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COVER NOTE

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

date of receipt: 10 November 2008

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: COMMUNICATION FROM THE COMMISSION TO THE
EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE
OF THE REGIONS
Commission Legislative and Work Programme 2009
Acting now for a better Europe
VOLUME 2: ANNEXES

Delegations will find attached Commission document COM(2008) 712 final – VOLUME 2.

Encl.: COM(2008) 712 final – VOLUME 2



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.11.2008
COM(2008) 712 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

Commission Legislative and Work Programme 2009

Acting now for a better Europe

VOLUME 2: ANNEXES

ANNEX 1 – List of strategic and priority initiatives

STRATEGIC INITIATIVES

Title	Type of proposal or act	Description of scope and objectives
Lisbon Strategy for Growth and Jobs	Non-legislative action / Commission Communication	The Communication will report of the stage of implementation of the reforms in MS and in the EU as a whole and will contain proposals for the form of the strategy post 2010.
A European framework for recovery	Legislative and non-legislative measures/ to be finalised	The Commission will implement measures set out in the November 2008 Lisbon Strategy package in the light of the conclusions of the Spring European Council. It will in particular focus on measures geared at addressing the impact of the crisis on the wider economy.
Financial markets for the future Package	Legislative measures/ to be finalised	This package of financial measures will flow from a wide ranging review already under way looking at the adequacy of regulation, oversight, and transparency of all financial actors and all significant capital market investors – including hedge funds and private equity – leading to measures to plug any gaps identified. It will also cover executive remuneration, and derivative markets. It will take into due account the European Parliament's resolutions in this area.
Supervision of EU financial markets	Legislative measures/ to be finalised	The Commission will respond to the recommendations of the de Larosière Group on the supervision of EU financial markets
Better Regulation Package: a) Communication reporting on measurement of administrative burden and setting sectoral reduction	a) Non-legislative action / Commission Communication	The Third Strategic Review of Better Regulation will report on the three core components of the Better Regulation Agenda – impact assessment, simplification and reduction of administrative burden. It will look to strengthen the impact assessment system. The strategy for simplifying the regulatory environment will be reviewed and updated as will the codification programme. At the same time, implementation of the Action Programme

targets. b) 3rd Report on the Simplification Strategy	b) Non-legislative action / Commission working paper	to reduce Administrative Burdens will be reviewed and progress in meeting the 25% reduction target for 2012 will be assessed. The Commission will make further proposals designed to reduce administrative burdens.
Communication on the EU position in preparation for the UN Climate Change COP-15 Copenhagen Conference.	Non-legislative action / Commission Communication	This Communication will further clarify the path towards achievement of the EU objective of limiting the average increase of global temperature to 2°C above pre-industrial levels and will present EU views on the different options for engaging all countries in taking further action against climate change, including investment/financing options. It will shape a comprehensive EU position ahead of the UN Climate Change Conference in Copenhagen, in November 2009.
EU Strategy for the Baltic Sea Region	Non-legislative action / Commission Communication	Following the invitation of the European Council, Commission will present a comprehensive strategy for the Baltic Sea region.
Communication on the Stockholm Programme in the area of freedom, security and justice	Non-legislative action / Commission Communication	This initiative will present the common priorities and objectives for the future development of the EU as an area of freedom, security and justice, to determine the means and plan the initiatives to best achieve them, at EU level. It will build on key strategic documents such as the European Pact on Immigration and Asylum, the Communications of 17 June 2008 on Immigration and Asylum, the Communication on e-justice and the Action plan on drugs.
Enlargement Strategy and Challenges	Non-legislative action / Commission Communication	In 2009, the Commission will take actions to implement the renewed enlargement consensus, including the request made by the Council to accelerate the stabilisation and association process of the countries in the Western Balkans.
ENP package	Non-legislative action / Commission Communication	The package will comprise an umbrella Communication and 12 action plans.

Budget review	Non-legislative action/ Commission Communication	The objective is to examine what reforms are needed to optimise Europe's contribution in addressing key challenges of the next decade, based on the principles of added value in pursuing the common interest and effectiveness of spending, and how this contribution should be financed. This analysis will be an important input to proposals to be presented by the next Commission for a new multi-annual financial framework
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(12 initiatives)

PRIORITY INITIATIVES

Title	Type of proposal or act	Description of scope and objectives
Cutting accountancy burdens for small businesses	Legislative action / Directive Legal basis: EC Treaty, art. 95	This proposal seeks to remove administrative burdens on small businesses in the area of accounting, including an exemption for the smallest businesses.
Recommendation on Partnerships in implementing the Single Market	Non-legislative action / Recommendation	The initiative is one deliverable of the Single Market Review (SMR) Communication published in November 2007. The principal aim is to identify "good practices" and formulate recommended actions to be implemented by the Member States and the Commission, in the various tasks falling within Member States' responsibilities with regard to the transposition, implementation and enforcement of single market rules. The recommended actions and "good practices" are being developed in a bottom-up process, in close cooperation with Member States.
Communication on Enforcement of the consumer acquis	Non-legislative action/ Commission Communication	Evidence available to the Commission suggests that enforcement of consumer legislation is far from uniform. Building on cooperation with Member States under the Consumer Protection Cooperation (CPC) Regulation, the communication will address ways in which enforcement can be strengthened to improve outcomes for consumers, in particular on cross-border issues.
Communication on the Monitoring of the Retail Sector	Non-legislative action / Commission Communication	The Communication will set out the findings of the market monitoring announced by the Single Market Review (SMR) in retail distribution markets. The objective of the monitoring exercise is to identify possible market malfunctioning of the retail sector both from consumers' and suppliers' perspectives. This means that retail services will be analysed as key intermediary services in the modern economy, acting as the conduit between thousands of product suppliers and final consumers. The Communication will cover both the retail sector and its associated upstream and downstream markets.

Revision of Directive 2000/35 of the EP and Council on combating late payment in commercial transactions	Legislative Proposal / Directive Legal basis: EC Treaty, art. 95	The existing legislation should be reviewed to further develop a business environment conducive to timely payment of commercial debts to improve competitiveness for SMEs in particular, with a particular emphasis on cross-border commercial transactions.
Follow-up initiative to the White Paper on Damage Actions for breach of the EC antitrust rules	To be determined	The White Paper on antitrust damages actions was adopted in order to foster and further focus the discussions on antitrust damages actions by setting out concrete recommendations for an effective redress system for victims of antitrust infringements in Europe. The EC Treaty guarantees to these victims the right to compensation. Particularly citizens and small and medium businesses may suffer harm that is currently not compensated. The Commission considers it appropriate to suggest follow-up measures.
Communication on agricultural products quality policy	Non-legislative action / Commission Communication	The Communication will present options for the development of agricultural product quality policy instruments, drawn up in the light of the results of responses to the Green Paper on agricultural product quality policy. The Communication will set the groundwork for further specific proposals which may be brought forward in 2010 and might cover the following issues: requirements and standards met by farmers that go beyond hygiene and safety, EU marketing standards, EU quality schemes (especially those related to geographical indications and traditional specialities guaranteed) and food quality certification schemes.
Green Paper on the reform of the Common Fisheries Policy	Non-legislative action / Green Paper	The Common Fisheries Policy is subject to review at the latest in 2012. To prepare a reform, public debate will be initiated in 2009 leading to a proposal in late 2010.

Communication on University-Business Dialogue	Non-legislative action / Commission Communication	Universities operate at the heart of the knowledge triangle: education, research and innovation. They play a crucial role in creating a Europe of knowledge and must become more open to the needs of society. The Communication will draw on good practices and propose orientations and structures for better and closer university-business cooperation, to reduce barriers between universities and enterprises, improve governance, enhance the relevance of curricula, make universities and students more entrepreneurial, increase mobility and develop and strengthen the role of universities in life-long learning.
Green Paper on promoting cross-border mobility of young people	Non-legislative/ Green Paper	The Green Paper will be the starting point of an initiative seeking to develop mobility beyond the Erasmus programme. It will invite stakeholders to get involved in a debate on possible new ways to encourage and support cross-border mobility of young people. The scope of the initiative includes the university sector but goes beyond by including young people more generally, for example in vocational training, adult learning and voluntary activity and among young entrepreneurs and the culture sector.
Communication on ICT R&D and Innovation	Non-legislative action / Commission Communication	The Commission's aims are to propose an ICT research and innovation strategy that enables Europe to lead ICT developments, to support the growth of new businesses and to make better use of ICT innovations to address key socio-economic challenges.
Second Communication on ICT for Energy Efficiency	Non-legislative action / Commission Communication	This Communication follows up a first Communication COM(2008) 241 of 13 May, and will help quantify the potential of ICTs to contribute to improving energy efficiency across the economy and identify possible actions to help ensure that such potential is exploited.

Communication on Financing Low Carbon Technologies	Non-legislative action / Commission Communication	The Communication will address resource needs and sources, examining all potential avenues to leverage private investment, including private equity and venture capital, enhance coordination between funding sources and raise additional funds. In particular, it will examine the opportunity of creating new mechanisms for the industrial-scale demonstration and market replication of advanced low carbon technologies and will consider the costs and benefits of tax incentives for innovation.
Communication on the future of transport	Non-legislative action / Commission Communication	The initiative is linked to the 2001 Transport White Paper and its 2006 Mid-Term review. The purpose of the initiative is to stimulate a wide-ranging debate on transport scenarios with a 20- to 40- year time horizon, and to develop tools and provide technical support for an overall sustainable transport approach, which will allow identifying problems and opportunities that from now on to 2050 may require action.
Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 44/2001 on jurisdiction, recognition and enforcement of judgments in civil and commercial matters (Brussels I)	Legislative Proposal/Regulation Legal basis: EC Treaty, art. 65	The objectives of this initiative are to: <ul style="list-style-type: none"> • ensure a free circulation of all judgments in civil and commercial matters by moving towards the abolition of exequatur in civil and commercial matters; • adapt the provisions of the Regulation to new international instruments in the area concerned, such as the Hague Convention on exclusive choice of court agreements; • improve the operation of those provisions of the Regulation where problems have been detected in their application; • strengthen the effective cooperation between courts; and • establish a complete and harmonized system to decide the jurisdiction of Courts and to facilitate the recognition and enforcement of decision in civil and commercial matters.
Proposal for a regulation of the European Parliament and of the Council establishing a European Asylum Support Office	Legislative Proposal/Regulation Legal basis: EC Treaty, art. 66 and /or 308	The European Asylum Support office will inter alia provide practical assistance to Member States in taking decisions on asylum claims, notably by working on a common approach to Country of Origin Information and on the establishment of a common European Asylum Curriculum.

<p>Organised crime package: helping the victims</p> <p>a) Proposal for a Council Framework Decision on combating sexual exploitation of children and child pornography</p> <p>b) Proposal for a Council Framework Decision on preventing and combating trafficking in human beings and protecting victims</p> <p>c) Framework decision on providing assistance to crime victims in the EU</p> <p>d) Amendment of the Directive relating to compensation to crime victims</p> <p>e) Measures to fight cybercrime</p>	<p>a) Legislative Proposal/Framework decision (JHA). Legal basis: EU Treaty, arts.29, 31,34</p> <p>b) Legislative Proposal/Framework decision (JHA). Legal basis: EU Treaty, art.29, 31 (e) and 34(2)(b)</p> <p>c) Legislative Proposal/Framework decision (JHA). Legal basis: EU Treaty, art.31</p> <p>d) Legislative Proposal /Directive. Legal basis: EC Treaty, art.65</p> <p>e) Legislative Proposal/Framework decision (JHA). Legal basis: EU Treaty, articles 29, 30 31 and 34</p>	<p>This package will encourage prosecution of offenders and protection of victims, particularly the most vulnerable, with a special focus on children.</p> <p>a) In line with the general child protection policy, the proposal should raise the level of protection for children currently granted by FD 2004/68/JHA against sexual abuse, in particular under the form of sexual exploitation and child pornography. It is necessary to take account of new criminal phenomena and incorporate new provisions, thus bringing EU legislation in line with the highest international standards.</p> <p>b) The proposal should strengthen prosecution, victims' support mechanisms, and the rights of victims in criminal proceedings, as particularly vulnerable victims, with a special focus on children and a gender perspective.</p> <p>c) The 2001 FD on the standing of victims in criminal proceedings is unsatisfactory and has been poorly implemented. A new FD is suggested in order to offer better necessary assistance to victims of crime, in all Member States of the EU.</p> <p>d) The main policy objective is to provide solutions that enhance legal certainty and flexibility and meet the legitimate expectations of the citizens</p> <p>e) To reply to recent attacks against critical information infrastructures in some Member States, there is a need to establish common criminal law criteria to reinforce international cooperation to fight and prevent cyber attacks. This regards in particular "botnets" and other instruments used to launch criminal attacks at a large scale.</p>
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<p>Counter-terrorism package:</p> <p>a) Communication on CBNR (chemical, biological, nuclear and radiological) threats</p> <p>b) Communication on bio-preparedness</p> <p>c) Action Plan on Radiological/Nuclear Risk Reduction in the European Union</p> <p>d) Good practices in prevention of and response to CBNR incidents, including detection</p>	<p>Non-legislative action / Commission Communications</p>	<p>This package will indicate which policies could be initiated to tackle CBRN threats at EU level, including technical/scientific means which terrorists might use to perpetrate their attacks.</p> <p>The objective is to ensure that all is done at EU level to prevent terrorists and aspirants from having access to radiological, biological or chemical substances or weapons.</p>
<p>Communication on Mutual Recognition in Criminal and Civil Matters</p>	<p>Non-legislative action / Commission Communication</p>	<p>This initiative would follow up on a study on Mutual Recognition, with suggestions on the way forward, including on legislative and flanking measures (action plan).</p> <p>The main objective of the initiative is to address the horizontal problems that are encountered in the application of the mutual recognition principle and the gaps in the current system of cooperation in criminal matters.</p>
<p>Legal instrument on procedural rights in criminal proceedings</p>	<p>Legislative Proposal/Framework decision (JHA)</p> <p>Legal basis: EU Treaty, art. 31 (1)c</p>	<p>This initiative aims at setting common minimum standards to ensure fair trials within the EU in order to promote mutual trust and thus to facilitate mutual recognition. The need for common minimum standards for defense rights stems from mutual recognition which cannot operate effectively if Member States do not trust each other's justice systems.</p>

Communication on Sectoral Social Dialogue	Non-legislative action / Commission Communication	The aim of the Communication is to analyse and assess the development of Sectoral Social Dialogue since 1998 and where appropriate, to propose modifications.
Solidarity in health: Reducing Health inequalities in the EU	Non-legislative action / Commission Communication	At the moment only a handful of countries have set clear measures to reduce health inequalities. The Communication seeks to raise awareness and turn health inequalities into a policy priority in all EU countries. It will support Member States in their actions to tackle inequalities in health, notably through the structural funds and the exchange of good practices, and help to improve existing mechanisms to monitor inequalities in health across the EU, as well as mainstreaming the goal of reducing inequalities in health in EU policies.
Action against cancer: European platform	Non-legislative action / Commission Communication	Establishing a European multi-stakeholder platform, engaging stakeholders at all levels (EU, national, regional, local) for Action against Cancer, as a model for non-communicable disease in general, covering issues such as: <ul style="list-style-type: none"> • comparable data and evidence to support learning and sharing knowledge; • priorities for cancer research; • prevention (e.g. through combating tobacco and strengthening cancer screening); • identification and promotion of good practice in cancer-related healthcare across Europe; • updating the "European Code Against Cancer" giving concrete science-based recommendations to citizens to minimise their cancer risk.
Proposal for a Commission initiative on Alzheimer	Non-legislative action / Commission Communication	Proposing orientations for European action for addressing Alzheimer disease, building on progress made under the Slovenian and French Presidencies. This would cover both activities at EU and Member State and stakeholders levels.

<p>Council recommendation on cross-border aspects of childhood immunisation</p>	<p>Legislative Proposal / Council Recommendation</p> <p>Legal basis: EC Treaty, art.152(4c)</p>	<p>The Recommendation concerns childhood immunisation practices for families with children taking up residence in another Member State and addresses inadequate vaccination coverage for certain childhood vaccine-preventable diseases. As a result of the free movement in the EU, more and more EU citizens come into contact with healthcare systems that are organised differently than in their country of origin. Differences in childhood immunisation schedules may pose a problem for these families and put health at risk.</p>
<p>Communication on combating HIV/AIDS in the EU and the neighbourhood - strategy and second action plan (2010 - 2014)</p>	<p>Non-legislative action / Commission Communication</p>	<p>HIV/AIDS presents a major challenge in many Member States and neighbouring countries. Despite considerable progress in diagnosis, treatment and care, the number of new HIV infections is still rising in Europe. Depending on the situation, main problems are, e.g. the infection of young people, the restricted access to treatment and medicines, or the stigmatisation of the disease and the discrimination of people living with HIV/AIDS.</p> <p>The new strategy will focus on priorities and actions towards an improved access to treatment, care and support throughout Europe and on activities against stigmatisation and discrimination and will link to broader Public Health issues such as injuries, drug use and sexual health.</p>
<p>Report on EU Financing for Development and Aid Effectiveness – towards achieving the Millennium Development Goals</p>	<p>Non-legislative action / Commission Communication</p>	<p>The mandatory report on Financing for Development and Aid Effectiveness is of particular importance in 2009 notably due to the special international context : post Accra (3rd High Level Forum on Aid Effectiveness, September 2008), post New York (UN High Level Events on Africa's development needs and the Millennium Development Goals (MDGs), 22 and 25 September 2008) and post Doha (UN Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, November-December 2008). It is crucial to build on the momentum generated by these international events to push the European Agenda forward and to reaffirm the commitment to accelerate progress towards achieving the MDGs.</p>

Communication on Social protection in health and Reform of the Financing of Health Systems in Developing Countries	Non-legislative action / Commission Communication	Developing countries should be able to deliver with equity to their population good quality health services, contributing to reinforce national cohesion and achieving the Millennium Development Goals. Without a clear, comprehensive and predictable national financial plan of health systems, drawn up with all national and international partners involved, there cannot be sustainable development. This Communication will provide a European answer and operational tools bringing together donors, countries concerned and other potential actors (diasporas, foundations, etc.)
Communication on the mid-term review of RELEX financial instruments	Non-legislative action / Commission Communication	The legislative authority inserted a revision clause in each of the seven RELEX financial instruments for the period 2007-2013. This clause states that a report evaluating the implementation of the respective regulations should be submitted to the legislative authority, accompanied, if appropriate, by legislative proposals necessary to bring modifications.
Communication on five years of an enlarged EU	Non-legislative action / Commission Communication	2009 will be 5 years after the enlargement to ten new Member States. It appears that the consequences of the enlargement both in old and new Member States are not well understood. It is important to assess the economic implications of enlargement for old and new Member States in order to identify where the strengths are and the weaknesses and what are the implications for the different policies.

(37 initiatives)

ANNEX 2 – List of simplification initiatives

Title	Type of simplification action	Scope and objectives
Commission Regulation on physical checks on exported agricultural products subject to refunds	Revision	As per the single CMO from 1 January 2009, this regulation, together with two existing Commission regulations n° 2090/2002 and 3122/94 will be merged into one new regulation entering into force on the same date.
Commission Communication establishing formal recognition that a certain number of acts of Community law in the field of agriculture have become obsolete	Repeal	The objective of the proposal is to declare obsolete Commission legal acts that are of no practical relevance or broader interest, thus contributing to the objectives of updating and simplifying the Community acquis. Their removal will clarify the "essential" acquis of acts that are active and generally applicable.
Commission Regulation on intervention on the market in skimmed milk powder	Revision	The purpose of the initiative is to amend the implementing rules due to the abolition of private storage aid for skimmed milk powder (SMP) as well as to implement the newly introduced rules on standardisation of protein content in SMP. Technical clarifications and simplification (e.g. concerning the security provisions) are being introduced.
Revision of Commission Regulation 1973/2004 implementing the Health Check as regards the support schemes provided for in Titles IV ('other aid schemes') and IVa of that Regulation	Recast	Council Regulation 1782/2003 is scheduled for replacement by a new Direct Payments Regulation in 2008. The objective of the recast is to do away with obsolete provisions linked to aid schemes to be abolished or decoupled pending Health Check outcome.

Revision of Commission Regulation 796/2004 implementing the Health Check as regards cross-compliance, modulation and the integrated administration and control system (IACS)	Recast	Council Regulation 1782/2003 is scheduled for replacement by a new Direct Payments Regulation in 2008. The objective of the recast is to establish common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers.
Revision of Commission Regulation 795/2004 implementing the Health Check as regards the single payment scheme	Recast	Council Regulation 1782/2003 is scheduled for replacement by a new Direct Payments Regulation in 2008. The objective of the recast of Regulation 795/2004 is to do away with obsolete provisions linked to the setting up of the single payment scheme introduced by the 2003 CAP reform or temporary rules linked to subsequent integration of sectors into the single payment scheme.
Commission Regulation establishing common rules concerning buying-in under public intervention	Recast/Revision	The initiative is a consequence of the Health Check proposals. The project concerns simplification and harmonisation in a horizontal legal act of the detailed rules for intervention, in particular for cereals, dairy products and meat.
Council Regulation repealing a number of obsolete agricultural acts	Repeal	The objective of the Regulation is to repeal Council legal acts that are obsolete and of no practical relevance or broader interest, thus contributing to the objectives of updating and simplifying the Community acquis. Their removal will clarify the "essential" acquis of acts that are active and generally applicable.
Notice on the enforcement of State aid law by national courts	Revision	Review of the 1995 Notice on cooperation between national courts and the Commission in the State aid field. The new Notice will support and assist national courts faced with illegal aid, by setting out the applicable Community Case-law and decision-making practice. It will also update and reinforce the support mechanisms offered to national courts. By rationalising and improving existing guidance, the Notice will simplify the tasks of national courts in State aid enforcement.

Best Practices Code in State Aid	Revision	The Best Practices Code aims at establishing good practices on the Commission's and Member States' side with a view to increase the efficiency, transparency and predictability of State aid procedures. Efficiency could be improved, for instance, by means of improved pre-notification contacts, incentives for more complete notifications by Member States, more standardised information exchange with Member States, as well as streamlined internal procedures. Predictability would be increased by means of quicker decision making. And Member States would obtain more transparency as regards procedural steps and foreseen deadlines.
Notice on a simplified procedure in State aid	Revision	The design of a simplified procedure in State aid aims at ensuring the quick adoption of decisions in straightforward notified aid cases including cases adopted on the basis of the standard assessment section of horizontal state aid instruments, as well as cases merely confirming precedents. The Notice should contribute to improve the efficiency of state aid procedures by simplifying the procedure for these types of cases.
Community initiative on work-related musculoskeletal disorders	Recast	Follow-up of the second phase of consultation of the social partners. The objective of this initiative is to integrate into a single legislative instrument the provisions on the protection of the health and safety of workers from the risks of musculo-skeletal disorders at work. These provisions are currently fragmented over different directives, namely Council Directive 90/269/EEC and Council Directive 90/270/EEC. A single legislative instrument would be more comprehensive, clearer and easier to apply. It will benefit employers in terms of legal clarity and workers in terms of providing better protection against the risks of musculo-skeletal disorders.
Revision of Directive 2000/35 of the European Parliament and Council on combating late payment in commercial transactions	Revision	Several key provisions of the current Directive are unclear or difficult to implement, thereby creating various hurdles for businesses to claim their rights in case of late payment. The overall objective is to discourage debtors from paying late and to provide creditors with measures that enable them to fully exercise all their rights when paid late. The simplification would entail a clarification of the calculation of the applicable interest rate, a better description of the nature and extent of “retention of title”, a new definition of the types of commercial transactions covered by the Directive and a clearer definition of “relevant recovery costs” to include internal administrative costs linked to late payment.

Regulation relating to the type-approval of agricultural and forestry vehicles	Recast	The proposal will simplify EC legislation on agricultural and forestry tractors by replacing existing legislation (including the present Framework Directive and the separate Directives) by one main Regulation. The proposal will repeal 24 Directives. It will introduce improved requirements for tractor brakes as well.
Amendment to Annex IV to Regulation 2003/2003 on fertilizers	Revision	The objective is to ensure that CEN Standards can be considered as official methods of analysis to be used as reference for official controls. Their updated version delivered by CEN will no longer be included in the legal act but will exist in the form of separate standards to which the Community law will refer - the detailed description of test methods currently contained in the Annex will be deleted.
Directive or Regulation concerning medical devices	Recast	The objective is to simplify and strengthen the rules in order to ensure a high level of health protection while at the same time ensuring a smooth functioning of the internal market.
Regulation on type approval of Two- or Three- Wheel motor vehicles	Recast	The proposal will simplify EC legislation on 2 and 3-wheel motor vehicles by replacing existing legislation (including the present Framework Directive and the separate Directives) into one main Regulation. The proposal will repeal 14 Directives. It will introduce modern emissions legislation, ABS and automatic emergency braking for two- and three-wheelers.
Proposal of a Legal Instrument to underpin development of the Shared Environmental Information System	Revision	The simplification objectives cover: <ul style="list-style-type: none"> - modernising and streamlining environmental reporting, to facilitate data availability in line with the principle that information should be managed as close as possible to its source and should be collected once and broadly shared; - timely availability of information / data, in particular by simplifying the current approach on reporting periods; - repealing / streamlining obsolete or overlapping reporting, based on a screening of legislation.

Council Regulation 1172/98 on statistical returns in respect of the carriage of goods by road	Revision	The objective is to create an instrument within the European Statistical System (ESS) that allows to manage road freight statistics surveys by means of reporting requirements (thresholds of the number of vehicles per reporting country), scope of the surveys (types of vehicles included) and precision standard (already modifiable by comitology). In agreement with the ESS (Statistical Programme Committee), the population (focus on international operations and heavy vehicles) and sample (precision measures to be adapted to data needs) of road freight vehicles subject to reporting may be decreased.
Amendment to Regulation 44/2001 concerning jurisdiction, recognition and enforcement of judgments in civil and commercial matters	Revision	The objective is to ensure free circulation of all judgments in the EU by the abolition of <i>exequatur</i> and to adapt the provisions of the Regulation to the new international instruments in the area concerned. It will also abolish intermediary steps which citizens have to go through in order to have a judicial decision recognised and enforced abroad.
Council Regulation on the reform of the common organisation of the markets in fishery and aquaculture products	Revision	The common market organisation (CMO) was created to achieve the objectives laid down in Article 33 of the Treaty in the fishery sector, in particular to provide market stability and to guarantee a fair income for producers. More recent objectives focus on sustainability-supportive fishing and marketing activities. In place since 1971, the common market organisation has undergone many changes over time, and a reshaped CMO has been in operation since 1 January 2001. The effectiveness and efficiency of this policy is currently being evaluated. The proposal aims at taking account of market developments, changes in fishing activities and the shortcomings detected in the implementation of the provisions currently in force.
Commission implementation rules on the reformed control and enforcement framework	Revision	The new rules will modernize and simplify procedures for national administrations and stakeholders and will facilitate better enforcement. Administrative burden and constraints for the sector and public administrations are to be alleviated, with an increased use of IT tools to reduce reporting obligations. All aspects related to control and monitoring of fisheries activities (declaration of catches, tolerance margins, landing declarations, transport, localisation of the fleet, etc.) will be simplified. Also new elements to address the challenges of Illegal, Unreported and Unregulated (IUU) fishing will be included.

Commission Communication on formal recognition of obsolescence and four proposals repealing obsolete legal instruments in the field of the Common Fisheries Policy	Repeal	A screening of the body of Community law relating to the Common Fisheries Policy (CFP) within the context of the "2006-2008 Action Plan for simplifying and improving the CFP" revealed that a number of Acts of Community law have exhausted their legal effects, though they have not been formally repealed or that have no indication of a time limit as to their validity. For the Acts to repeal which are still formally in force, the same empowering act should be used as that which formed the basis for the initial act. In case where the legal basis for the act is no longer existent, the Commission will publish a formal recognition of obsolescence through a Communication.
Recast of Decisions relating to checks on insurance against civil liability in respect of the use of motor vehicles	Recast	Over the past few years, the Commission has adopted a number of Decisions (2003/542/EC, 2004/332/EC, 2005/849/EC, and 2007/482/EC) on the abolition of insurance checks in respect of the countries acceding the EU. The Recast aims at simplifying and clarifying the regime of these Decisions adopted under Article 2 of Directive 72/166/EC on motor insurance.
Recast of the Prospectus Directive	Recast	Areas where legislative changes are required to improve and simplify the application of the directive will be identified in order to reduce the administrative burden on issuers, without lowering the standard of investors' protection. Among them, the deletion of information requirements that duplicate the transparency directive (Article 10), the extension of the scope of the exemption for employees share schemes (Art. 4.1. e), and the clarification of the responsibilities in case of retail cascade (art. 3.2).
Recast of the Market Abuse Directive	Recast	In line with the Commission's Better Regulation approach, a review of the MAD (Market Abuse Directive) regime in the EU is taking place. Focus is on areas where improvements could be achieved in terms of: (i) rationalising/reducing administrative burdens concerning for example the disclosure duties on company executives, and the duty to draw up and maintain insider lists, (ii) facilitating and strengthening supervision exercised at the level of Member States.

Simplification of Accounting Directives	Revision	Objective is to allow Member States to exempt micro entities from the accounting requirements and to review the Accounting Directives (4th and 7th Company Law Directives) to take account of the interest of small businesses and reduce administrative burdens by over €5 billion.
Implementing Measures for the Rapid Alert System for Food and Feed (RASFF)	Revision	The objective of the implementing measures is the uniform operation of the RASFF by all the members of the network by: defining the scope of the system; setting up contact points; defining the role of the Commission; elaboration and transmission of relevant notification; assessment and follow-up of a notification; defining rules for exchanging RASFF information with third countries; setting up confidentiality requirements.
Regulation on plastic food contact materials and articles	Recast	Recast of Directives on plastic food contact materials into one Regulation with the aim to speed up authorisation of new additives and monomers and to simplify, clarify and update rules on migration testing; repeal of obsolete rules, such as the analytical methods in Directives 80/766/EEC and 81/432/EEC; of certain parts of Directive 82/711/EEC which are not testing criteria but interpretations and explanations; and remove contradicting rules between 82/711/EEC and 2002/72/EC as regards applicability, and between 82/711/EEC and 85/572/EEC as regards the definition of some food stimulants.
Recast of Directive 1999/36/EC on Transportable Pressure Equipment Directive (TPED)	Recast	<p>Certain clauses have become obsolete and certain issues are currently dealt with in the international agreements on the transport of dangerous goods. Need to eliminate contradictions stemming from these international agreements taking into account transitional agreements at intergovernmental organisations level (UN for road transport, OTIF for rail). Repeal of 4 Directives on Pressure Vessels (76/767/EEC, 84/525/EEC, 84/526/EEC and 84/527/EEC) and integration of the still relevant provisions into the revision of Directive 1999/36/EC.</p> <p>It is also necessary to bring the existing directive into line with the "New Approach" rules on the free movement of goods which is in the final stages of formal adoption, in line with the new legislative framework for the marketing of products.</p>

Recast of First Railway Package legislation: simplification and modernisation of the legislative framework for access to the rail transport market	Recast	In order to simplify the legislation, the three Directives will be merged and restructured while eliminating cross-references across the legal acts. This will lead to improved readability and hence enable better and harmonised implementation in MSs thus potentially reducing administrative burdens. Furthermore, other legal provisions, in particular institutional arrangements, such as strengthening of the powers of regulatory bodies and a strengthened cooperation of rail infrastructure managers for international services, will be enhanced to promote the emergence of a genuine internal market and to eliminate barriers to the provisions of international rail transport services. Overall by enhancing the legal and institutional framework the Commission hopes to see market access cost of railway undertakings being reduced.
Marine Equipment Directive	Recast	Directive 96/98/EC has been technically amended three times since its adoption and a further two technical amendments are currently under preparation (respectively concerning the committee procedure and the technical annexes). Furthermore, the new legislative framework for the marketing of products will have a direct impact on a number of basic elements (notified bodies, market surveillance, and safeguard clause). Lastly, the current system of periodical technical updates is in need of an in-depth revision in order to keep pace with the legislative production of the International Maritime Organisation. It is intended to recast or to repeal the existing Directive and replace it with a new one.
Recast of the Community regulatory framework regarding transport of radioactive material	Recast	At Community level there are currently more than 30 directives, regulations and recommendations governing the transport of radioactive material. There are also non-binding international rules. Inconsistent transposition of these rules means that there is an unnecessary degree of complexity causing practical problems on the ground in Member States, including increased costs and delays. Simplification of rules and procedures would reduce this and an initial estimate puts the potential at a reduction of 50% in the labour costs and 30% in the costs to operators.

(33 initiatives)

ANNEX 3 – List of withdrawals of pending proposals

Title	COM/SEC/inter-institutional number	Justification for withdrawal
Proposal for an Act of Adaptation of the terms of accession of the united Cyprus republic to the European Union	COM(2004)189	Linked to the 2004 Annan Plan for a settlement of the Cyprus problem and re-unification. In case of a new comprehensive settlement, the Commission will have to submit a new proposal of an Act of Adaptation related to the new settlement plan (possibly in 2009). This proposal has become obsolete.
Proposal for a Council Decision on the signing by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001	SEC(2002)1308/1	These proposals are to be replaced by the Amended Proposal for a Council Decision on the conclusion by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 200, adopted by the Commission in August 2008 - COM (2008) 508 / 2008/0162/CNS. These proposals have become obsolete.
Proposal for a Council Decision on the conclusion by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001	SEC(2002)1308/2	

<p>Proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas</p>	<p>COM(2003)558 2003/0217/CNS</p>	<p>As it has been decided not to insert biometric features into the visa sticker and at the same time the residence permit Regulation has been amended in that sense, this proposal has become obsolete.</p>
<p>Proposal for a Council Framework decision to strengthen the criminal law framework to combat intellectual property offence</p>	<p>COM(2005)276/2 2005/0128/CNS</p>	<p>Replaced by an amended proposal for a Directive of the European Parliament and of the Council on criminal measures aimed at ensuring the enforcement of intellectual property rights, document COM (2006) 168 of 26.4.06 / 2005/0127/COD (see Written procedure 2006/669), following the judgment of the Court of Justice of 13.9.05 (C-176/03). The proposal for a Council Framework Decision has become obsolete.</p>
<p>Proposal for a Council Decision on the improvement of police cooperation between the Member States of the European Union, especially at the internal borders and amending the Convention implementing the Schengen Agreement</p>	<p>COM(2005)317 2005/0131/CNS</p>	<p>Overlaps with Prüm Treaty as transposed by Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, adopted on 23.06.08. This proposal has become obsolete.</p>

<p>Proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the EC and the Islamic Republic of Mauritania on fishing in Mauritanian fishing zones and of the Protocol setting out the fishing opportunities and financial contribution which applies from 1 August 2006 to 31 July 2008</p>	<p>COM(2006)505</p>	<p>A new agreement with Mauritania has been adopted by the Council in July, as Council Regulation (EC) No 704/2008 of 15 July 2008 on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for the period 1 August 2008 to 31 July 2012. This proposal has therefore become obsolete.</p>
<p>Proposal for a Council Decision concerning the signing of the Hague Convention on the Law applicable to certain rights in respect of securities held with an intermediary</p>	<p>COM(2003)783</p>	<p>The Commission has changed its approach and may envisage presentation of a new proposal in particular with regard to the underlying conflict of laws issue, based on more comprehensive impact assessment. The present proposal therefore serves no purpose and has become obsolete.</p>
<p>Draft Inter-institutional Agreement on the operating framework for the European regulatory agencies</p>	<p>COM(2005)59</p>	<p>In a Communication adopted in March – document COM (2008)135, the Commission announced its intention to withdraw this proposal and presented the steps it plans to take in order to make progress towards a common framework. The Commission considers that an invitation to an inter-institutional working group should lead to a common approach for agencies, as an alternative to proposing an inter-institutional agreement. The present proposal therefore serves no purpose and has become obsolete.</p>

Proposal for a Council Regulation on the common organisation of the market in pig meat (Codified version)	COM(2003)297 2003/0104/CNS	Act being codified has been repealed. The present proposal therefore serves no purpose and has become obsolete.
Proposal for a Council Decision laying down Community criteria for the eradication and monitoring of certain animal diseases (codified version)	COM(2006)315 2006/0104/CNS	Act being codified has been repealed. The present proposal therefore serves no purpose and has become obsolete.
Proposal for a Council Regulation on the production and marketing of eggs for hatching and of farmyard poultry chicks (Codified version)	COM(2006)694 2006/0231/CNS	Act being codified has been repealed. The present proposal therefore serves no purpose and has become obsolete.
Recommendation to the Council on the participation of the EU in the work of the International Tax Dialogue	SEC(2007)958	Following a revision of the Draft Memorandum of Understanding, the Council does not need to adopt a basic act in the form of a Council Decision authorising the Commission to negotiate the Community's participation in the work of the ITD. Therefore, the Recommendation has become obsolete.
Proposal for a Council Regulation concerning balancing mechanism applicable to imports from certain countries not members of the European Community	COM(2005)398	This draft Regulation had been proposed as a means to deal with so-called "dual-pricing" system, especially in the context of WTO accession negotiations of certain countries. The Commission has changed approach in favour of bilateral or multilateral negotiations and no longer considers legislation necessary. This proposal therefore has become obsolete.

<p>Proposal for a Council Directive on the control of high activity sealed radioactive sources</p>	<p>COM(2002)130</p>	<p>The procedure for adoption of measures set out under Articles 31 and 41 of the EURATOM Treaty requires that the Commission first make a "draft" proposal, which is then sent to the European Economic and Social Committee for their comments. Following this a revised proposal has been made by the Commission – document COM (2003)18. The initial proposal therefore serves no purpose and has become obsolete.</p>
<p>Proposal for a Directive of the European Parliament and of the Council on Intermodal Loading Units</p>	<p>COM(2003)155/2 2003/0056/COD</p>	<p>The Commission no longer considers legislation necessary. CEN has already developed pre-standards and will complete work if it receives a Commission mandate. Before such a mandate can be given to CEN it needs to be considered whether 45 ft ISO containers, which are currently limited to national traffic, should be allowed to be used in cross-border traffic. The Commission is currently reviewing this using a study. In addition research is currently being carried out considering optimal size and strength characteristics of ILU as well as communications and security characteristics. This proposal has therefore become obsolete.</p>
<p>Proposal for a Council Regulation amending Regulation (EURATOM) No 2587/1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community</p>	<p>COM(2003)370</p>	<p>Given the time elapsed since this proposal was made, it has become obsolete.</p>

<p>Proposal for a Regulation of the European Parliament and of the Council on compensation in cases of non-compliance with contractual quality requirements for rail freight services</p>	<p>COM(2004)144 2004/0050/COD</p>	<p>In the light of opposition from both the legislator and the sector to the contractual relations part of this proposal, the Commission announced its intention to withdraw the proposal in a Communication adopted this September – document COM (2008)536). The Commission considers that the objectives of the proposal can be met through ongoing initiatives that support the development of competition and ensure that rail freight has high quality infrastructure and ancillary services at its disposal. As regards the latter, the Commission intends to submit a new legislative proposal in November 2008. This proposal has therefore become obsolete.</p>
<p>Proposal for a Council Decision on a Community position within the Ministerial Council of the Energy Community on certain procedural issues related to the budget of the Energy Community, on the procedural rules on acceptance of countries as Observers and rights and obligations of Observers to the Energy Community, and on the acceptance of Moldova, Ukraine, Norway and Turkey as Observers to the Energy Community</p>	<p>COM(2006)709</p>	<p>As the countries concerned are observers to this Council, this proposal is no longer relevant and has become obsolete.</p>
<p>Proposal for a Council Regulation on the Financial Regulation applicable to the Euratom Supply Agency</p>	<p>COM(2007)108 2007/0042/CNS</p>	<p>The Commission has changed its approach and will now address the objectives of this proposal through the inclusion of <i>ad hoc</i> provisions in the general Financial Regulation that is currently being revised. This will avoid the heavy legislative procedure for a limited budget and avoid increasing the number of specific financial regulations. This proposal has therefore become obsolete.</p>

(20 initiatives)