



EUROPEAN COMMISSION

High Level Group of Independent Stakeholders on Administrative Burdens

MINUTES OF THE MEETING OF THE HLG ON 4 AND 5 MARCH 2009

Venue: Brussels, 4 March, from 15.00 to 18.15, and 5 March, from 10.00 to 16.00

Present: See presence list

Excused: 4 March: Ms. Fritsch, Mr. Berger, Mr. Mollerup; 5 March: Ms. Fritsch, Mr. Mollerup, Mr. Pesonen (morning), Mr. Linschoten (afternoon), Mr. Murray, Mr. Ludewig, Mr. Potdevin (afternoon)

1) Opening; adoption of agenda and minutes

The chair thanks members for coming already on Wednesday in light of the number of issues to be discussed.

The agenda and the minutes are adopted without comments.

The chair informs members that Mr. Mendez stepped down due to professional reasons. He states that a replacement till the next meeting might be difficult to achieve.

Mr. Gibbons intervenes as the remaining reporting member on the priority area Working environment and employment relations and suggests asking for volunteers among members.

The chair agrees. He informs members that discussions are ongoing on how to replace Mr. Mendez. He makes clear that a replacement needs to be found, leaving an empty seat is not an option. Discussions are taking place to find a suitable person. The replacement should also allow redressing the gender balance and increasing the representation of the new Member States.

Mr. Hontelez sees a need for trade unions to be represented because of their role as social partners. Also the decision of the Commission to set up the HLG refers to that. He suggests postponing the opinion.

In view of the tight timetable the chair disagrees with a postponement but asks members to volunteer to join Mr. Gibbons.

Mr. Teli•ka offers his assistance to Mr. Gibbons and stresses the independence of the HLG members, while broadly agreeing with the need to have social partners around the table.

The chair thanks Mr. Telicka for his willingness to assist.

He informs members about the adoption of the legislative proposals concerning micro-enterprises and e-invoicing by the Commission and passes on the praise of the HLG by the President, the Vice-President and Commissioners Kovacs and McCreevy. He states that he is not in favour of postponing in view of the extensive agenda of the group. His intention is to present results to the Barroso Commission before the end of its mandate.

Furthermore he refers to his meeting with Minister Van Quickenborne. The chair explains the set up of the Belgian better regulation initiative. Minister Van Quickenborne stated that Belgium had reduced administrative burdens by around 1.5 billion EUR (from 9 to 7.5 billion) since 2004 (for further information see <http://www.quickonomie.be> and www.kafka.be).

The chair cites some figures from a recent Eurobarometer (no. 69; members have been provided with the information), in particular regarding the issues citizens link the EU with.

He informs members that he intends to hold talks with the Italian government and to write to PM Topolanek asking him to have a look into the activities of Member States when it comes to administrative burdens. In addition, he will write to all Commissioners concerned by suggestions taken up by the HLG in its opinions on the offline consultation (cf. HLG meetings on 18 September 2008 and 20 January 2009).

He finally informs about his discussions with Ms. Merkel and his presentations to the committee for industry, research and energy (ITRE) of the European Parliament and the Board of the Committee of the Regions.

2) Food Safety

The chair refers to the good and intensive discussions on 20 January. He thanks Mr. Murray for the revision of the text according to that discussion. The only point of discussion seems to be paragraph 13 and he invites Mr. Murray to present the issue at stake.

Mr. Murray thanks Mr. Linschoten, who assisted with the drafting of the opinion, and explains the background on price indication referred to in paragraph 13. There were basically two different views on this paragraph concerning the question on whether the HLG should call upon Member States to make use of the option to exempt small businesses from the obligation to indicate certain information for consumers or not.

The chair thanks Mr. Murray for his open presentation of the issue. He underlines that this is again an issue of safety against freedom.

Mr. Linschoten would like to go further and exempt small enterprises because national governments could regulate in any case if they wanted.

Mr. Hontelez would leave the regulation unchanged, since it ensured flexibility for the Member States. He has however another issue with the second bullet point of paragraph 12 as it is in his eyes not clear, what the group wants to express. He fails to see how more cleaning stations would make sense with respect to the reduction of administrative burdens.

The Commission (Ms. Groebner, DG ENTR) underlines that the issue of pricing could be discussed at the next revision of the directive in question.

The chair, in view of the reduction potential, proposes that the HLG should state that Member States should use this exemption because he thinks that mere taking note of a situation would not be in line with the task of the group.

Mr. Linschoten would personally prefer not to regulate this issue for SMEs but would accept the second best solution, i.e. encouraging Member States to use the exemption.

The chair agrees with Mr. Linschoten but would very much like to have Mr. Murray as the reporting member "on board". This is why he would like the opinion to be formulated as an encouragement to Member States.

Mr. Murray does not have a principal problem with a reporting member not agreeing with all details of an opinion. He would however agree with asking the Commission to investigate. As regards Mr. Hontelez' view on para. 12 he agrees with the proposal to delete the second bullet point.

The chair wraps up as follows: He would not have a problem with deleting the second bullet point in para. 12 (cleaning stations). He proposes for para. 13 the following text: "In light of the estimated savings potential the HLG is of the view that Member States should make use of the exemption."

Mr. Gibbons asks for some clarification as regards the remainder of para. 12.

Mr. Murray expresses his disagreement with the intended recommendations.

Mr. Pesonen, reacting to Mr. Gibbons request for clarification, explains the details of the presence of veterinarians. He hints at the differences in Member States' systems and stresses the importance of a simplification of formal activities, not necessarily a reduction of formal activities.

The HLG members agree on a slightly revised formulation of the first bullet point [Vote: para. 12 first bullet with explanation Pesonen (check) Harmonise and Simplification of formal activities] and on deleting the second bullet point.

The chair calls for a vote on paragraph 13.

In para. 13 the above mentioned sentence is added. Mr Murray and Mr Hontelez are against this modification.

3) Working environment

Mr. Gibert-Morin (Head of Unit DG EMPL) presents the state of play in the priority area Working environment and employment relations. He stresses that the directives only provide minimum standards. Members have been provided with the presentation.

The chair thanks for the presentation and invites comments.

Mr. Gibbons is of the view that improved guidance would certainly be welcomed. He would however suggest to go a step further in saying that guidance has to be reliable, i.e. enterprises following the guidance have to be regarded as complying with the legislation.

Mr. Illy agrees with the importance of well prepared legislation. He welcomes any attempt to simplify the legal framework and suggests adapting legislation to SMEs or other categories.

The chair looks forward to the discussion in April and sees the work well prepared. He appreciates that the Commission looks closely at the rules.

Mr. Murray would like trade unions to have a look on these issues for the draft opinion.

Mr. Telicka agrees with the need to involve the unions. As regards DG EMPL's report he points out that simple reduction of numbers of acts is not necessarily a reduction in administrative burdens.

Mr. Gibbons refers to a possible involvement of the tripartite group. He will in any case consult stakeholders.

The chair sees no problem but underlines that reduction of administrative burdens is the foremost task. He is convinced that the HLG is able to see if proposals were to create major social problems. The mandate of the HLG would in any case not warrant balancing social issues. Nevertheless he welcomes that Mr. Gibbons and Mr. Telicka intend to consult stakeholders.

Mr. Telicka agrees that the reporting members consult stakeholders.

Mr. Gibert-Morin points out that there were different legal traditions in Member States concerning the issue whether companies which comply with guidance were deemed to comply with the legislation. He underlines that the Commission would endeavour to take special circumstances of SMEs into account.

4) Transport

The chair thanks the reporting members Mr. Ludewig and Mr. Telicka. He invites Mr. Ludewig to present the opinion.

Before presenting the opinion Mr. Ludewig makes it clear that he finds it unacceptable that the Consortium is not present. He presents the opinion and explains the economic background and how the reporting members prepared their opinion with an intensive involvement of stakeholders. He thanks the Directorate-General Energy and Transport (DG TREN), the priority area lead and his collaborator for their good support. The reduction potential is around 1.2 billion EUR. He outlines the background of rail and road legislation at stake and the potential inroads to reduce administrative burdens. Finally, he regrets that the HLG was not consulted on the extension of the action programme.

The chair thanks for this presentation. He seeks clarification that the 1.2 billion EUR reduction potential is only relating to road transport which Mr. Ludewig confirms.

Mr. Telicka underlines the importance of the stakeholder consultation together with Commission services. He is convinced that the opinion contains the maximum of what could be done at this stage before a second round envisaged for June. He hints at competition being another reason why road and rail transport are such different sectors.

Mr. Hontelez congratulates Mr. Ludewig to his exposé and on how he conducted the consultation. He has a problem with supporting proposals referred to in para. 25 and asks for a clarification concerning the references in paras. 34 and 35.

Mr. Ludewig agrees with Mr. Hontelez on the clarification of the references in paras. 34 and 35. In relation to the discussion on involving stakeholders from trade unions he refers to the consultation and indicates that the trade unions were not interested in the consultation, although he contacted them several times.

The chair would like the Commission to explain why the HLG was not consulted on the extension and why the Consortium was not present.

As regards the extension Ms. Groebner (Directorate-General for Enterprise and Industry-DG ENTR) explains the difficulties involved with compiling the list and makes it clear that her services worked in close cooperation with other services to fill and finalise the list. This work continued till the last moment to come up with a comprehensive list. She points out that the important work regarding the newly integrated acts was still ahead. After calculating cost and burden related to these acts it will be up to the HLG to discuss reduction possibilities. Regarding the presence of the Consortium she informs the chair and members that the secretariat tried till the last moment to convince the Consortium to be present on both days. She could however imagine that the teams are fully involved in finalising the reports due this week.

The chair would not like to continue the discussion about the extension of the action programme but warns about discussions that might take place once the final figures are on the table.

Mr. Telicka agrees with the inherent dangers of having chosen certain and not other acts.

Mr. Gibbons agrees with Mr. Telicka and states that he thinks the group receives filtered information. As regards the transport opinion he suggests reinforcing the conclusion in para. 12. The same goes for para. 29. As regards para. 22 he would like to know whether the rules as such are useful.

Mr. Ludewig reports that stakeholders have not questioned the issue in para. 22 the same way as Mr. Gibbons did. As regards para. 29 he states that the Commission has accepted to look into the issue which is as far as the reporting members could go. With respect to para. 12 he refers to the antagonism between national and European standards and certification procedures; this paragraph would not concern a revision of an act, but the first adoption of an act.

Mr. Corte Real Goucha comments on the paras. 27 to 29 concerning the aviation sector. As regards access passes to airports he sees this as a security problem. However, he sees no problem with respect to airplane registration as they are mutually recognized.

Mr. Ludewig states that as regards the points raised by Mr. Corte Real no definite views have been taken yet.

Ms. Jager (Director DG TREN) thanks the reporting members and looks forward to the second round. DG TREN was prepared to reflect on a lot of issues. As regards access passes she agrees with Mr. Corte Real Goucha as this issue is still largely in the hand of Member States. With respect to the extension of the distance to 150 km regarding truck transport she informs members that such a modification could not be subject to a comitology procedure. This would need to be decided in co-decision.

The chair thanks Ms. Jager for this information. He is however convinced that the extension to 150 km should be tackled.

The chair reacts to the general remarks of Mr. Telicka about the choice of acts. Although he agrees in principle, he underlines that the HLG has only limited resources and should stress this fact to tune down expectations.

Mr. Ludewig stresses that stakeholder involvement was essential because stakeholders could not accuse the HLG of not having taken up certain issues if they had not availed themselves of the possibility to present their problems when having been consulted.

The chair agrees with Mr. Ludewig.

Mr. Murray sees Mr. Ludewig's point but warns that credibility is at risk if stakeholders are not properly involved.

Mr. Linschoten underlines that consultation is good but could never cover all those that were involved.

According to the chair it is the job of the Commission to involve all stakeholders when it works on new legislative proposals. For the HLG the involvement of stakeholders is useful but not the only source of information and inspiration.

Mr. Hontelez is of the view that identifying unnecessary burdens demands consultation with stakeholders.

The chair closes the debate and invites members to vote on the draft opinion taking note of the modifications in para. 34 (reference only to para. 18 to 24, while para. 35 refers to paras. 25 and 26).

The opinion is adopted unanimously subject to these modifications.

The meeting is suspended till 5 March at 10.00 hours.

At the beginning on 5 March the chair briefly informs members that had not been present on 4 March about the results of the first day.

Mr. Linschoten informs members about a list of stakeholder proposals and invites comments from members till 23 March. Members have been given the list directly during the meeting.

5) Environment

The chair welcomes Mr. Makela (Director Directorate-General for the Environment [DG ENV] and member of the IAB) and invites him to take the floor.

Mr. Makela presents the state-of-play in the priority area of Environment. The presentation has been sent to members beforehand.

The chair thanks Mr. Makela for his presentation. He invites Mr. Makela to explain the differences between Member States regarding IPPC (Integrated Pollution Prevention and Control) monitoring.

Mr. Makela thinks that the differences stem from the different ways Member States have organised their procedures.

The chair reflects upon whether this does not indicate that too much leeway for Member States renders procedures difficult. He underlines that this means that the Commission is harming the European idea if it refrains from proposing rules in a way that such big differences occur.

Mr. Hontelez points out that according to the Consortium gold plating accounts for only 6% of administrative cost. He wonders whether one reason for this was that a big part of the legislation was still totally national, given the perception of high burdens imposed by environmental law. As regards IPPC and WEEE (Waste Electrical and Electronic Equipment) he points to ongoing reviews that could save much more than the Consortium's proposals. He asks DG ENV to react to the cost calculations by the Consortium and to the irritation factor. Regarding SEVESO he questions whether a new system would not create excessive cost in view of the small number of companies involved.

The chair points to the difference in burden felt as opposed to burden calculated. If the low figures were correct they would have to be communicated.

Mr. Telicka would like DG ENV to explain which information is missing as regards WEEE and increased use of IT. Concerning gold plating he wonders whether disseminating good practice would be a good way to follow. With regard to the introduction of a new electronic system he would like more clarity.

Mr. Gibbons would like to know more about the reduction of waste shipment information and the potential savings of 2.7 billion EUR. In general he thinks that the most important area is climate change. He is disappointed that nothing was said about these issues.

Mr. Illy shares the astonishment about the supposedly very low overall cost of environmental law. He sees the biggest cost in the time needed to obtain authorisations.

Mr. Mäkelä points to the increased transparency incurred by unified systems. He stresses the importance of good guidance; finally, the Commission may always launch infringement procedures if Member States would really go astray. As regards the 2.7 billion EUR potential savings DG ENV has doubts and is still in discussions with the Consortium. He clarifies that the 0.5% of overall cost is related to the cost calculated for the 42 acts, not all legislative acts related to the environment. Regarding the time needed to get licenses there are huge differences between Member States and this issue merits a closer look; it has however so far been difficult to investigate. Commenting on WEEE he agrees with Mr. Hontelez that what is actually discussed in Council is a rather radical approach not

liked by all Member States. He however thinks that such an approach follows with the chair's urge to be forthcoming with bold solutions. In case the Commission's approach would run into difficulties in Council and EP the recommendation could be a fall-back position.

The chair invites Mr. Doherty (Consortium) to report on administrative costs in general and the reduction potential.

Mr. Doherty reports that overall costs for the priority area have been calculated at 700 million EUR, of which 600 million EUR were classified as administrative burdens, while 100 million EUR represent business-as-usual cost. He thinks that there is a high share of compliance cost. He also is of the view that compliance issues are rather responsible for the feeling that costs are high (and therefore considered higher than 0.5%). According to him the data was provided by the Commission; he cannot comment any further regarding this issue.

The chair would like more clarification as regards the waste shipment issues.

Mr. Makela explains that using general notifications means that not each and every shipment of waste needs to be notified individually.

The chair thanks again for the presentation.

6) Pharma

The chair excuses Mr. Murray and invites Mr. Linschoten to present the draft opinion.

Mr. Linschoten first of all would like to thank Mr. Murray and the secretariat and other Commission services involved in the preparation. The stakeholders seem very much used to strong regulation and oversight. He states that he and Mr. Murray agree on most but not all issues. Regarding para. 14 Mr. Murray is less in favour of automatic recognition, as regards para. 20 clinical trials and, finally para. 26 [include detailed remarks from Murray's paper]

The chair thanks Mr. Linschoten and states that Mr. Murray seems to be more in favour of a national approach whilst Mr. Linschoten favours a more centralised approach. As regards para. 25 and the central data base proposed by the Consortium he asks whether this issue was still open.

Mr. Linschoten and Mr. Doherty confirm that the issue is still open.

Mr. Ferech (DG ENTR) clarifies that the issue is not yet clear as to the link between a series of individual e-solution proposals and the proposal for the central data base.

Upon recommendation by Mr. Hontelez Mr. Murray's comments are distributed in writing¹(members have been provided with a copy during the meeting). He joins Mr. Murray in his view on para. 14. Regarding para. 20 he agrees with Mr. Murray, too, that

¹ See above for Mr. Murray's detailed comments as presented by Mr. Linschoten.

clinical trials should remain on a Member State level. As regards para. 26 he would like more information.

The chair doesn't see a major problem regarding para. 14 and would ask the group for a vote in case no agreement could be reached. He agrees in this with Mr. Linschoten.

Mr. Linschoten would like to underline that there are no concessions to safety but only practical implications. He declares that the figures the group is working with are based on the figures provided by the consortium, whereas the total amount of administrative reduction potential seems bigger than presented by the consortium.

Mr. Illy refers to two types of medications, those made for international consumption and those produced for the local market. Rules for these types of medication may have to be different.

The chair invites members to vote for para. 14. The original proposal is carried by 7 votes. Mr. Hontelez abstains. The disagreement of Mr. Murray is taken note of. He announces that the figures could be clarified until the next meeting. He believes that the amount could be rather higher than suggested by the consortium.

As regards para. 20 the chair invites Mr. Linschoten to react to Mr. Hontelez' comments.

Mr. Linschoten is of the view that there is no safety issue at stake but rather ethical issues.

The chair agrees with this assessment and the recommendation contained in the text as submitted.

Mr. Hontelez would like to know whether the proposal would mean a single authority on EU level.

Mr. Linschoten responds that he would just like to ask the Commission to assess this problem, which would be a soft formulation.

DG ENTR would not like to exclude either option (EU or Member States option) but notes that Member States do retain certain competencies to which proper attention has to be paid.

The chair would have liked a clearer indication by the Commission. He refers to the two principles: mutual recognition or "one body does it for all". As regards para. 20 the proposed text advocates a more centralised procedure. A decision will have to be taken. The proposed text leaves open whether it will be one Member States' authority for all or an EU-body.

Mr. Gibbons sees the EMEA as the centralised EU-body. He refers to the UK where around 20.000 licenses are given by the national authority whilst only 400 to 600 are granted by EMEA. He therefore sees moving to a more centralised approach as a move towards more efficiency. In this context he refers to para. 22 and the principles of *think small first*, *one stop shops* and *e-solutions* as the three principles appearing in all HLG opinions so far. Finally, as regards the last bullet point of para. 12 he would like to clarify whether the proposal would not actually increase burden.

DG ENTR clarifies that para. 12, last bullet, refers to products to which the usual industrial products approach is used. It could therefore be taken out. Mr. Ferech

advocates against throwing out the concept of mutual recognition to protect SMEs that are only active on one or two markets.

Mr. Hontelez underlines his view that Member States need a say in ethical questions.

The chair invites votes on para. 20 as proposed by Mr. Linschoten with adding the word "European". The paragraph is adopted unanimously with the above mentioned addition.

The chair now refers to para. 26 and Mr. Murray's objections. Mr. Linschoten sees no reason to modify the text.

The chair now invites votes. The paragraph is adopted. Mr. Hontelez abstains.

The opinion is therefore adopted with the modifications as noted above.

Para. 25 will be updated when the Consortium has submitted the respective documents and the recommendation has been evaluated by the HLG.

7) Agriculture

The chair informs members of the opinion and the modifications proposed by Mr. Hontelez. He states that he doesn't agree with Mr. Hontelez' views. He invites Mr. Pesonen and Mr. Illy as reporting members to present their draft opinion. He underlines that the issue at stake was very complex and of great importance. Many proposals from stakeholders have been taken into account. He welcomes the reductions already enacted by the Commission.

Mr. Pesonen refers to the discussion the HLG held in October and presents the draft opinion. He explains the approach taken for the opinion: The reporting members suggest acknowledging the initiatives taken by the Directorate-General for Agriculture and Rural Development (DG AGRI) on reducing administrative burden which concern the two acts in scope of the Action Programme and which could now be backed up by figures. Furthermore, they suggest supporting quantified recommendations by the Consortium and other stakeholders which could reduce administrative burdens by more than 400 million EUR as well as recommendations received from stakeholders, but not yet quantified. Finally, the draft opinion points out areas with a potential for further future action on reducing administrative burden such as the implementing rules for the Single Payment Scheme following the adoption of the Health Check proposals, appropriate control rates, web-based solutions for animal identification and registration, multi-annual promotion programmes, marketing standards, tolerable risk of errors etc. The main figures were presented in the executive summary. Mr. Pesonen highlights cross-compliance and the implementation of the Health Check as issues of particular importance to farmers.

Mr. Illy is of the view that it would be good to have an executive summary in all future opinions to wrap up the issues discussed. As the final numbers are not yet known he proposes to let the secretariat adapt them, if necessary.

The chair thanks for these explanations and invites Mr. Hontelez to present his modifications. He states that these modifications are quite far reaching and refers in particular to the issues related to cross-compliance.

Mr. Hontelez supports the reduction of administrative burden but underlines his view that cross-compliance has been instituted as a compensation for 42 billion EUR of support to farmers. He quotes from a recent report from the Court of Auditors according to which inspections in relation to cross-compliance are only affecting 1% of farmers. Thus, this could not be a big irritation factor, but only a minimum problem. With respect to problems with the implementation he proposes to develop clear guidelines which would make life easier to farmers by explaining what they actually had to do. He would prefer to talk about suggestions of stakeholders reacting to the request for suggestions instead of stakeholders' suggestions, since some stakeholders such as environmental organisations might not have reacted to the request. While he could welcome decoupling, he could not welcome the abolishment of set-aside, as that had been a serious blow to the EU's objective to halt the decline of biodiversity. On cross-compliance, he had already explained some suggestions for alterations, and presented constructive proposals for additional paragraphs on the use of modern technology for landscape elements and clear guidelines.

Mr. Pesonen underlines that he had tried to keep politics out. Politically he could follow Mr. Hontelez on set-aside, however the figures showed clearly that abolishing set-aside would lead to a reduction of administrative burdens. He points out that set-aside was originally a market-management measure not aimed at preserving biodiversity. He would not like leading the group into a political debate. As regards the critique on stakeholders' suggestions he states that this was true for every public consultation. With regard to the proposed changes for para. 37 he points out that the opinion already stated the need for certain procedures and controls in para. 5 to ensure that public money was allocated appropriately and in line with the objectives set out. He could not see the additional value of adding two more paragraphs.

As regards the suggestions concerning para. 31 Mr. Illy underlines that the reporting members would have been ready to take into account all suggestions but that there was no suggestion from outside the agricultural sector. Regarding para. 36 he could agree with welcoming the effects of abolishing set-aside. While he could accept the addition proposed by Mr. Hontelez concerning satellite technology, he did not see the link with reducing administrative burdens in the last paragraph proposed by Mr. Hontelez.

Mr. Telicka underlines that he always saw the HLG's role as looking at administrative burdens. He would be even willing to drop para. 36, however, he would not want only to take note of work already done. With respect to para. 37 on cross-compliance he would be ready to accept the reference to the Court of Auditors, but could not agree with the valuation inserted in the following new sentence via the word "despite". For the rest, he failed to see major differences between the old and the new text. He was opposed to deleting the last sentence, as he could not see why the HLG should not invite the Commission to do more and further simplify the legal environment. He appreciates the approach by Mr. Pesonen arguing *ad personam* and not as a representative of his organisation.

The chair underlines that he will not accept attempts to stop the Commission from making the life of farmers easier. He makes clear that he favours the text as prepared by the reporting members.

Mr. Mögele (DG AGRI) sees the risk of entering a political debate regarding set-aside. In light of market conditions it was hard to justify the continuation of set-aside. In addition,

the 2007 study on administrative burdens arising from the Common Agricultural Policy identified that the abolition of set-aside would simplify the farmers' lives. With respect to environmental benefits of set-aside, additional measures had been introduced in the context of good agricultural and environmental conditions (GAEC), such as water management and buffer strips, to ensure that these benefits can be retained. Thus, DG AGRI had a clear preference for the original text of paragraph 36.

As regards para. 37 Mr. Mögele points to the paradox surrounding the issue of cross-compliance. It is on the one hand considered to be burdensome and an important topic in the public debate, while on the other hand the figures on administrative burden associated with cross compliance are rather low. Nevertheless, experience shows that cross compliance is considered an irritant among farmers. Because of this and the political pressure from Member States the Commission included a further simplification of cross compliance in the Health Check proposals.

Furthermore, DG AGRI will continue to work on possibilities to make cross-compliance more user-friendly. In the context of the Health Check, the Council and the Commission have jointly declared "that work will continue with the objective of obtaining further simplification for farmers as well as national administrations regarding the application of requirements on cross compliance".

While acknowledging the existence of the Court of Auditors' report on cross-compliance he failed to see the direct link between the proposed amendment and reducing administrative burden. Concerning the suggested reference to not undermining the purpose of cross-compliance he argues for a cautious formulation, as cross-compliance would serve more purposes than the ones mentioned. He would regret if the last sentence was deleted taking into account the joint declaration by Council and Commission.

Regarding the new points proposed, Mr. Mögele states that he was not in the position to evaluate the point on remote sensing, given the short notice given; he underlined that cross-compliance had not created or imposed any new burden but only linked existing obligations with payments. Finally, cross-compliance is implemented in shared management between the Commission and the Member States; the Commission is therefore not in a position to draft guidelines on cross compliance. Summing up, he sees the draft as a well-balanced document.

The chair wishes to continue with the draft as prepared by Mr. Pesonen and Illy.

Mr. Berger refers to the mandate of the group. He is of the view that the group should continue to propose reduction measures and not enter political discussions. As regards the first new paragraph he cannot judge it without further information. He finds the executive summary a good idea.

Mr. Hontelez is irritated about the way of the discussion. He withdraws his modification concerning para. 31. As regards para. 36 he could live with the suggestion made by Mr. Illy.

As some members have declared that they need to leave the meeting soon the chair announces his intention to call for a vote on the original draft unless Mr. Pesonen would

accept changes to his draft which is not the case. Therefore, the Chair invites votes on the original draft. Seven members vote in favour, Mr. Hontelez votes against the opinion.²

The chair thanks DG AGRI for the contributions and actions already undertaken. He invites DG AGRI to continue on the road of reducing administrative burdens.

8) AOB

The chair informs members about one of the last Eurobarometers (no. 69 in this case). He refers to bureaucracy which is seen by e.g. 38% of Danes and 36% of Germans but only 6% of Greeks and 5% of the Italian population as a problem. He sees this as one of many problems in passing the message about the need to reduce administrative burdens. Members have been provided with the link to the Eurobarometer in question and with a summary of the issues referred to by the chair.

Upon request by the chair the secretariat informs members that the final submission of the reports from the CST is foreseen for 6th of March. All members will receive their respective reports and can ask for any additional report they may wish to consult.

Adopted by the HLG in Brussels on 16 April 2009

² The chair and Mr. Hontelez agreed later-on that issue related to agricultural policy could be subject of another discussion later in the year.