reporting of battery and EEE producers within the scope of the on-going evaluation of the Batteries Directive; 2) develop an information exchange system among national registers, which would ensure that if a company has registered a product in a MS, it can circulate freely in the Internal Market without further administrative burden; 3) note and take into account the work that the OECD is currently conducting on Extended Producer Responsibility (EPR) and the impact of online sales.

In response to the three opinions and addressing the requirements of the Directive, the Commission Adopted its Implementing Regulation (EU) 2019/290 of 19 February 2019 establishing the format for reporting and registration of producers of electrical and electronic equipment, including a harmonised data structure.

With regard to the requested change of the WEEE Directive to include information packages, the REFIT Platform considers that a broad framework e.g. with particular reference to the *Circular Economy Waste package* that strengthens the “waste hierarchy”, is already available.

In addition, the opinions on disposal charges for batteries will be considered in the context of the review of the Batteries Directive (2006/66/EC). The Commission report on the evaluation of the directive was released on 9/04/2019 (COM(2019)1300)⁹⁸.

As regards the **shipment of waste**, the REFIT Platform in its opinion IX.3a-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 early 2020.

On the **EU packaging and packaging waste Directive** (Ref. IX.8a), 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) 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

⁹⁸<https://ec.europa.eu/transparency/regdoc/?fuseaction=list&coteId=10102&year=2019&number=1300&version=ALL&language=es>

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 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 gas⁹⁹. 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 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-2018¹⁰⁰) 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. This study concluded that the intensity in shale gas exploration has decreased compared with previous years. Shale gas developments have been closed in the majority of the Member States. Significant development of commercial shale gas projects is not expected in the short term in Poland. In the United Kingdom, there were shale

¹⁰⁰<https://publications.europa.eu/en/publication-detail/-/publication/821b0b31-78ee-11e8-ac6a-01aa75ed71a1/language-en/format-PDF/source-73186205>

gas sites in the process of, or awaiting approval to appraise wells. Therefore, it was seen as the only Member State where there could be commercial shale gas development in the medium term.

However, the United Kingdom shale gas activities are currently limited to one exploration project. Due to some seismic events, operational activities have been put on hold. As of February 2019, it can thus be considered that there are no active exploration projects in the EU. Therefore, the reassessment of the effectiveness of the recommendation with end 2019 target date has, in view of lack of activities, not been carried out.

The Commission also tracks information from Member States on how they apply Recommendation 2014/70/EU on high-volume hydraulic fracturing¹⁰¹. A public data portal¹⁰² on unconventional oil and gas wells drilled in the EU has been developed by the Commission, which will contribute to enhanced transparency in this sector.

The Commission has published in April 2019 a hydrocarbons guidance document¹⁰³ that includes the identification of risk management and best available techniques for hydrocarbons exploration and production.

EU policies on water, renewable energy and nature protection

In its opinion on **EU policies on water, renewable energy and nature protection** (Ref. IX.14a), 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 check¹⁰⁴.

Air quality

On **air quality** (Ref. IX.5a), 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

¹⁰¹ (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014H0070>)

¹⁰² <https://openecho.jrc.ec.europa.eu/>

¹⁰³ <https://publications.europa.eu/en/publication-detail/-/publication/f9265d2b-574d-11e9-a8ed-01aa75ed71a1/language-en/format-PDF/source-93598867>

¹⁰⁴ This guidance was adopted in June 2018 as a Commission notice: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1542188309010&uri=CELEX:52018XC0618\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1542188309010&uri=CELEX:52018XC0618(01)) and is available in the EU Website at http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

adopted to meet existing limits. The submission and the opinion (while recommending no action) have been considered in the context of the [fitness check](#)¹⁰⁵ of the EU Ambient Air Quality Directives, finalised in November 2019.

Environmental Liability

In its opinion on the **Environmental Liability Directive** (IX.19a-d), the REFIT Platform disagrees with the submitter and conveys with the European Commission and the ELD REFIT Evaluation of 2016 that there is lack of evidence. The Stakeholder group encourages the European Commission to accelerate work together with Member States and other relevant stakeholders under the Multi-Annual Work Programme (MAWP) 2017-2020 to establish a substantially improved EU-wide evidence base regarding the ELD application.

To improve the evidence base for the implementation of the Environmental Liability Directive, the Commission undertakes several actions within the Multi-Annual Work Programme (MAWP). In a first phase, the Commission has developed desk-research, indicators and a dedicated IT tool. The focus in the collaborative work with the Member States moved in the second phase to the development of ELD country fact sheets. It is further planned to integrate more components into the environmental liability information system and test it by early 2020. The output of the tests will be linked to other information sources to provide the basis for the 2022 Member States' reporting and the 2023 Commission evaluation.

Noise

In its opinion on the **EU Noise Directive** (IX.17a), the REFIT Platform disagreed with the submitter and did not consider that the Noise Directive establishes any binding limit values on the related emissions. Instead, the REFIT Platform invites the Commission to investigate the feasibility of measures that would enable effective implementation of the Noise Directive, including management at source and the role of limit values, while recognising both public concern and the need for flexibility at Member State level. Members of the Government group pointed out that setting national limit values or guidelines should be up to Member States and that there should be no binding ones at EU level.

The Commission is launching a study to assess the most cost-effective measures and the legislation that will best deliver on noise reduction in the EU. The aim of the study is to build knowledge on what can realistically be done and how to tackle harmful noise levels. Noise limits are not defined at EU level.

11 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)

¹⁰⁵ [Commission Staff Working Document SWD\(2019\) 427](#)

Waste electrical and electronic equipment Directive (Ref. IX.1a) (2016)
Regulation on Shipment of Waste (Ref. IX.3a-c) (2018)
Air Quality Directive (Ref. IX.5a) (2018)
Packaging materials (Ref. IX.8a) (2018)
Disposal charge on batteries, energy-saving bulbs and electronic equipment (Ref. IX.13a) (2017)
Disposal charge on batteries, energy-saving bulbs and electronic equipment (Ref. IX.13b-e) (2019)
Better coordination of EU policies on water, renewable energy and nature protection (Ref. IX.14a) (2018)
Environmental Liability Directive (Ref. IX.16a-d) (2019)
EU Noise Directive (Ref. IX.17a) (2019)

9. Financial Services

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 -31 October 2019)***

Financial services policy 6 opinions
17 submissions under exclusion criteria or withdrawn
6 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- Study assessing the performance of FICOD – finalised July 2017;

- Fitness check on supervisory reporting requirements in the financial services legislation – finalised in November 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.

Supervisory 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 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 drivers of the cost and burden of supervisory reporting in financial services legislation. The fitness check identifies potential areas where the reporting obligations could be improved. It was completed in 2019¹⁰⁶. Follow-up work is ongoing.

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

¹⁰⁶https://ec.europa.eu/info/sites/info/files/business_economy_euro/banking_and_finance/documents/191107-fitness-check-supervisory-reporting-staff-working-paper_en.pdf

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. This does not preclude possible further work by the Commission, in order to assess whether potential gaps and shortcomings of FICOD need to be addressed at a later stage.

Insurance legislation

In its opinion on the **EU legislation on insurance** (Ref. X.21a), 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)) 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 the way financial services are provided to businesses, national organisations and citizens. 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 conditions governing firms' use of customer data and more broadly, how to ensure consumer protection while also acknowledging the need for personnel to develop new skills and competences.

Such aspects were considered in the context of the Commission action plan to build a deeper single market for retail financial services and FinTech action plan¹⁰⁷, adopted in March 2017 and March 2018, respectively. The former 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

¹⁰⁷ COM(2018)109

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.

As regards the FinTech action plan, the objective was to promote a more competitive and innovative European financial sector. The Commission also adopted a proposal for a Regulation on European crowdfunding services providers the same year. With these initiatives, the Commission notably aimed to ensure that innovative businesses and services can scale up in the EU more easily, while fully respecting consumer and data protection rules and enhancing the digital security and resilience of the financial sector.

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 in its opinion X.3a that in view of 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.12a that no specific immediate action was needed in that area.

6 opinions of the REFIT Platform in the area of financial services:
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.3a) (2018)
Regulation of listed companies (Ref. X.12a) (2018)

10. Health and Food safety

The REFIT Platform adopted **15** 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), plant protection products 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 and within the context of the “Farm to Fork strategy for sustainable food”¹⁰⁸. The recommendation on vegan food will be followed up by an implementing act, for which preparatory work is underway for an implementing act which could be adopted in Q2 2021. To address the recommendation on *residues of veterinary medicinal products in food of animal origin*, the Commission will present by the end of 2020 a new delegated act planned for adoption before the entry into application of the relevant provisions of new Official Control Regulation. Concerning a harmonised approach on maximum levels for vitamins and minerals, the Commission is reflecting on possible next steps. With regard to medicinal products for human use and to mineral waters, subject to political decision, the recommendations of the Platform could be followed up by the evaluations of both legislative frameworks. Four opinions (protection of animals during transport, identification methods of equidae and two related with the hygiene package) do not call for any follow-up.

***Overview of stakeholders submissions and REFIT Platform opinions
(19 May 2015 -31 October 2019)***

Health and food safety policy 15 opinions
14 submissions under exclusion criteria or withdrawn
17 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- Evaluation of the plant protection products legal framework – Q1 2020
- Evaluation of the EU food contact materials legislation – 2021
- 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 – Q2 2020
- Guidance document on the implementation of certain provisions of the Feed Hygiene Regulation – published April 2019
- Implementing act on the definition of vegan and vegetarian product – Q2 2021

Food Contact Material

¹⁰⁸ https://ec.europa.eu/food/farm2fork_en

In relation to **food contact materials**, the REFIT Platform recommended in its opinion (Ref. XI.1a) 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 2021. 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:

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, expected to be finalised during the first half of 2020, 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.

Regulation on nutrition and health claims

Opinion XI.11a-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. This opinion also touches upon the rules of the Claims Regulation regarding nutrient profiles.

The Regulation on the transparency and sustainability of the EU risk assessment in the food chain adopted in June 2019 and entering into application in 2021¹⁰⁹, will help to address the point on the transparency of the risk assessment procedures. With respect to the remaining points, including the nutrient profiles, it would be more effective to wait for the conclusions and the recommendations of the ongoing evaluation on the Claims Regulation, expected to be finalised during the first half of 2020, before considering next steps.

Pesticides/chlorate

"The Stakeholder group considers that the Commission should assure that rules¹¹⁰ 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

¹⁰⁹

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1381>

¹¹⁰ Regulation (EC) No 396/2005 (on maximum residue levels of pesticides in or on food and feed of plant and animal origin)

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 file, 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 two 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;
- 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: In February 2020 Member States gave a positive opinion on a legislative proposal from the Commission setting temporary MRLs based on monitoring data. It is expected that the legislation will be adopted mid-2020.
- 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 in 2020.

In its opinion XI.22a on **Plant protection products**, the REFIT Platform considers that the European Commission has already addressed the issue (i.e. the risk assessment of a given application to be conducted for all Member States grouped in one or three zones with similar agro-climatic conditions and by making mutual recognition of authorisations granted by one Member State compulsory for the Member State in the same zone), in an evaluation of the EU pesticides legislation (Regulation (EC) No. 1107/2009), the results of which are expected in 2020.

Vegan/vegetarian definition

In its opinion on the **definition of "vegan" and "vegetarian"** (Ref. XI.13a), the REFIT Platform recommends that the Commission fulfils 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 with preparatory work that is now underway for an implementing act which could be adopted in Q2 2021.

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 the end of 2020 through new tertiary legislation planned for adoption before the entry into application of the relevant provisions of the new Official Control Regulation.

Vitamins and Minerals

In the opinion on Vitamins and Minerals (Ref XI.20a), the REFIT Platform points to the lack of harmonised maximum amounts of vitamins and minerals that may be added to food and food supplements. It calls upon the European Commission to set a harmonised European approach regarding maximum levels for vitamins and minerals.

Following the adoption of Regulation (EC) N°1925/2006 on the addition of vitamins, minerals and of certain other substances to food (fortified foods), the Commission initiated work in close cooperation with Member States and stakeholders in order to set maximum amounts for vitamins and minerals in fortified foods and food supplements. A risk management model was developed with all stakeholders concerned and discussed with the Member States. These discussions highlighted a number of difficulties in harmonising maximum amounts, mainly due to certain industry associations that made strong claims regarding the negative impact of harmonisation, and due to the differing views of the Member States on the appropriate risk management model to be used. Currently, at Member State level, the situation varies, ranging from maximum amounts set by law, or indicated through guidelines, to the absence of any specific rules in this regard. Therefore, any decision to launch such an initiative will have to be taken in due time in the light of the above-mentioned challenges.

Registration of feed business operators

The REFIT Platform acknowledges in its opinion on the registration of feed business operators (Ref. XI.7a) 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 by the Commission notice “Guidance document on the implementation of certain provisions of Regulation 183/2005 laying down requirements for feed hygiene“ (recently endorsed by a large majority of the Member States during the last Standing Committee on Plants, Animals, Food and Feed in April 2019). The REFIT Platform therefore considers that no additional action in the form of a revision of the FHR Regulation is needed.

Medicinal products for human use

The **REFIT Platform** disagrees with the submitter’s proposal to replace Directive 2001/83 relating to Medicinal products for human use by a Regulation. The Platform takes the view that the European Commission should explore ways to increase legal certainty to reduce the administrative burden, lower costs, harmonise legislation and improve the operation of the internal market. In this sense, the REFIT Platform proposes an evaluation of Directive 2001/83 regarding medicinal products for human use is undertaken.

The Commission will further consider this possibility, taking also into account the results of the currently ongoing evaluation of the orphan and paediatric Regulations.

Natural Mineral Waters

In its opinion XI.25a, the REFIT Platform invites the European Commission to consider and take into account a number of issues raised by the submission e.g. definitions (original purity, total flora), the objective and general principles to be implemented by producers, coherence and consistency with general food safety rules, harmonisation of separation and filtration techniques, etc. The REFIT Platform encourages the European Commission to undertake an evaluation to assess to what extent the existing legislation is still achieving its objectives and to identify the issues that need to be tackled.

The Commission takes note of the recommendation of the REFIT Platform regarding an evaluation of the natural mineral waters legislation and will further consider this possibility in the near future.

15 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)
- Traditional Herbal Medicines Products Directive (Ref. XI.6a-b) (2017)
- Registration of feed business operators (Ref. XI.7a) (2018)

- Medicinal products for human use (Ref. XI.9a) (2019)
- Multiple use/multiple source substances - chlorate (Ref. XI.10a) (2017)
- Nutrition and Health claims (Ref. XI.11a-b) (2018)
- Definition of "vegan" and "vegetarian" (Ref. XI.13a) (2017)
- The Hygiene Package (Ref. XI.16a) (2019)
- The Hygiene Package (Ref. XI.16b) (2018)
- Protection of animals during transport and related operations (Ref. XI.17a) (2018)
- Identification methods of equidae (Ref. XI.19a) (2018)
- Vitamins and Minerals (Ref. XI.20a) (2018)
- Plant protection products (Ref. XI.22a) (2019)
- Natural Mineral Waters (Ref. XI.25a) (2019)

11. Horizontal issues

The REFIT Platform adopted **10** 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 has issued a series of sector-specific opinions in 2019.

Overview of stakeholders submissions and REFIT Platform opinions (19 May 2015 -31 October 2019)

Horizontal issues 10 opinions
3 submissions under exclusion criteria or withdrawn

11 submissions covered by adopted opinions
0 remaining submissions

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 – Opinion XXII.8b adopted in 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 2017¹¹¹.

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](#) 'Have your say' platform. A social media campaign has been 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

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

- 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

¹¹¹ https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox_en

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 2017¹¹² and the Commission and the ESOs are currently working on its implementation.

Additionally, the Commission adopted in November 2018 a Communication on harmonised standards¹¹³. 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.3b), 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 is also one of the key principles of the European electronic communications code¹¹⁴, proposed by the Commission in September 2016 and adopted in December 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.

¹¹²http://ec.europa.eu/growth/content/european-commission-launches-action-plan-improve-publication-harmonised-standards-industry_en

¹¹³ COM (2018) 764

¹¹⁴ Directive establishing the European Electronic Communications Code (Recast) (EU) 2018/1972

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.3c), 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.8a and Ref XXII.8b), 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. One of these dedicated opinions is XXII.8b – Alignment of State aid and European Structural and Investment Fund, the REFIT Platform agree with the need for harmonisation; however, the Government group is not in agreement with the six specific proposals.

The Commission considers that the recommendation of the REFIT Platform to undertake a Fitness Check of State aid rules could be followed in the near future.

Implementation

In its opinion XXII.9a on **Transparent transposition**, the REFIT Platform recommends the European Commission to improve awareness-raising among Member States authorities and regularly report on how they transpose the EU Directives. It invites the European Commission to incentivise Member States authorities using different transparency-increasing measures to ensure that they: a) make national transposition text and guidelines publicly available (e.g. via the EUR-LEX website), b) signal to the competent EU authorities when they consider opportune to add up measures.

The REFIT Platform encourages the European Commission to improve transparency within the process of EU law implementation in a way that respects subsidiarity, multi-level governance and the respective role of EU national, regional and local authorities in EU law implementation. It also invites the European Commission to keep implementation and enforcement on top of the EU agenda and (assure this is) treated as appropriate at national, regional and local level.

To address this recommendation, the Commission has set out a more strategic approach to its enforcement policy, focusing on systemic problems in its Communication “EU law: Better

results through better application”. Timely and correct transposition of directives is a priority for the Commission when investigating breaches of EU law. The Commission has set up a dedicated IT tool called the MNE-database to facilitate Member States' notifications of national measures transposing EU directives. Through this database, Member States are able to notify the provisions of national transposition measures that stem from EU directives and which are linked to setting higher standards at national level, as requested in the Interinstitutional Agreement on Better Law-making. This information is included every year in the Annual Report on “Monitoring of Application on Union law”.

To make transposition more transparent, the Commission has also enabled the notification of measures transposing directives by Member States through European Legislation Identifier (ELI). This system makes legislation available online in a standardized format on EUR-Lex website providing thus an easy access to a wider public. Member States decide on a voluntary basis to participate to this project. The Commission will continue to encourage Member States to agree on the publication of texts of transposition measures, as well as declaration of transposition on EUR-Lex website that is accessible to the public.

Subject to political decision, the recommendation of the REFIT Platform to keep implementation and enforcement on top of the EU agenda could be followed in the near future.

Future prospects

In its opinion XXII.10a, the REFIT Platform members recognize that the Platform has provided a valuable contribution to the REFIT agenda and recommends its continuation with the Stakeholder group and the Government group. Detailed suggestions on possible improvements proposed by the Stakeholders and the Government group are included in the respective sections of the opinion.

Members value the bottom-up, consensual approach that results in specific recommendations on concrete proposals. Stakeholders want it to be more productive, to gather more ideas for simplification and for concrete changes to flow more quickly from those ideas. REFIT Platform members wish more engagement with cross-cutting Better Regulation topics, better follow up on submissions and on opinions, more visibility of the work and broader spectrum of expertise considering also an appropriate geographical representation. As regards visibility and communication, it is proposed to develop a user friendlier Lighten-the-Load (LTL)/Better Regulation portal.

This opinion adds value to the Better Regulation process. It becomes an official contribution to the major Better Regulation Stocktaking exercise. This opinion is to become the legacy of the REFIT Platform and basis for a Final report.

10 opinions of the REFIT Platform in the area of horizontal issues:
- European Citizens' Initiative (Ref. XXII.1a) (2016)
- Stakeholders consultation mechanisms (Ref XXII.4a-b)(2016)

- Standardisation as cross cutting instrument for Better Regulation (Ref. XXII.2a) (2017)
- Non-citation of harmonised standards (Ref. XXII.2b) (2017)
- Intention, digitalisation and technology neutrality (Ref. XXII.3b) (2017)
- Real Time Economy (RTE) (Ref. XXII.3c) (2017)
- Interconnection (Ref. XXII.8a) (2018)
- Interconnection – Alignment of the rules on State aid and European Structural and Investment Funds (Ref. XXII.8b) (2019)
- Transparent Transposition (Implementation) (Ref. XXII.9a) (2019)
- REFIT Platform Survey – Future prospects (Ref. XXII.10a) (2019)

12. Internal Market

The REFIT Platform adopted **13 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 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;
- **Public Procurement and European Single Procurement Document** (3 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 and Labelling of energy related products**, 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 - 31 October 2019)*

Internal market policy 13 opinions
18 submissions under exclusion criteria or

withdrawn
15 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- Single digital gateway initiative – Commission proposal adopted May 2017; Single Digital Gateway Regulation (2018/1724/EU) agreed by the co-legislators on 3 October 2018 and published in the Official Journal on 21 November 2018
- Evaluation of the Construction Product Regulation – finalised in October 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 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, Enterprise Europe Network, consumer centres, etc.) may opt in on a voluntary basis, but under the same conditions.

The gateway is a quality label and 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 means 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.

The Commission is following up on this opinion by ***examining*** the issues relating to potential legislative shortcomings and overlapping requirements. The evaluation was finalised in October 2019¹¹⁵.

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, as announced in the Communication on Clean Energy for all Europeans¹¹⁶.

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.8c). The REFIT Platform recommended that the Commission examine those issues as part of its evaluation of the CPR. The Commission has considered this issue in the context of its evaluation of the CPR, which finalised in October 2019. Aspects relating to the standardisation process are being followed up also through the horizontal dialogue that the Commission is having with the European Standardisation Organisations (ESO).

Single Market Transparency Directive

¹¹⁵ https://ec.europa.eu/growth/sectors/construction/product-regulation_en

¹¹⁶ COM(2016)860

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 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 which 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 study¹¹⁷ 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 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.19a and XII.19b), 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 ESPD¹¹⁸. 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. Mid 2019, almost 50

¹¹⁷<https://publications.europa.eu/en/publication-detail/-/publication/c8b7391b-9b80-11e8-a408-01aa75ed71a1/language-en/format-PDF/source-76547629>.

¹¹⁸ <http://ec.europa.eu/growth/single-market/public-procurement/e-procurement/espden>

ESPD services are available in Member States. Many of those services are linked to the eCertis database, which is provided by the Commission. The phasing out of the Commission's own ESPD service took place on 2 May 2019, as planned. This phasing out is expected to increase the number of national solutions and the integration with existing services.

The Commission organised an ESPD satisfaction survey in summer 2019. A report with the results has been published¹¹⁹.

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 have been adopted by the Commission in the third quarter of 2019, via an implementing regulation¹²⁰. 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.

Public Procurement

In a third opinion on **effectiveness and efficiency of Public Procurement (youth and social care)** (XII.19c), the REFIT Platform recognizes the concerns raised about the administrative burden caused by tendering and the fact that some social services have a limited cross-border dimension. However, it notes that the Internal Market should be fostered further and a balance should be found between both objectives. The REFIT Platform invites the European Commission to 1) Include the "light procedure" in the upcoming evaluation of the procurement directives; 2) Evaluate whether certain tenders relating to a single individual could be exempted from the tendering process even if exceeding the threshold; 3) further pursue its ongoing initiatives for capacity-building measures and to provide guidance e.g. the planned national workshops.

In line with Article 92 of Directive 24/2014 on public procurement, the Commission plans to review the economic effects on the internal market resulting from the application of the thresholds set in Article 4 and report thereon to the European Parliament and the Council. Due to the delays in transposition and implementation in a number of Member States, this review is planned for 2021. The Commission is also revising and updating its guidance on socially responsible public procurement. The new edition will include suggestions on how to apply rules related to the "light regime". This guidance is expected to be available by mid-2020.

¹¹⁹ https://ec.europa.eu/growth/single-market/public-procurement/digital/espd_en

¹²⁰ [C/2019/6868](https://eur-lex.europa.eu/eli/reg/2019/6868)

SME Test

The REFIT Platform firmly supports the **SME Test** (opinion Ref. XII.17a) 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.

13 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.8c (2017))
- Single Market Transparency Directive (Ref. XII.6a) (2017)
- Late Payment Directive (Ref. XII.13a) (2017)
- Internal Market Information System and Single Market Centres (Ref. XII.2a – XII.4c), (2017)
- European Single Procurement Document (Ref. XII.19a) (2017)
- Public procurement and the European Single Procurement Document (Ref. XII.19b) (2017)
- Effectiveness and Efficiency of public procurement (youth and social care) (Ref. XII.19c) (2019)
- SME Test (Ref. XII.17a) (2017)
- Labelling and standard product information on the consumption of energy and other resources by energy-related products (Ref. VIII.2a) (2017)
- Plugs and sockets (Ref. XII.24a) (2017)

13. Justice

The REFIT Platform adopted 3 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 -31 October 2019)

Justice policy 3 opinions
15 submissions under exclusion criteria or withdrawn
3 submissions covered by adopted opinions
0 remaining submissions

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. The Council and the European Parliament reached a provisional agreement early 2019, with the latter having adopted it in plenary in April 2019. The ID Cards Regulation was adopted on 20 June 2019¹²¹.

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. A provisional agreement was reached between the Council and the European Parliament early 2019. The package comprising a directive on contracts for the supply of digital content and services (Digital content directive), and a directive on contracts for the sales of goods (Sales of goods directive) was adopted finally in April 2019. Member States will have two years to transpose the new rules into their national law.

¹²¹ [OJL 188](#)

Free Movement Directive

On the **Free Movement Directive** (Ref. XIII.10a), 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 intends to address such concerns under the new Commission.

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)

14. Maritime affairs and fisheries

The REFIT Platform adopted **1** 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 -31 October 2019)

Maritime affairs and fisheries policy 1 opinion
2 submissions under exclusion criteria or withdrawn
1 submission covered by adopted opinions
0 remaining submissions

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 make the Union fisheries control system more effective and efficient and ensuring full compliance with the reformed Common Fisheries Policy CFP and fulfilment of its objectives. In particular, the initiative aims to:

- 1) Bridge the gaps with the CFP, with special regard to appropriate control rules relating to the landing obligation, and with other EU policies;
- 2) Simplify the legislative framework and reduce unnecessary administrative burden *e.g.* by streamlining reporting requirements;
- 3) Improve availability, reliability and completeness of fisheries data and information, in particular of catch data, and allow exchange and sharing of information *e.g.* by promoting the use of harmonised and/or interoperable IT tools;
- 4) Remove obstacles that hinder the development of a culture of compliance and the equitable treatment of operators within and across Member States *e.g.* concerning the enforcement of rules by harmonising the catalogue of serious infringements.

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

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

15. Migration and home affairs

The REFIT Platform adopted 1 opinion in the area of migration and home affairs, on the marketing and use of explosives 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 -31 October 2019)

Migration and home affairs policy 1 opinion
3 submissions under exclusion criteria or withdrawn
2 submissions covered by adopted opinions
0 remaining submissions

Key dates:

- review of the regulation on the marketing and use of explosives 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 explosives 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)
--

16. Mobility and transport

The REFIT Platform adopted **2 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 which led to the adoption of Regulation 2019/1239 in June 2019.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 - 31 October 2019)

Mobility and transport policy 2 opinions
9 submissions under exclusion criteria or withdrawn
2 submissions covered by adopted opinions
0 remaining submissions

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 environment – proposal adopted in May 2018 and Regulation published in June 2019

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 SMEs, 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. The European Parliament voted the 1st reading at the beginning of 2019. The proposal is also being discussed in the Council Working party on land transport. The EP decided in October 2019 to carry over this file to the next term.

Reporting formalities for ships

In its opinion on **reporting formalities for ships** (Ref. XV.8a), 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 addresses 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. On 7 February 2019, the legislators found an agreement on a compromise text, largely maintaining the provisions of the Commission's proposal. The

Regulation 2019/1239 establishing a European Maritime Single Window environment was adopted on 20 June 2019¹²².

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

17. Regional policy

The REFIT Platform adopted 4 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 Union¹²³ as part of the mid-term review 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. The Commission proposals tabled in May 2018 contain several simplification elements.

Overview of stakeholders' submissions and REFIT Platform opinions (19 May 2015 -31 October 2019)

Regional policy 4 opinions
2 submissions under exclusion criteria or withdrawn
4 submissions covered by adopted opinions
0 remaining submission

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

¹²² [OJ L 188](#)

¹²³ Regulation (EU, Euratom) 2018/1046

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**¹²⁴.

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 published¹²⁵.

The Commission's Regulation 2018/1046 on the financial rules applicable to the general budget of the Union includes many of the recommendations from the HLG, in particular in the area of simplified costs. The provisions entered into force on 2 August 2018. Other recommendations for 2014-2020 are also being implemented. In particular, a specific action plan was prepared for recommendations related to audit and 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 handbook¹²⁶. 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

¹²⁴ http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/high-level-group-simplification

¹²⁵ <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>

¹²⁶ http://ec.europa.eu/regional_policy/en/information/publications/factsheets/2018/simplification-handbook-80-simplification-measures-in-cohesion-policy-2021-2027

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 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 which can lead to 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 published a report in October 2018¹²⁷ 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)

18. Statistics

The REFIT Platform adopted 1 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 -31 October 2019)

Statistics policy 1 opinion
2 submissions under exclusion criteria or withdrawn
1 submission covered by adopted opinions
0 remaining submissions

Key dates:

- legislative proposal on FRIBS (Framework Regulation for Integrating Business Statistics) – adopted 6 March 2017. Regulation (EU) 2019/2152 adopted in November 2019

¹²⁷ Spatial Foresight & t33, New assessment of administrative costs and burden in ESI Funds. https://ec.europa.eu/regional_policy/en/information/publications/studies/2018/new-assessment-of-esif-administrative-costs-and-burden

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.3a), the REFIT Platform recommends 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 2017¹²⁸, is also included in the final text endorsed by the EP Plenary on 16 April 2019. The FRIBS proposal does not include the aspects of environmental protection expenditure accounts, which will in the future be solely covered by the Regulation on environmental accounts, thus cancelling any overlaps in reporting. [Regulation \(EU\) 2019/2152](#) on European business statistics, repealing 10 legal acts in the field of business statistics, was adopted on 27 November 2019 and published in the OJ on 17 December 2019.

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

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

19. Taxation and Customs Union

The REFIT Platform adopted **10** 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 single digital 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 2020. As regards the

¹²⁸ COM(2017)114

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. Concerning the **VAT rules for insurance and financial services**, the Commission considers launching an evaluation.

***Overview of stakeholders submissions and REFIT Platform opinions
(19 May 2015 -31 October 2019)***

Taxation policy 10 opinions
12 submissions under exclusion criteria or withdrawn
11 submissions covered by adopted opinions
0 remaining submissions

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 2020

"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.

In its opinion regarding the **standard VAT declaration** (Ref. XVIII.4a), while the Stakeholder group considers that the Commission should aim for maximum harmonisation, there are serious doubts in the Government group that a standard VAT declaration would imply burden reduction.

Those 4 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 single digital 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. Council did not accept the part of the proposal relating to certified traders, but accepted the part on the one stop shop. This measure 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 composite 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.17a) 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 2020.

VAT rules for insurance and financial services

In its opinion XVIII.19a, the REFIT Platform recognises the problems described in the submission and supports its proposals to the Commission to 1) Re-examine the scope of exemptions and clarify the definition of the different exempted insurance and financial

services in Article 135(1)(a)-(g); 2) Amend Article 137 to introduce a wide option to tax for the industry; 3) Review Article 132(1)(f) and introduce cost-sharing for entities carrying out insurance and financial services; and 4) Amend and clarify the rules on VAT grouping in Article 11. The REFIT Platform invites the European Commission to relaunch the package to amend the Directive as started in 2007, encompassing also the review of exemptions and including cost-sharing. Some Member States would support an evaluation by the Commission.

To address these proposals and subject to political decision by the Commission, the recommendation of the REFIT Platform to undertake an Evaluation of the VAT rules for Insurance and financial services could be followed.

10 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.17a) (2018)
- VAT rules for insurance and financial services (Ref. XVIII.19a) (2019)

Summary Table

1. Opinions feeding into legislative revisions

Opinion and date of adoption	Commission Work Programme	Description	Adoption (provisional/actual adoption date)
Point of Single Contact Ref. XII.5a-b; 2016	CWP 2017	Single digital gateway initiative	Legal act adopted by co-legislators on 21 November 2018 (Regulation (EU) 2018/1724)
ePrivacy Directive Ref. IV.1b, 2016	CWP 2017	Review of the ePrivacy Directive; proposal for a ePrivacy Regulation	Proposal adopted by the Commission on 10 January 2017 Legal act pending in legislative procedure
WEEE (Waste electrical and electronic equipment) and disposal charges on batteries Ref. IX.1a, 2016; IX.13a, 2017 and IX.13.b-e, 2019	CWP 2017	Implementing act simplifying and establishing the format for reporting and registration of producers of electrical and electronic equipment	Commission Implementing Regulation (EU) 2019/290 of 19 February 2019
Control of EU fisheries Ref. XIV.3a, 2017	CWP 2018	Review of the Fisheries Control System	Proposal adopted by the Commission on 30 May 2018 Legal act pending in legislative procedure
Identity and Travel Documents Ref. XIII.3a, 2017	CWP 2018	Legislative Initiative	Legal act adopted, 20 June 2019 (Regulation (EU) 2019/1157)
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	Proposals adopted by the Commission between December 2016 and May 2018. Legal act adopted: Directive 2018/1910

Opinion and date of adoption	Commission Work Programme	Description	Adoption (provisional/actual adoption date)
Social security coordination Ref. VII.5a, 2017	CWP 2018	European Social Security Number initiative Proposal on the establishment of a European Labour Authority	On-going Proposal adopted by the Commission in March 2018. Legal act adopted on 20 June 2019 (Regulation 2019/1149)
Marketing and use of explosives precursors Ref. XXI.2a-b, 2017	CWP 2018	Review of the Regulation on the coordination of the social security systems Review of the regulation on the marketing and use of explosives precursors	Proposal adopted by the Commission in December 2016. Legal act pending in legislative procedure Proposal adopted by the Commission on 17 April 2018 Legal act adopted by co-legislators on 20 June 2019(Regulation (EU) 2019/1148)
Regional policy Ref. XVI.1a, 2a, 3a, 4a; 2016+2017	CWP 2017 CWP 2018	Proposal for a REGULATION on the financial rules applicable to the general budget of the Union Proposal for the future Multi-annual financial framework (MFF) beyond 2020	Proposal adopted, 12 October 2016 ; Legal act adopted by co-legislators in July 2018 (Regulation (EU, Euratom) 2018/1046) 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	Proposal adopted by the Commission on 8 Nov 2017 Legal act pending in legislative procedure

Opinion and date of adoption	Commission Work Programme	Description	Adoption (provisional/actual adoption date)
Reporting formalities for ships Ref. XV.8a; 2018	CWP 2018	European Maritime Single Window	Proposal adopted by the Commission on 17 May 2018 Legal act adopted on 20 June 2019 (Regulation (EU) 2019/1239)
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	Proposal adopted by the Commission on 25 May 2018 Legal act pending in legislative procedure
Definition of Vegan and vegetarian Ref. XI.13a, 2017		Implementing act	Preparatory work underway – Q2 2021
European Citizens Initiative (ECI) Ref. XXII.1a, 2016		Review of the Regulation on the European Citizens Initiative	Proposal adopted by the Commission on 13 September 2017 Legal act adopted (Regulation (2019)788)
Electronic storing of accounting material Ref. XVIII.13a, 2017		Agreement on the exchange of information in the field of VAT between EU and Norway	Agreement adopted by the Commission on 26 Oct. 2017; entry into force 1 Sept 2018
Environmental protection investment statistics Ref. XVII.3a; 2016 27/28 June 2016		Free flow of non-personal data initiative	Adopted, 13 September 2017
Monitoring residues of veterinary medicinal products and other substances in food of animal origin		Legislative proposal on FRIBS (Framework Regulation for Integrating Business Statistics)	Adopted, 6 March 2017 Legal act adopted by co-legislators on 27 November 2019 (Regulation (EU) 2019/2152)
		Implementing act	2020

Opinion and date of adoption	Commission Work Programme	Description	Adoption (provisional/actual adoption date)
<p>Ref. XI.3a, 2016</p> <p>Common Agricultural Policy (including greening)</p> <p>Ref. I.2a, 3a, 4a, 5a, 7a-f, 8a-f, 11a-e, 12a; 2016+2017</p> <p>Ref. I.10a-g; 2017, Ref. I.171; 2019</p>	CWP 2018	<p>Communication on the future of EU food and Farming</p> <p>Proposals for the new CAP as part of the Multi Financial Framework</p>	<p>Communication adopted by the Commission on 29 November 2017 (COM(2017)713)</p> <p>Proposals adopted by the Commission on 1 June 2018</p> <p>Legal acts pending in legislative procedure</p>
<p>Consumer Rights Directive</p> <p>Ref. VI.1a-f; 2017</p>	CWP 2018	A new deal for consumers – revision of the EU consumers laws Directives	<p>Proposals adopted by the Commission on 11 April 2018</p> <p>One legal act adopted by co-legislators on 27 November 2019 (Directive (EU) 2019/2161), another legal act pending in legislative procedure</p>
<p>Company act</p> <p>Ref. XIII.9a; 2018</p>	CWP 2017	Company law package	<p>Proposals adopted by the Commission on 25 April 2018</p> <p>Legal acts adopted by co-legislators in 2019</p>
<p>Digitalisation of the financial sector</p> <p>Ref. X.22a</p>		<p>Commission Action plan to build a deeper Single Market for retail financial services</p> <p>Commission FinTech Action plan: For a more competitive and innovative European financial sector</p>	<p>Communication adopted by the Commission in March 2017 (COM(2017)139)</p> <p>Communication adopted by the Commission in March 2018 (COM(2018)109)</p>

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 Fitness check on the most relevant chemicals legislation (excluding REACH)	2019 June 2019
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; V.6a, 8a, 9a - 2019	Ongoing work in the context of the State aid Modernisation Fitness Check of State aid rules	Continuous ongoing work Q3 2020
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.7a, 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	Q1 2020
Diploma recognition Ref. XX.1a, 2017	Monitoring of the implementation of the Regulated Professions Directive	Ongoing work
Social Security coordination Ref. VII.5a, 2017	<ul style="list-style-type: none"> • training activities • deployment of the EESSI • assistance to MS via a network of legal experts 	Ongoing work
BREF (Best Available Techniques Reference Documents)	Seville process	Ongoing work

Opinion	Proposed action	(Planned) Completion date
Ref. IX.6b, 2017		
Hydraulic fracturing Ref. IX.12a, 2017	Study examining permitting practice	Completed, July 2018
	Tracking information on how MS apply Recommendation 2014/70/EU	Ongoing
	Reassessment of the effectiveness of the Recommendation	No EU extraction activity
Shipments of waste Ref. IX.3a-c; 2018	Evaluation of the Waste Shipment Regulation	Q1 2020
EU packaging and packaging waste Ref. IX.8a; 2018	Bilateral dialogue Commission/Member State	Ongoing
Disposal charges for batteries Ref. IX.13a; 2017	Evaluation of the Batteries directive	April 2019
Air quality Ref. IX.5a; 2018	Fitness Check of EU ambient Air Quality Directives	November 2019
EU policies on water, renewable, energy and nature protection Ref. IX.14a, 2018	Guidance on hydropower and Natura 2000	2018
Financial reporting Ref. X.13a, 2016	Fitness check of EU Supervisory Reporting Requirements	Finalized in November 2019
Financial Conglomerates Directive Ref. X.1a, 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	2021
Multiple use/multiple sources (chlorate)	Action plan on chlorate	Adopted 2017, actions ongoing

Opinion	Proposed action	(Planned) Completion date
Ref. XI.10a, 2017		
Traditional Herbal Medicines Products Directive Ref. XI.6a-b 2017 Nutrition and health claims Ref. XI.11a-b; 2018	Evaluation of the Regulation (EC)No 1924/2006 on nutrition and health claims made on food and on plants	Q2 2020
Plant protection products Ref. XI.22a	Evaluation of the plant protection products legal framework	Q1 2020
Vitamins and minerals Ref. XI.20a	Pending reflection on the way forward	Pending
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	Adopted, 9 Oct. 2017
Construction products regulation Ref. XII.8a, b and c, 2016+2017	Communication on enhancing transparency and legal certainty for a fully functioning Single Market	Adopted, 16 Nov. 2018
Single Market Transparency directive Ref. XII.6a, 2017	Evaluation of the construction product regulation	Finalized October 2019
Internal Market Information System and Single Market Centers Ref. XII.2a, 4c, 2017	Soft law action (update of guidelines, improved translation system)	Ongoing
European Single Procurement Document Ref. XII.19a and 19b, 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.) Ongoing work improving the implementation of the e-ESPD	Ongoing Ongoing Implementing Regulation on e-

Opinion	Proposed action	(Planned) Completion date
VAT information portal Ref. XVIII.3a, 2016	Update and extension of the VAT MOSS (Mini One Stop Shop)	Forms adopted, 23 Sept 2019
Single and Composite supplies Ref. XVIII.8a, 2017	Possible linkage to the Single Digital Gateway initiative/assessment ongoing	Legal acts adopted by the co-legislators, 5 Dec. 2017
Copyright levies Ref. IV.3a-b; 2017	Guidelines and explanatory notes	Ongoing
Once-only principle and digital content-based solutions Ref. IV.6a; 2017	Ongoing monitoring	Completed; 2017
Intention, digitalization and Technology neutrality Ref. XXII.3b, 2017	Facilitation of the uptake of the once-only principle	2018-2020
Real Time Economy Ref. XXII.3c, 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.)	2018-2023
SME test Ref. XII.17a, 2017	European Interoperability Framework Connected Europe Facility (CEF) Programme Connected Europe Facility (CEF) Programme	Ongoing
Free Movement Directive Ref. XIII.10a, 2018	Implementation of the test at EU and national level	Ongoing
UCITS	Internal Commission assessment on how to best address the grey areas ESMA analysis	Near future
		Ongoing

Opinion	Proposed action	(Planned) Completion date
Ref. X.3a, 2018		
CLP and massive metal mixtures Ref. II.3b, 2018	Discussion and development of a specific test method Guidance on the application of certain derogations under CLP	Ongoing
Simplified VAT invoices Ref. XVIII.17a, 2018	Evaluation of the VAT Invoicing Directive	Q1 2020
Environmental Liability Directive Ref. IX.16a-d, 2019	Multi-annual Work Programme	2017-2020
Medicinal products for human use Ref. XI.9a, 2019	Evaluation of Directive 2001/83	Near future
Natural Mineral Waters Ref. XI.25a, 2019	Evaluation of Natural Mineral Waters legislation	Near future
Effectiveness and Efficiency of Public procurement (youth and social care) Ref. XII.19c, 2019	“Simpler” review (Art. 92 of Directive 2014/24) or Evaluation	2021
VAT rules for insurance and financial services Ref. XVIII.19a	Evaluation of VAT rules for insurance and financial services	Near future
Interconnection – Alignment of the rules on the State aid and European Structural and Investment Funds Ref. XXII.8b, 2019	Fitness Check of State aid rules	Near future
Transparent Transposition (Implementation) Ref. XXII.9a	EC to increase awareness-raising among Member States	Ongoing