



EUROPEAN COMMISSION

High Level Group of Independent Stakeholders on Administrative Burdens

MINUTES OF THE MEETING OF THE HLG ON 12 NOVEMBER 2009

Venue: Stockholm, 12 November, from 10.00 to 13.00

Present: See presence list

Excused: Ms Jongerius, Mr Berger, Mr Hontelez, Mr Murray, Mr Pesonen

1) Opening; adoption of agenda and minutes

The chair welcomes members, observers and visitors in Stockholm for the first public meeting of the HLG. He expresses his gratefulness to Bertelsmann Stiftung, namely Mr Dräger, member of the board, for the logistical support but also on a more general level for supporting better regulation policies.

The minutes of the HLG meeting of 17 September 2009 and the draft agenda are adopted unanimously and without comments.

2) Report from the chair

The chair reports on his meetings with the Legal Affairs Committee of the EP and President Barroso who asked him whether he would be willing to continue for two more years and with an extended mandate. The chair informs members that he had expressed that he was in principle prepared to do so. He pointed out that the HLG could not continue to work in its present state and with the current resources allocated once the mandate will be extended.

Referring to the chair's discussion in the EP, Mr Ludewig expresses his regrets that EP and Council take far too long to adopt proposals made by the Commission in the context of the reduction of administrative burdens.

3) Opinion on offline suggestions, fifth batch

The chair thanks Mr Linschoten for having prepared another opinion on offline suggestions.

Mr Linschoten presents the draft opinion.

Ms Fritsch suggests that the secretariat should give feedback to all stakeholders submitting (offline) suggestions.

The chair agrees with this. On his request the secretariat makes clear that all stakeholders whose suggestions are being taken up for an opinion are being informed of the result.

Upon invitation by the chair the secretariat briefly summarizes the comments of Messrs Murray and Hontelez, both absent today.

Mr Murray and Mr Hontelez are of the view that of all the claims that can be made about food there are none more important, more serious or potentially more dangerous than health claims. There should be no commercial health claims that are not scientifically proven or approved – with no exceptions. Furthermore there are currently major problems regarding pseudo health claims made in relation to so-called health foods, vitamins, food supplements and the like. Finally, the offline suggestions dealt with in para. 8 amount to an attempt to amend or partially repeal a regulation even before it is fully implemented. The idea of a partial exemption for SME's was fully considered in the decision-making process leading to this regulation and was rightfully rejected.

Mr Teli•ka agrees in particular with the arguments regarding para. 8 (health claims). He furthermore suggests that health logos should be included in para. 6.

Mr Linschoten agrees with Mr Teli•ka's suggestion regarding health logos but disagrees with the remarks on health claims.

Mr Teli•ka suggests to add the word "facilitate" to para 8 to broaden the request of the HLG to the Commission. This would avoid giving the impression that SME's should be exempted from producing scientific evidence for their health claims.

The chair voices his disagreement.

In the context of the upcoming regulation on food labelling Mr Mollerup advocates the inclusion of planned regulation in the mandate of the HLG. He suggests also cross-referencing opinions. In view of the inclusion of customs in the priority area taxation he wonders whether an opinion on taxation might be feasible and necessary given the increased scope of the Action Programme from January 2009 and the fact that the HLG promised to adopt an opinion on customs (see paragraph 3 of the opinion on taxation).

Mr Gibbons agrees in particular with paras 18 to 20 because the text encourages stakeholders to come forward. As regards to para 8 he is of the view that an exemption from the spirit of the regulation seems difficult. Mr. Gibbons supports para 11 because long-term suppliers' declarations are burdensome.

The chair recalls the task of the HLG which is to reduce administrative burdens wherever possible.

Ms Fritsch argues for lighter regimes and suggests including the word "facilitate" in para 8.

Mr Illy would rather facilitate than exempt and he notes he is very much in favour of the only-once –principle in para. 10.

Mr Linschoten does not see the reason to accept the inclusion suggested in para 8.

The chair invites a vote; the words “possibility of simplification” are included and the opinion is adopted unanimously.

4) Decalogue¹

The chair thanks Mr Illy in particular for his patience since he first presented the document.

Upon invitation by the chair Mr Illy presents the decalogue.

Mr Gibbons states that although the document is strictly speaking beyond the mandate, a contextual discussion periodically is important.

The chair and Mr Ludewig support this.

Upon invitation by the chair the secretariat summarizes the comments submitted by Mr. Potdevin who suggested to put a particular emphasis on regulation for SME's instead of regulating with the needs of the big industrial companies in mind. It is suggested to replace point 7 by: "The starting-point of regulation should always be small businesses. In case particular effects are envisaged on big companies, incremental requirements should be foreseen." and point 8 by: "EU-wide solutions should be appropriate for the EU-level. However regulation on the European level must not neglect local opportunities and possibilities."

After a discussion to which Ms Fritsch, Mr Ludewig and Mr Teli•ka contribute the chair asks for a vote.

The document is adopted unanimously without modification.

The chair makes clear that the document might still be adapted, also in view of future discussions in the HLG. He does not see this document as final but rather as "work in progress".

5) Exchange of views with the chairmen of the four independent councils (SWE, NL, UK and D)

The chair extends a special welcome to Mr von Bahr (Regelrådet), Mr de Lange (ACTAL), Mr Gibbons (RPC) and Mr Ludewig (NKR).

All chairmen present their organisations briefly and voice support for an integration of the ex-ante and ex-post verification of administrative burdens and the need for independent bodies in all Member States.

The chair thanks for the contributions. He suggests to repeat such exchanges of views from time to time and invites the chairmen to participate in future HLG meetings as observers.

6) Presentation of the recent Commission Communication

¹ Messrs Hontelez and Murray have informed the chair that in their view a discussion of the decalogue was not covered by the mandate of the HLG.

Ms Pons, DG Enterprise and Industry of the European Commission, briefly presents the most important elements of the recent Communication. A more detailed presentation and discussion is planned for the HLG meeting in December.

Adopted by the HLG in Brussels on 10 December 2009.