



EUROPEAN COMMISSION

High Level Group of Independent Stakeholders on Administrative Burdens

Report on best practice in Member States to implement EU legislation in the least burdensome way

Questionnaire

I. Background

The High Level Group of Independent Stakeholders on Administrative Burdens (HLG) was set up to advise the Commission with regard to the Action Programme for Reducing Administrative Burdens in the EU, which aims at reducing administrative burdens on businesses arising from EU legislation by 25% by 2012.¹ According to its new mandate of 17 August 2010² the HLG shall "prepare a report by November 2011 on best practice in Member States to implement EU legislation in the least burdensome way."

A key part of the Action Programme consisted of a large-scale measurement of administrative costs incurred by businesses in meeting legal obligations to provide information. The results of this measurement exercise showed significant differences in the transposition and implementation of EU legislation between the Member States which in turn imposed different levels of administrative burdens on businesses. An exchange of good solutions for the implementation of EU legislation might boost the reduction of administrative burdens for businesses in some Member States as well as in the EU as a whole. Therefore, the objective of the HLG's report on best practice in Member States is to provide concrete examples for model solutions chosen by Member States to implement EU legislation in the least burdensome way. These solutions might be transferred to other Member States or other areas, in order to reduce administrative burdens for businesses all over Europe by diminishing burdensome implementation of EU legislation and thus strengthening the integrity of the internal market.

II. Scope

The HLG is primarily looking for examples of best practice to implement EU legislation with respect to the 72 acts already in scope of the Action Programme (cf. annex), since they are assumed to cover the major share of the administrative burdens caused by EU legislation.

¹ Commission Decision C(2007)4063 of 31 August 2007; for the Action Programme cf. COM(2007)23; HLG website: http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/high-level-group/index_en.htm

² Commission Decision 2010/C 223/03

Furthermore, the HLG will also look into examples related to the list of acts presented by the Commission for a possible future extension of the Action Programme in October 2009.³ In this context, the HLG adopted an opinion on a possible future extension of the Action Programme with additional suggestions in October 2010.⁴

Eventually, best practice examples related to EU acts outside the scope of the Action Programme may also provide for significant administrative burden reduction potential, in particular in those cases where the adopted solutions seem apt to be transferred to other areas. Thus, the HLG will also look into best practice examples that go beyond the current scope of the Action Programme.

The best practice examples need to be either implemented or in the process of implementation.

Some Member States have already presented examples for best practices during meetings of the HLG. These are published on the HLG website,⁵ which is updated after each meeting.

III. Organisation

The HLG would be grateful, if you could forward examples for best practices to the HLG Secretariat by March 2011 by using the questionnaire below (IV.):

E-mail: SG-HLG-AB@ec.europa.eu

Mail:

European Commission
High Level Group of Independent Stakeholders on Administrative Burdens
Secretariat
Ms Carolina Marin Vargas
BREY 07/201
B-1049 Brussels
Belgium

The HLG Secretariat will collect the examples as a basis for the HLG report. If you need further information, please contact the HLG Secretariat via email or phone (+32 229 61218).

In case you send more than one example, we encourage spreading the examples across different sectors (e.g. agriculture, company law, tax law etc.) and topics (e-government, risk-based approach, synergetic controls etc.), as the final report might have limited space for each individual sector. Please use a separate form for each individual example.

Please try to keep the information provided short and concise. Additional information may be attached to the questionnaire.

³ Cf. COM(2009)544 annex F (p. 109-111)

⁴ Cf. http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/high-level-group/index_en.htm

⁵ http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/high-level-group/index_en.htm

IV. Questionnaire

Origin of best practice example	
Member State	
Region, community, if applicable	
Responsible authority	
Description of best practice example (including, if possible, the following information)	
- title of the initiative	
- substantive area	
- objective(s)	
- related EU law	
- related national / regional / local law if applicable	
- <i>detailed description</i> of best practice and its effects incl. (to the extent possible):	
main elements,	
effect on beneficiaries (who, how many, how often etc.),	
improvements to former practice,	
date of implementation,	
duration of procedure,	
costs of procedure,	
e-government elements,	
quantifications of cost reductions where possible	

- any other information you would like to add	
For further information	
Contact person	
Website	

Please return the completed form(s) to the HLG Secretariat by March 2011:

E-mail: SG-HLG-AB@ec.europa.eu

or

Mail:

European Commission

High Level Group of Independent Stakeholders on Administrative Burdens

Secretariat

Ms Carolina Marin Vargas

BREY 07/201

B-1049 Brussels

Belgium

Annex: List of 72 EU acts in scope of the Action Programme

Agriculture and agricultural subsidies

1. Council Regulation (EC) 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers; now Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers
2. Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products; now Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products
3. Commission Regulation (EC) No 2295/2003 of 23 December 2003 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs; now Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs
4. Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector as regards marketing standards
5. Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)
6. Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Annual Accounts/Company law

7. First Council Directive of 9 March 1968 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies, with a view to making such safeguards equivalent throughout the Community (68/151/EEC); now Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent
8. Second Council Directive of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies (77/91/EEC)
9. Third Council Directive of 9 October 1978 concerning mergers of public limited liability companies (78/855/EEC)
10. Fourth Council Directive of 25 July 1978 on the annual accounts of certain types of companies (78/660/EEC)
11. Sixth Council Directive of 17 December 1982 concerning the division of public limited liability companies (82/891/EEC)
12. Seventh Council Directive of 13 June 1983 on consolidated accounts (83/349/EEC)
13. Eleventh Council Directive of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State (89/666/EEC)
14. Twelfth Council Directive of 21 December 1989 on single-member private limited-liability companies (89/667/EEC); now Directive 2009/102/EC of the European Parliament and of the Council of 16 September 2009 in the area of company law on single-member private limited liability companies
15. Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)

Cohesion policy

16. Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds; now Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund

Environment

17. Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances
18. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste
19. Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control; now Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control
20. Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE)
21. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles
22. Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer; now Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer
23. Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

Financial services

24. Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions
25. Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions

26. Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life insurance; now Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance
27. Directive 2000/46/EC on the taking up, pursuit of and prudential supervision of the business of electronic money institutions ('Electronic Money Directive'); now Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions
28. Regulation (EC) No 2560/2001 of the European Parliament and the Council on cross-border payments in euro; now Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community
29. Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities; now Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)

Fisheries

30. Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy; now Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy

Food safety

31. Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97
32. Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC
33. Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.
34. Council Regulation (EC) 1/2005 Protection of animals during transport and related operations
35. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC
36. Council Directive 2000/29 of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
37. Directive 98/6/EEC of the European Parliament and the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers
38. Commission Decision 2001/881/EC on import controls to abolish border inspections posts between EC and Switzerland; now 2009/821/EC: Commission Decision of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces
39. Regulation (EC) No 1774/2002 laying down health rules concerning animal byproducts not intended for human consumption; now Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption
40. Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials and Commission Directive 98/67/EC. Council Directive 96/25/EC; now Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed
41. Council Directive 89/107/EEC of 21 December 1988 on the approximation of laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption and Regulation (EC) No 2232/96 of the European Parliament and of the Council

of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs (amended by Regulation (EC) No 1331/2008). Council Directive 89/107/EEC; now Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

42. Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market + Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (*related to the priority area Transport; cf. European maritime transport space without barriers COM(2009)10*)

Pharmaceutical legislation

43. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use
44. Directive 2001/20/EC on the approximation of laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use
45. Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products

Public procurement

46. Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts
47. Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (including Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement procedures pursuant to that directive)

Statistics

48. Regulation (EC) 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community Statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91
49. Council Directive 2001/109/EC of the European Parliament and Council on fruit trees
50. Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production; now Regulation (EC) No 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics
51. Council Directive 93/24/EEC of 1 June 1993 on the statistical surveys to be carried out on bovine animals; now Regulation (EC) No 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics
52. Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production
53. Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics; now Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast)
54. Statistics on the information society Regulation 808/2004
55. Short term statistics (STS) Regulation (EC) 1165/98
56. Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism
57. Council Regulation 1172/98 on statistical returns in respect of the carriage of goods by road
58. Council directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea; now Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea (Recast)

Tax law (VAT)

59. Council Directive 2006/112/EC of 28 November 2006 on the Common system of value added tax; now Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax

60. Community Customs Code (CC) Council Regulation (EEC) No 2913/92 and Customs Code Implementing Provisions (CCIP) Commission Regulation (EEC) No 2454/93
61. Eighth Council Directive 79/1072/EEC of 6 December 1979 on the harmonization of the laws of the Member States relating to turnover taxes - Arrangements for the refund of value added tax to taxable persons not established in the territory of the country; now Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State

Transport

62. Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85
63. Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification; now Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast)
64. Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations; now Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator
65. Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway; now Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods
66. Regulation No 11 (1960) concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community
67. Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations; now Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations
68. Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community

Working environment/employment relations

69. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work
70. Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites
71. Directive 94/45/EC 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; now Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 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 (Recast)
72. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work