

ANNEX 3 EVALUATION PLAN

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
I. Evaluations and impact assessments carried over from Year 2008									
I.1 Evaluations									
C1	Evaluation of the e-procurement action plan	The objective of this study is to evaluate the effective up-take, in the EU and EEA, of electronic public procurement, in light of the objectives of the 'Action Plan for the implementation of the legal framework for electronic public procurement' (COM[2004]841), adopted by the Commission in December 2004. The focus is not however on a full economic impact evaluation; rather the study aims to assess the extent to which public procurement procedures in the EU have been digitised, and how, as compared against the e-procurement Action Plan.	Public Procurement	2008	2009	P&R	E		
G1	Evaluation of the Financial Services Action Plan - Part 2: Economic and policy impacts	This second part of the evaluation of the FSAP focuses on the mid to long-term economic impacts of the whole Action Plan. The evaluation will try to analyze if the objectives defined in the definition of the FSAP have been achieved, and at what cost. Results will feedback into the new activities	Financial Markets	06/2006	03/2009	R	E		500,000

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		undertaken following the White Paper.							
II.2 Impact Assessments									
H1	IA on the White Paper on Early Intervention Tools for dealing with ailing banks	There is currently inadequate regulatory coverage and tools for banks that have difficulties with their solvency requirements but are still operational (i.e. not bankrupt). The White Paper will seek to scope out options and potential regulatory responses that could be taken up on a EU-wide basis.	Financial Institutions	2008	Spring 2009	P	I		
H2	IA on the level 2 implementing measures for Solvency II	As part of the work on the development of Level 2 implementing measures for Solvency II, the Commission will conduct a full Impact Assessment, similar to the exercise performed for the Level 1 Framework Directive, and produce an Impact Assessment report to accompany the Commission's proposal for the Level 2 implementing measures (foreseen for 2010).	Financial Institutions	2008	2010	P	I&E		

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
II. Evaluation plan for Year 2009 (Annual Management Plan)									
II.1 Evaluations									
C1	Interim evaluation of the Public Procurement Directives	Interim evaluation of directives 2004/17/EC and 2004/18/EC	Public Procurement	2009	2010	P&R	I&E		
E2	Evaluation of the e-commerce Directive	Report on the application of the e-commerce Directive.	1203 Internal Market for Services	2009	2009	P&R	I&E		
E3	Ex-ante evaluation of the need to set up a multi-annual training and exchange programme for the administrative cooperation provisions of the Services Directive	Requirement of Article 34.3 of the Services Directive (2006/123/EC). Commission commitment to deliver this in 2009 in the IMI Progress Report Commission Communication COM (2008) 703.	1203 Internal Market for Services	May 2009	November 2009	P&R	I or I&E	6	

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
G3	Evaluation of the Investor Compensation-Schemes Directive 97/9/EC	After 10 years of the entry into force of the Directive and under the current financial crisis situation, where malpractice and fraud is very likely to happen, it is the right time to examine the functioning of the ICSD.	Financial Markets	1Q/2009	1Q/2010	R	I&E		
II.2 Impact Assessments									
C2	IA on the co-ordination of procedures for the award of concessions	Initiative to remove the current legal uncertainty arising from the fact that the award of concession contracts is currently covered only by general Treaty principles.	Public procurement	2007	2009	P	I&E		
D1	IA on Orphan Works	The impact assessment will analyse whether a Community wide approach on how to deal with 'orphan works' is necessary. The background to the IA is that large scale digitisation of library archives, film archives and musical archives has revealed the existence of a large number of orphan works. Often these works and sound recordings are still protected by copyright, but the relevant authors, producers and performers cannot be identified or located. As the authors', producers' and performers' authorisation is necessary for the digitisation of their works and sound recordings, a simple way of clearing rights	Knowledge based economy	03/2009	09/2010	P	I&E	7	Study: max 180,000

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		in such orphan works needs to be developed.							
F3	IA on the modernisation of the accounting Directives, cutting accountancy burdens for small business	The main objective of this initiative is to review the 4 th (78/660/EEC) and 7 th (83/349/EEC) Council Directives in order to bring them in line with the current accounting needs of companies and users of their financial statements/information. The review will focus on simplification measures (and possible reductions in administrative burden in particular) and be guided by the "think small first" principle.	Corporate law, environment, accounting and auditing	Early 2009	September 2009	P	I&E		
F4	IA on the introduction of International Standards on Auditing (ISA) in the EU	The main objective of this impact assessment is to review potential effects of an adoption of International Standards on Auditing (ISAs) by the European Commission and to evaluate whether the EU legal instrument chosen is the best way forward.	Corporate law, environment, accounting and auditing	March 2009	End 2009	P	I&E	4	200,000

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); re-trospective ("R"); prospective and re-trospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
G1	IA on a Communication on the financial markets for the future reform package	The main policy objectives would be the following: prudential legislation should be reinforced, incentives structures (e.g. remuneration schemes) should be rethought, risk management in financial institutions should be strengthened, more efficient supervisory arrangements should be put in place, international co-operation should be enhanced.	Financial Markets	2009	2 nd quarter 2009	P	I		
G1	IA on a Communication on supervision of EU financial markets	Regulation and supervision should keep pace with development within the financial system and respond to current needs in order to ensure the prudential soundness of institutions, the orderly functioning of markets and thereby the protection of depositors, policy-holders and investors. Moreover, the financial crisis has highlighted the need to strengthen European cooperation on financial stability oversight, early warning mechanisms and crisis management, including the management of cross-border and cross-sectoral risks.	Financial Markets	2009	2 nd quarter 2009	P	I		
G2	IA on Book-entry securities legislative instrument	The Commission plans to propose legislation harmonising the substantive law on book-entry securities. The main objective of the measure is to reduce the divergence between national laws on that	Financial Markets	1 st quarter 2009	4 th quarter 2009	P			

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		matter and therefore to make a substantive contribution to the simplification of financial markets operations and to their legal safety.							
G3	IA on the recast of the market abuse Directive 2003/6/EC	In line with the Commission's better regulation approach the Commission services have started a review of the Market Abuse Directive (MAD) regime in the EU. In the report we are focusing on areas where improvements could be achieved in terms of: i) rationalising /reducing administrative burden associated with compliance of private operators with the MAD (for example, concerning 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.	Financial Markets	End 2008	Spring 2009	P			
G3	IA on the amendment of the Prospectus Directive 2003/71/EC	Review certain aspects of the functioning of the prospectus regime like the scope of the exemption for employee shares schemes, certain definitions, review of certain thresholds in offers, clarify the regime of offers that are exempted of the publication of a prospectus ("retail cascade", rationalisation of disclosure requirements	Financial Markets	End 2008	2 nd quarter 2009	P			

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		and harmonisation of the supplement mechanism of the prospectus.							
G4	IA on implementing measures to give effect to UCITS IV	In 2009, the unit will need to launch a work stream to analyse the cost effectiveness of detailed implementing measures needed to enable a wide-range of UCITS IV provisions. Some of this general implementing legislation will be of general application, demanding and non-discretionary (e.g. harmonisation of risk management systems, organisational arrangements). The IA work will need to be launched in 2009, but will only be completed in 2010.	Financial Markets	End 2009	Summer 2010	P	I&E	12	150,000€
H1/H2	IA on the amendment of the Financial Conglomerates Directive 2002/87/EC	Streamline the Directive and bring it in line with the Capital Requirements Directive and Solvency II. Remove inconsistencies between sectoral requirements and reduce compliance costs for financial conglomerates.	Financial Institutions	Early 2009	2010				

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
H1	IA on the amendment of the Deposit Guarantee Schemes Directive	According to the COM proposal of 15 Oct 2008 (COM 2008/0661), "by 31 December 2009 at the latest, the Commission shall submit to the European Parliament and to the Council a report on a harmonisation of the funding mechanisms of deposit-guarantee schemes and the possible introduction of a Community deposit-guarantee scheme, together with any appropriate proposals"	Financial Institutions	Early 2009	End 2009	P&R	I&E	18	200,000
H1	IA on Amending Directive under the Capital Requirements Directive on trading book issues	Ensuring adequate risk management and capital requirements for positions held by banks on their trading book.	Financial Institutions	Early 2009	Summer 2009	P	I		
H1	IA on Amending Directive under the Capital Requirements securitisation issues	Ensuring adequate diligence, rigour, information and transparency for securitisations	Financial Institutions	Early 2009	Autumn 2009	P	I		

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); re-trospective ("R"); prospective and re-trospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
III. Evaluations intended to be launched in Year 2010, 2011, etc.									
D4	Evaluation of Directive 98/5 (lawyers)	Evaluation of the application of Directive 98/5 on lawyers' establishment. Postponed in order to assess the implementation in the EU10 during a period comparable to the one foreseen by the Directive for the EU15.	Knowledge-based economy	2010	2012	P&R	I&E		
D4	Evaluation of Directive 2005/36 on the recognition of qualifications	Evaluation foreseen by the Directive by 2012	Knowledge-based economy	2010	2012	P&R	I&E		
F2	Evaluation on cross-border mergers of limited liability companies	Evaluation of impact of Directive 2005/56 on companies' mobility in the EU	Corporate law environment, accounting and auditing	2010	2011	P&R			
G3	Evaluation of Directive 2004/39/EC on markets in financial instruments (MiFID)	Reviews foreseen by Article 65 of MiFID and implementing measures. Due to the impact of the financial crisis situation and the need to gather sufficient evidence the review will consist of a single report covering different aspects such as: transparency obligations, best execution quality data availability, re-examination of some definitions, record keeping of telephone conversations, tied agents and the		3Q/2009	2010	R	I&E		

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); re-trospective ("R"); prospective and re-trospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		notification procedure under Article 4 of Commission Directive 2006/73/EC.							
H3	Evaluation of FIN-NET	FIN-NET is a network of national out-of-court complaint schemes that resolve disputes between financial institutions and consumers. It was established in 2001. After 8 years of existence it has to be evaluated whether it has achieved its objectives, whether the level of Commission's involvement should stay as it is and whether any changes are necessary to improve FIN-NET's outputs.	Financial Institutions	2010	2010	R and P	E	1	150,000
IV. Other activities related to evaluation									
	Other activities								
D2	Study on the functioning of the Community Trade Mark System	National Trade marks systems have been harmonised in Europe by Council Directive 89/104/EEC. Alongside and linked to National systems, the Community trade mark system was created in 1994 by Council Regulation No 40/94 on the Community trade marks (amended in 2004).	Knowledge-based economy	2009	2010	P&R	I&E		500,000

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
		The Office for Harmonisation in the Internal Market (OHIM) is responsible for registering Community trade marks and Community designs. At the national level similar national offices are responsible for registering national trade marks. Following a Commission Communication in 2006, the Competitiveness Council asked the Commission to launch a "comprehensive study on the overall functioning of the Community trade mark system".							
E4	The internal postal market report – main developments 2008-2010	To provide an assistance to Member States (formally laid down by Article 23a of the Directive 2008/6/EC) by identifying regulatory, market and technological developments in the EU postal sector. Objectives of the exercise are mainly twofold: (i) continuing of active market monitoring as a part of broader Postal Agenda and Single Market Review and (ii) taking appropriate actions if the breach of obligations under the postal <i>acquis</i> would be determined.	1203 Internal Market and Services	2010	2010				350.000 Euros (for the sector study envisaged for 2010 that will provide factual basis for the said Report)
F2	Study on the European Company Statute	Study on the functioning of the European Company Statute (Directive 2001/86/EC), with the aim to assess its attractiveness and propose necessary improvements	Corporate law environment, accounting and auditing	2008	2009	P&R	I&E		

N°	SUBJECT/TITLE	REASON, OBJECTIVE(S) AND INTENDED USE OF THE EVALUATION	ABB HEADING(S) CONCERNED	TIMING		TYPE OF EVALUATION		RESOURCES INVOLVED/ ESTIMATED	
				Start	End	prospective ("P"); retrospective ("R"); prospective and retrospective ("P&R")	external ("E"); internal ("I"); internal with external support ("I&E")	Human (Man/months)	Financial (in €)
F2	Study on the take-over bids directive	Study on the effectiveness of the provisions of the Directive	Corporate law environment, accounting and auditing	2009	2011	P&R	I&E		
F2	Report on the application of the Transparency Directive	Report on the application of Directive 2004/109/EC	Corporate law environment, accounting and auditing	2008	2009	P&R	I&E		
G4	Study on private placement	Input to future reflections on cross-border distribution of financial instruments/institutional funds. Will also be important input to work on non-harmonised funds and alternative investments. Tender procedure now launched – hope to award contract in Feb 09.	Financial services	2009	End 2009	P	E		400,000