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Subject : Better Regulation
- Progress report

At its meeting on 20 February 2009 the Permanent Representatives Committee agreed to forward to the Competitiveness Council the attached Progress report on Better Regulation which has been drawn up by the Presidency.

The Council (Competitiveness) is invited to take note of the Report at its forthcoming meeting on 5-6 March 2009.

Presidency Progress Report on Better Regulation
Presented by the Czech Presidency to the Competitiveness Council

Simple and clear rules for strong economy

Introduction

1. The Presidency recalls that the Council has adopted conclusions on a number of occasions stressing the key role of the Better Regulation agenda as part of the Lisbon Strategy for growth and jobs. The importance of an effective regulatory framework for promoting competitiveness and growth with the internal market as a core pillar has also been underlined by the European Council.
2. The Presidency considers that clear, simple and consistent rules which facilitate the exploitation of the potential of the internal market for businesses, not least SMEs, and strengthen their competitiveness in world markets have become increasingly significant in the present economic downturn. Clear and simple rules at EU level providing for an effective and enforceable regulatory environment support the aim of the internal market – to boost cross border trade and to attract foreign investments and thus strengthen competitiveness and the position of the EU enterprises in a global context. It therefore welcomes the Commission's **Third Strategic Review of Better Regulation**¹ which the Presidency sees as a continued commitment to the better regulation principles for improving the quality and effectiveness of EU legislation and policies.
3. The aim of this report is both to take stock of recent progress in the area of Better Regulation and to set out the views of the Czech Presidency as to how the Better Regulation policies in the EU can be developed further.

¹ Doc. 5791/09 COMPET 37.

Impact Assessment

4. The challenges of the current economic crisis necessitate both short term action and longer term economic reforms by the EU and the Member States in a coordinated response. Relevant and well targeted regulation and policies should be based on quality evidence drawn from robust impact assessments. The Presidency considers impact assessment to be a continuous process and an integral part of the analysis and decision-making process. Each legislative proposal must be properly justified in relation to the subsidiarity and proportionality principles. A high standard of impact assessment with, to the extent possible, quantified costs and benefits of available options facilitates the decision-making process and final agreement on regulations.
5. The Presidency therefore welcomes the Commission's ongoing commitment to improve the impact assessment system. In 2008 this was underlined by the revision of the **Impact Assessment Guidelines**. The revised text provides for improved guidance, e.g. on subsidiarity, increased 'ownership' of impact assessments and timing of preparatory works within the Commission, quantification including of administrative costs, as well as efforts to improve quality and consistency of impact assessment studies.
6. The quality of impact assessment is dependent on the quality of evidence that is available. The Presidency stresses the importance of targeted and well prepared **consultations** so that stakeholders may respond effectively, whilst paying attention to proper timing of the whole legislative process. The Presidency welcomes the Commission's encouragement to its departments to go beyond the 8 week minimum consultation period for complex or sensitive proposals so that all stakeholders are aware and able to contribute to consultations. It underlines the necessity of clear feedback on the results of consultations in the final impact assessment, including on how the results have been used. It believes furthermore that additional options for continuous involvement of stakeholders in the further stages of the preparatory process on impact assessments should be considered. This would help to manage stakeholders' expectations for the final proposal and to test policy options under consideration and their likely costs and benefits.

7. The Presidency also notes that within the integrated approach to impact assessment the "SME test" will provide specific guidance so that the costs and benefits for SMEs are routinely scrutinized in the preparation of new initiatives, policies are proportional to the aims, easily understandable and facilitate market access especially for small and **microenterprises**. Furthermore, new proposals should be carefully evaluated with regard to their implications on the Four Freedoms of the internal market and their compliance with the non-discrimination principle. In addition, the **external dimension** of internal market policies should be properly assessed as part of the impacts on global competition. Finally, the new guidance on **impacts on national and regional level** should take into account specific impacts, where relevant, for certain Member States and regions.
8. In addition to the quality of impact assessment data, a clear presentation of the main findings and key figures is equally important so that they can be easily and effectively assessed. Recalling Council conclusions adopted on 29 May 2008² the Presidency stresses the importance of **short executive summaries**, for presentation of quantified key benefits and costs, including administrative costs for businesses, and considers that such summaries should normally cover all options, not just the chosen one. Thoroughly evaluated alternatives can speed up the decision-making process in the institutions in cases where the co-legislators would opt for different solutions than the originally proposed option.
9. The Presidency acknowledges the important role of the **Impact Assessment Board (IAB)** for promoting high quality impact assessment studies in the Commission. Accordingly the Presidency encourages the Council's preparatory bodies to refer to IAB opinions alongside impact assessments for proper evaluation of draft proposals and for assessing potential amendments. The increasing emphasis on the need to quantify impacts more systematically and to address administrative burdens is a particularly welcome development.

² Doc. 9491/09.

The Presidency invites the Commission to consider possibilities to make use of external expertise more regularly in its work on impact assessments. Furthermore, it is the Presidency's view that the impact assessments should include a comprehensive reasoning in cases where the IAB's recommendations have not been followed.

10. The Presidency also welcomes the launch by the three Institutions of the **review of the Common Approach to Impact Assessment** in July 2008 and looks forward to its conclusion as soon as possible, stressing the need for practical and workable solutions.

Administrative Burdens Reduction

11. The Presidency welcomes the recently published results of the measurement which provide indicative information on the baseline of existing administrative burdens across the priority areas. Given the ambitious goal of the Action Programme and its timetable, the Presidency stresses that early submission of proposals for reduction measures is crucial if the target of a 25% reduction of administrative burden arising from EU legislation is to be achieved by 2012.
12. The Presidency therefore welcomes the announcement of the first package of reduction measures covering actions already taken or to be proposed which is to provide for a potential of 30 billion euros for businesses in estimated savings³. It fully supports the intention of the Commission to present all proposals for the 25% reduction target before the end of its mandate and appreciates the work of the High Level Group of Independent Stakeholders on administrative burdens in developing concrete recommendations for action. It regards with favour the announcement of the Commission to extend the action programme to include further 30 legislative acts, both adopted or to be proposed.⁴

³ Doc. 5982/09 COMPET 57.

⁴ As far as on-going fast-track actions are concerned, see table in Annex I for state-of-play in the Council.

13. During the current period of economic crisis, the credibility of the programme is dependent on reassuring businesses that the programme will deliver results: that it will reduce unnecessary existing burdens and contribute to the prevention of unnecessary new ones. The Presidency underlines that tangible reduction of administrative burdens can take place only if based on the existing stock as well as on legislation in preparation. It is the Presidency's view that the intensive work carried out in recent months on collecting data on existing administrative burdens in priority areas should be extended to include, in principle, all relevant policy areas. The Presidency considers that the announced Commission proposal on **sectoral reduction contributions** should reflect such an approach.
14. Similarly, the Presidency considers that it will be important early in the mandate of the next Commission to decide whether the Action programme on reduction of administrative burden is a "one-off" exercise or should be developed into an ongoing programme in which the effort on continuous reduction of administrative burdens would be merged within the new simplification programme.
15. Quantitative data, including an **evaluation of administrative burdens**, in impact assessments on new proposals remain crucial for a clear understanding of the potential costs for businesses. The Presidency therefore welcomes the Commission's intention to exploit IT tools for this evaluation and invites the Commission to ensure that quantifying administrative burdens in impact assessments becomes the rule in all relevant cases.
16. Furthermore, it notes that unnecessary administrative burdens will not only be suppressed by withdrawing information obligations, but also by improving how information is collected. In any case, it is important to carefully apply the "**only once**" principle in order to prevent the imposition of repeated obligations for information from businesses that is already available, while respecting Member States' internal administrative specificities in order to avoid disproportionate costs for administrations.

17. The Presidency welcomes the cooperation of the Commission and the Member States regarding the implementation of the **Services Directive**. This should ensure that the implementation is carried out correctly by avoiding goldplating practices, reducing administrative burdens and providing for simplification of administrative procedures.

18. The Presidency notes that, until now, 21 Member States have fixed their **national reduction targets** for administrative burdens stemming from national legislation in accordance with the Spring European Council's Conclusions of 2007 and invites the Member States to continue with their efforts to implement these plans. The Presidency acknowledges the Commission's effort to assist the Member States in their task through making available a starter kit for launching and measuring the actual administrative burdens.

Simplification

19. The Presidency welcomes the achievements presented by the Commission in the **Third Progress report on the strategy for simplifying the regulatory environment**. It also welcomes the results of the **screening of acquis** with 81 new actions that the next Commission may consider for a future simplification programme. The Presidency underlines that the simplification programme should simplify in a concrete and tangible way the regulatory environment and support the reduction of burdens for businesses and citizens.

20. The Presidency is aware of the large number of **simplification proposals** (see table in Annex II) on which agreements are still pending in the Council and the European Parliament. The Presidency will pay special attention to these proposals.

21. The Presidency would like to underline the importance of using information provided by **ex post evaluations**, e.g. to assess the actual effect of approved EU legislation against its intended scope and impact. The Presidency therefore calls for the Commission's impact assessment studies to include core progress indicators for future monitoring and evaluation of adopted proposals and recalls the need to include a review clause in new legislation, where appropriate. Ex post evaluation data should be used to help guide and prioritise future simplification exercises.

Access to law and guidance on legislation

22. In order to fulfil its intended aims and be effective in practice, legislation must be perceived properly and timely by European citizens and businesses. This means that it must be drafted in a simple and clear way and be accessible. Consequently, the Presidency considers that **access to law**, including legal information systems providing efficient and ergonomic search tools for access to EU legislation, contributes to the proper functioning and understanding of legislation at EU level. Additionally, clear and practical guidance explaining the implications of legislation for businesses and citizens in non legal terms contributes to the same goal.

Further work

23. In order to provide for the Council's position on the Commission's Third Strategic Review and the actual developments in the Better Regulation agenda, the Presidency confirms its intention to prepare a set of draft **Council Conclusions** for the May meeting of the Competitiveness Council.

Fast Track Actions for Reducing Administrative Burdens presented in 2008 - State of Play as of 13 February 2009

Areas	Change pursued	Proposal	State of play at Council
Notification of placing radio-telecom equipment on the market Directive 99/5/EC.	Implementation of a one-stop electronic notification facility, that relays the information from the manufacturer to the member states authorities to communicate the intention to place certain equipment on the market.	No need for legislative change	Application tested in January 2008 and in use since
Executive measures			
Control procedures on modified starches Commission regulation 1722/93.	Simplification of control procedures on modified starches by increasing the threshold below which these procedures do not apply	Draft measure was tabled for discussion and voted in management committee on 13/03/2008	Adopted Commission Regulation 491/2008 of 3/06/2008
Harmonisation of VOC definitions Commission decision 2002/739	Harmonise the definition of a volatile organic compound (VOC) between Directive 2004/42/EC and Commission Decision 2002/739/EC	Draft measure was discussed and agreed in the relevant committee	Adopted Commission Decision C(2008)4453 of 13/08/2008
Notifications related to the emissions of non-road mobile machineries Directive 97/68/EC	Remove the administrative burdens arising from the notification requirements under the flexibility scheme and falling on Member States' approval authorities and manufacturers	The draft measure was circulated in May 2008.	Under consideration
Legislative measures			
"Omnibus" packages			
Company law 1st and 11th Directives (68/151/EEC and 89/666/EEC)	- Eliminate the costs of publishing, in the national gazette, information that has already been disclosed in the commercial register. - Member States should not require the translation and the certification of the translation to be made in their respective country	Proposal adopted on 17.4.2008 COM(2008) 194	Under discussion in Council. EP 1st reading on 19/11/2008 with several amendments.
Accounting and auditing 4th and 7th Directives (78/660/EEC and 83/349/EEC)	- Elimination of certain disclosure requirements (formation expenses and breakdown of net turnover) from the Directive. - Clarification of the relationship between the IAS Regulation 1606/2002 and the 7th Directive.	Proposal adopted on 17.4.2008 COM(2008) 195	EP plenary voted on 18th December 2008. Agreement with EP on adoption at first reading. Being prepared by Legal Linguists of both Institutions.

<i>Stand-alone measures</i>			
Labelling of batteries Directive 2006/66/EC.	Clarifying that batteries lawfully placed on the market before 26 September 2008 do not have to be withdrawn from the market or relabelled after this date..	Proposal adopted on 16.4.2008 COM(2008) 211	Adopted. Directive 2008/103/EC of the EP and Council of 19/11/2008
Intrastat Regulation 638/2004	Simplification of Community statistics relating to the trading of goods between Member States with a view to alleviate the statistical reporting of economic operators, in particular SMEs	Proposal adopted on 7.2.2008 COM (2008) 58	Under discussion in EP and Council. EP 1 st reading on 21/10/08 with amendments. Adoption as I/A item scheduled for 18/02/2009 in Coreper; 19/02/2009 in Council. Signature foreseen for March I EP plenary
Revision of the legal basis of Variation Regulations Directives 2001/82/EC & 2001/83/EC	Review the legal bases of the Variations Regulations in order to bring full harmonisation of the variations rules within the EU. This will make the regulatory framework governing changes to medicinal products (e.g. change in the packaging, ...) clearer, simpler and more flexible.	Proposal adopted on 4.3.2008 COM (2008) 123	Under discussion in European Parliament and Council. EP 1 st reading on 22/10/2008 with amendments

Simplification proposals pending before the Council and the European Parliament – state of play (13 February 2009)

Regulatory area	Legal act(s)	Commission	State of play at Council
1. Maritime Transport 2005/TREN/060	Recast of the regime for ship inspections and survey organisations (Directive 94/57/EC)	COM(2005) 587 23 November 2005 2005/0237/COD	2nd reading agreement. To be adopted by Council on 26 February 2009.
2. Maritime Transport 2004/TREN/053	Recast of the regime on port State control (Council Directive 95/21/EC)	COM(2005) 588 23 November 2005 2005/0238/COD	2nd reading agreement. To be adopted by Council on 26 February 2009.
3. Free movement of workers 2004/EMPL/022	Proposal for a Regulation of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems	COM(2006)16 31 January 2006 2006/0006/COD	Discussions at Council on 9 June 2008; EP opinion 1st reading on 9 July 2008. Discussion at Council on 2 October 2008; Common position adopted by Council on 17 December 2008.
4. Plant Protection products 2003/SANCO/61	Proposal for a Regulation on the placing of plant protection products on the market	COM(2006)388 12 July 2006 2006/0136/COD and amended proposal COM(2008) 93 final 11 March 2008	2nd reading agreement reached in December 2008. The text is presently under legal-linguistic revision. Formal adoption by Agriculture and Fisheries Council will take place before end Czech Presidency (May or June).
5. Social affairs Health and safety 2006/SJ+/105	Proposal of Council Directive concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (codified version)	COM(2006)652 3 November 2006 2006/0214/COD [amended prop: COM(2008)111]	Commission amended proposal on 29 February 2008; EP opinion in 1st reading on 8 July 2008.

Regulatory area	Legal act(s)	Commission	State of play at Council
6. Social affairs Health and safety 2006/SJ+/101	Proposal of Council Directive on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC) (codified version)	COM(2006)664 10 November 2006 2006/0222/COD	EP opinion in 1st reading on 19 June 2007.
7. Trade of dual use items 2006/TRADE/025	Proposal for a Council Regulation setting up a Community regime for the control of exports of dual-use items and technology	COM(2006)829 18 December 2006 2006/0266/ACC SEC(2006)1696	Discussion at Council ongoing.
8. Trade mark 2006/SJ+/099	Proposal for a Council Regulation on the Community trade mark (Codified version)	COM(2006)830 16 December 2006 2006/0267/CNS	Adoption by Council is scheduled for 26/02/2009.
9. Residue limits of veterinary medicinal products. 2006/ENTR/042	Proposal for a Regulation of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin , and repealing Regulation (EEC) No 2377/90	COM(2007)194 17 April 2007 2007/0064 (COD) SEC(2007)484- SEC(2007)485)	(pre-negotiated) Council Common Position adopted 18.12.08; transmitted to EP in January; scheduled for 2nd reading adoption in EP Plenary in April 2009
10. Admission to the occupation of transport operators 2006/TREN/001	Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (recast)	COM(2007)263 23 May 2007 20070097(COD) SEC(2007)635-636	Going through second reading negotiation ("road package").

Regulatory area	Legal act(s)	Commission	State of play at Council
11. Access to passenger transport market 2006/TREN/042	Proposal for a Regulation of the European Parliament and of the Council on common rules for the international carriage of passengers by coach and bus (recast)	COM(2007)264 23 May 2007 20070098 (COD) SEC(2007)635-636	Going through second reading negotiation ("road package").
Access to goods' transport market	Proposal for a Regulation of the European Parliament and of the Council on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (recast)	COM(2007)265 23 May 2007 20070099(COD) SEC(2007)635-636	Going through second reading negotiation ("road package").
12. Radiation protection 2006/SJ+/106	Codification of Regulation (Euratom) 1987R3954 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feeding stuffs following a nuclear accident	COM(2007)302 2006/SJ+/106 2007/0103CNS	Single reading (codification). EP opinion on 11.12.07.
13. Consumer Protection acquis 2006/SANCO/038	Review of the Timeshare Directive (94/47/EC)	COM(2007)303 7 June 2007 2007/0113COD	Agreement reached in the 1st reading. Adopted by the Council at AGRI Council on 18/12/2008 (PE-CONS 3701/08). Published OJ L 33, 03.02.2009, p.10
14. Financial services – Insurance 2005/MARKT/006	Proposal for a Directive of the European Parliament and of the Council on the taking-up and pursuit of the business of insurance and reinsurance (SOLVENCY II) (recast)	COM(2007)361 10 July 2007 2007/0143/COD [amended prop: COM(2008)119]	General approach in December 2008 with a view to a first reading agreement with the EP in Spring 2009.

Regulatory area	Legal act(s)	Commission	State of play at Council
15. Public pan-European cellular digital land-based mobile communications 2007/INFSO/016	Proposal for a Directive of the European Parliament and of the Council repealing Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (GSM Directive)	COM (2007) 367 25 July 2007 2007/0126/COD	This proposal is no longer under discussion since the Commission made a new one: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (COM(2008)762, 19.11.2008, 2008/0214/COD). First reading agreement before the end of this Parliament's mandate envisaged.
16. Coordination of social security systems 2008/EMPL/005	Proposal for a Regulation of the European Parliament and of the Council amending the annexes to Regulation (EC) No 883/2004 on the coordination of social security systems	COM (2007) 376 03 July 2007 2007/0129/COD	1st reading ongoing. Discussion at Council on 9 June 2008.
17. Coordination of social security systems 2008/EMPL/004	Proposal for a Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No [...] to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality	COM (2007) 439 23 July 2007 2007/0152/CNS	1st reading ongoing. EP opinion on 9 July 2008.
18. Information society 2007/INFSO/001	Revision of the regulatory framework for electronic communications and services	COM(2007)697-9 13 November 2007 2007/0247-9/COD	Common position to be adopted 16 February 2009. Negotiations with the Parliament ongoing in view of an agreement before the end of this Parliament's mandate.

Regulatory area	Legal act(s)	Commission	State of play at Council
19. Air Transport 2002/TREN/29	Revision of the regulatory framework for computerised reservation systems	COM(2007)709 15 November 2007 2007/0243/COD	Adopted (1st reading agreement).
20. Modernisation of VAT rules relating to financial services including insurance 2007/TAXUD/001	Proposal for a Council Regulation laying down implementing measures for Directive 2006/112/EC on the common system of value added tax , as regards the treatment of insurance and financial services	COM(2007)746 28 November 2007	1st reading starting.
21. IPPC 2007/ENV/002	Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)	COM(2007)844 21 December 2007 2007/0286/COD	Policy debate in Council (ENV) on 2 March 2009. Political agreement is aimed for in Council (ENV) on 25 June 2009.
22. Emissions from heavy duty vehicles (Euro VI) 2007/ENTR/009	Proposal for a Regulation of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information	COM(2007) 851 21 December 2007 2007/0295/COD	First reading agreement reached. File now with Legal-linguist services of EP and Council before adoption.
23. Foodstuffs 2007/SANCO/006	Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX establishing a common authorisation procedure for food additives, food enzymes and food flavourings	COM (2007)872 2008/002/COD 14 January 2008	Discussion between the EP and the Council ongoing with the aim to reach a first reading agreement during CZ Presidency. Coreper planned on 20/02/2009. 2nd triilogue with the EP during first week of March 2009.

Regulatory area	Legal act(s)	Commission	State of play at Council
24. Toys 2006/ENTR/004	Revision of Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys	COM(2008)9 25 January 2008	Political agreement with the EP (Coreper letter on 10 December 2008; EP Plenary vote on 18 December 2008) - Legal-lawyers process; possible formal adoption by the end of CZ Presidency.
25. Foodstuffs 2006/SANCO/001	Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers	COM(2008)40 30 January 2008	Discussion continues at WP level.
26. Cosmetics 2007/ENTR/002	Revision of Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products	COM (2008) 49 31 January 2008	Final negotiation phase between Council and EP with a view to a first reading agreement. EP due to vote at its Plenary of March II.
27. Community statistics 2008/ESTAT/001	Revision of Regulation (EC) No 638/2004 of the European Parliament and the Council on Community statistics relating to the trading of goods between Member States (intrastat)	COM (2008) 58 07 February 2008	Adoption as I/A item scheduled for 18/02/2009 in CRP, 19/02/2009 in Council. Signature foreseen for March I EP plenary.
28. Civil liability insurance -motor vehicles 2007/SJ+/036	Proposal for a Directive of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (Codified version)	COM(2008)98 27 February 2008 2008/0037(COD)	EP opinion in 1st reading on 21 October 2008.

Regulatory area	Legal act(s)	Commission	State of play at Council
29. Roadworthiness for motor vehicles & their trailers 2006//SJ+/001	Proposal for a Directive of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers (recast of Directive 96/96/EC)	COM(2008)100 29 February 2008 2008/0044 (COD)	EP 1st reading on 23 September 2008.
30. Pharmaceutical Variations 2008/ENTR/016	Revision of the pharmaceutical "variations" Regulations and the legal basis in Directives 2001/83/EC on the Community code relating to medicinal products for human use and Directive 2001/82/EC on the Community code relating to medicinal products for veterinary use	COM(2008)123 4 March 2008 2008/0045/COD	Agreement at first reading. Coreper letter 14 October 2008. Plenary vote 20-23 October 2008. Legal-linguistic finalisation to terminate in February 2009. Adoption as soon as possible but with/after Omnibus.
31. Revision of feed labelling legislation 2007/SANCO/2004	Proposal for a Regulation of the European Parliament and of the Council on the placing on the market and use of feed	COM(2008)124; SEC(2008)275-6 3 March 2008 2008/0050(COD)	EP-Council compromise amendments confirmed by Coreper on 18/12/2008. EP 1st reading on 05/02/2009. Formal adoption by the Council expected in April 2009.
32. CAP Health check 2008/AGRI/016	Package of proposals following arising from the 'Health Check', notably a proposal for a Council regulation establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers	COM (2008)306 20 May 2008	Adopted by the Council on 19 January 2009. Published in the OJ on 31 January 2009.
33. Construction products 2007/ENTR/001	Proposal for a regulation laying down harmonised conditions for the marketing of the construction products (review of Directive 89/106/EEC on Construction Products)	COM (2008) 311 23 May 2008	Discussions at WP level, either first-reading agreement with EP in April or "Political Agreement" in May at Competitiveness Council envisaged.

Regulatory area	Legal act(s)	Commission	State of play at Council
34. General safety of motor vehicles 2008/ENTR/004	Proposal for a regulation on type-approval requirements for the general safety of motor vehicles	COM (2008) 316 23 May 2008	Coreper of 18-20.02.2009 as an "I" point to send letter of first reading agreement to EP.
35. Protection of marine juveniles 2006/MARE/004	Recast of Council Regulation No. 850/98 on technical measures for the protection of marine juveniles	COM(2008)324 4 June 2008 2008/0112/CNS	New proposal
36. Eco-label award scheme 2007/ENV/011	Revision of Regulation (EC) No 1980/200 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme	COM(2008)401 16 July 2008	Negotiations aiming for 1st reading agreement with EP within the current legislative term.
37. EMAS 2006/ENV/053	Regulation amending the Regulation 761/2001 of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) .	COM(2008)402 16 July 2008	Negotiations aiming for 1st reading agreement with EP within the current legislative term.
38. UCITS 2007/MARKT/005	Recast of Directive 85/611 on Units in Collective Investments in Transferable Securities (UCITS)	COM(2008)458 16 July 2008	First reading agreement reached with the EP in January 2009, now awaiting Legal linguist treatment before final adoption.
39. single CMO 2008/AGRI/012	Amendment to the single CMO regulation (Council Regulation (EC) n° 1234/2007) to include provisions concerning the wine sector	COM(2008) 489 29 July 2008 2008/0156/CNS	EP opinion single reading on 20 November 2008.
40. Ozone depleting substances 2008/ENV/001	Review of Regulation (EC) n° 2037/2000 on substances that deplete the ozone layer	COM(2008)505 01 August 2008 2008/0165/COD	Negotiations aiming for 1st reading agreement with EP within the current legislative term.

Regulatory area	Legal act(s)	Commission	State of play at Council
41. Company law – mergers & divisions 2006/MARKT/44	Further revision of the Company law Directives as regards reporting and documentation requirements in the case of merger and divisions	COM(2008)576 24 September 2008 2008/0182/COD	Under discussion in EP and Council. 1st informal contacts with EP rapporteur on 18/02/2009.
	Proposal for a Directive amending Council Directives 68/151/EEC and 89/666/EEC as regards publication and translation obligations of certain types of companies	COM(2008) 194 17 April 2008 2008/0083 (COD)	Under discussion in Council. EP plenary voted on 19/11/2008.
	Proposal for a Directive amending Council Directives 78/660/EEC and 83/349/EEC as regards certain disclosure requirements for medium-sized companies and obligation to draw up consolidated accounts	COM(2008) 195 17 April 2008 2008/0084 (COD)	Being processed by Legal linguists for adoption at first reading.
42. Consumer protection 2008/SANCO/001	Directive on Consumer Rights (Follow up of Revision of the Consumer Protection acquis)	COM(2008)614 8 October 2008 2008/0196(COD)	Discussions started at WP level.
43. Control system for ensuring compliance with CFP 2008/MARE/001	Proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy	COM(2008) 721 final 14 November 2008 2008/0216 (CNS) COM(2008) 718 final 14.11.2008	New proposal
44. Household appliances 2007/TREN/002	Recast of 1 Directive 92/75 on energy consumption labelling of household appliances	COM(2008)778 13 November 2008 2008/0222(COD)	New proposal
45. Emergency oil stock system	Proposal for a Directive revising the Emergency Oil Stock System	COM(2008)775 13 November 2008 2008/0220(CNS)	New proposal

Regulatory area	Legal act(s)	Commission	State of play at Council
2008/TREN/001			
46. Building directive 2008/TREN/048	Recast of the Energy Performance of Buildings Directive	COM(2008)780 13 November 2008 2008/0223(COD)	New proposal
47. Metrology 2008/ENTR/015	Extension of the scope of Directive 2004/22/EC on measuring instruments and repeal of 8 "old approach" Directives	COM(2008)801 3 December 2008 2008/0227(COD)	Discussions at WP level.
48. Hazardous substances 2008/ENV/001	Revision Directive 2002/95/EC (hazardous substances in electronic equipments)	COM(2008) 809; SEC(2008) 2930; SEC(2008) 2931	Work will start in the Working Party in March.
49. Waste electrical and electronic equipm 2008/ENV/002	Revision of Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)	COM(2008) 810; SEC(2008) 2933; SEC(2008) 2934	Work will start in the Working Party in March.
50. Textiles	Proposal for a Regulation .../.../EC of the European Parliament and of the Council of [...] on textile names and related labelling of textile products	COM(2009)31	Discussions at WP level begin April 2009.

Other initiatives pending before the legislature, contributing to the simplification but not part of the rolling programme

Regulatory area	Legal act(s)	Commission	State of play at Council
Regional Policy 2008/REGIO/017	Proposal for a Council Regulation (EC) amending Regulation (EC) 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management	COM(2008)803 26 November 2008	
Internal market/ banking and financial conglomerate	Proposal for a Directive of the European Parliament and of the Council amending Directives 2006/48/EC and 2006/49/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management	COM(2008) 602 1 October 2008 2008/0191 (COD)	General approach in December 2008 with a view to first reading agreement with the EP in Spring 2009.
Internal market/ settlement systems and financial collateral arrangements	Proposal for a Directive of the European Parliament and of the Council amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims	COM(2008)213 23 April 2008	First reading agreement reached with the EP in December 2008, now awaiting Legal linguist treatment before final adoption.
Internal market/ European private company	Proposal for a Council Regulation on the Statute for a European private company	COM(2008) 396/3 25 June 2008 2008/xxxx (CNS)	
Social affairs / labour law 2008/EMPL/027	Recast of Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	COM(2008) 419 7 February 2008 2008/0141/COD/801	