



**ADMINISTRATIVE BURDENS REDUCTION
ONLINE CONSULTATION
SECOND QUARTERLY REPORT (1 JANUARY TO 31 MARCH 2008)**

The European Union has put in place a major programme for reducing administrative burdens. This is, however, not something the Union can or should do on its own. Community legislation is mostly implemented by the Member States and affects businesses and citizens. The Action Programme therefore needs outside expertise, so that practical experience of stakeholders is fully taken into account.

The online consultation is one of three opportunities provided by the Commission for stakeholder involvement. The other two are local workshops with business in Member States and the High Level Group of Independent Stakeholders on Administrative Burdens¹.

This is the second quarterly report on the online consultation. The first report covered the period 21 September to 31 December 2007. An update on the assessment of 2007 submissions will be published in the autumn.

1. THE ACTION PROGRAMME FOR REDUCING ADMINISTRATIVE BURDENS IN THE EU

The online consultation² is part of the ‘Action Programme for reducing administrative burdens in the European Union’ launched in 2007 (aiming at a 25% cut by 2012). This Programme is meant to identify and eliminate unnecessary administrative burdens imposed on businesses. It will not undermine the underlying objectives of EU law. There are many cases where information obligations are indispensable, *inter alia* for reasons to do with the protection of public health, protection of workers’ rights or the environment or the need to protect EU financial interests and ensure sound financial management.

Information obligations and administrative burdens

Information obligations are to be construed in a broad sense, i.e. including labelling, reporting, registration, monitoring and the assessment needed to provide the information. In some cases, the information may have to be supplied to public authorities and/or private parties; in others, it only has to be available for inspection or supplied on request.

Administrative costs are defined as costs incurred by businesses in meeting obligations to provide information on their activities or production, either to public authorities or to private

¹ http://ec.europa.eu/enterprise/admin-burdens-reduction/highlevelgroup_en.htm

² http://ec.europa.eu/enterprise/admin-burdens-reduction/online_consultation_en.htm

parties. They should not be confused with compliance costs which are induced by obligations for businesses to change their products and/or production processes, in order to comply with regulations.

In some cases, most businesses would continue to collect and provide information even if legal obligations were abolished (information on what they sell and what they buy, information to shareholders, etc.). Other administrative tasks are only performed because of legal obligations. These are called administrative burdens.

2. THE OBJECTIVE OF THE ONLINE CONSULTATION

Available in all official EU languages, the website is designed to collect information on problems and concrete suggestions related to administrative burdens put on businesses by EU rules. These suggestions may directly contribute to improving the regulatory environment and the quality of legislation for all businesses.

The online consultation on unnecessary administrative burdens put on businesses in the EU was launched on 21 September 2007. It does not cover complaints concerning administrative burdens put on private citizens.

3. ONLINE AND OFFLINE CONSULTATIONS

The number of submissions dropped in the first quarter of 2008 compared to 2007. The Commission therefore decided to contact 243 EU professional organisations, such as Chambers of commerce and business associations, asking them to advertise the online consultation site and to invite their members to submit suggestions. This was done in March 2008.

Other channels for collecting suggestions are in place to obtain input from stakeholders. Suggestions from national business associations visiting the Commission or attending national Administrative Burden events are being considered. Suggestions gathered through public consultation concerning the Small Business Act are also being examined.

In addition, the Commission receives a substantial number of reports and letters from Member States' public authorities or business associations suggesting reduction ideas. These so-called 'offline' suggestions are screened and considered in the same way as submissions received through the online consultation. During the period from 1 December 2007 to 15 May 2008, DG ENTR received 15 such documents related wholly or partly to administrative burden reduction.

4. PROGRESS REPORT (1 JANUARY – 31 MARCH 2008)

The Commission received 28 online submissions in the period 1 January to 31 March 2008. Statistical information on the submissions is provided in Annex 1 and information on each submission in Annex 2.

Each suggestion was translated and subjected to a first screening to determine which could be taken forward and which required further consideration.

One submission has been rejected because policy objectives could not be reached if the measure concerned were suppressed.

Eighteen submissions could not be taken forward for at least one of the following reasons:

- the complaint is outside the remit of the online consultation aimed at reducing administrative burdens put on businesses (11 cases)
- the regulation concerned is outside EU jurisdiction³ (4 cases)
- the submission is a general statement that does not require action (3 cases)

Nine submissions are still under consideration. They relate to different kinds of administrative burdens, in the areas of statistics, trade, environment, transport, VAT and free movement of labour.

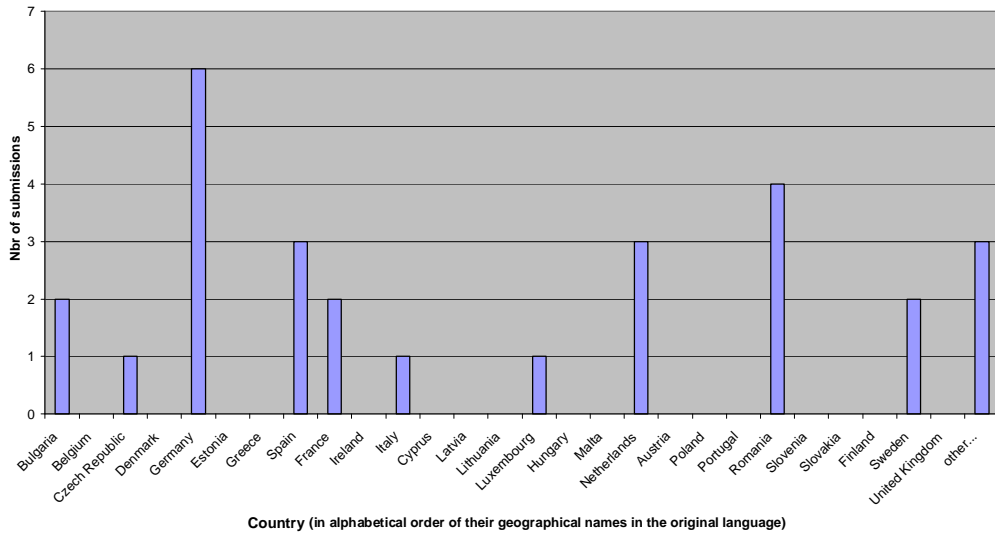
An updated report on the assessment of the submissions will be published in September 2008.

Contact: Unit B5 (Impact Assessment and Administrative Burden Reduction Programme)
ENTR-ADMIN-BURDENS@ec.europa.eu

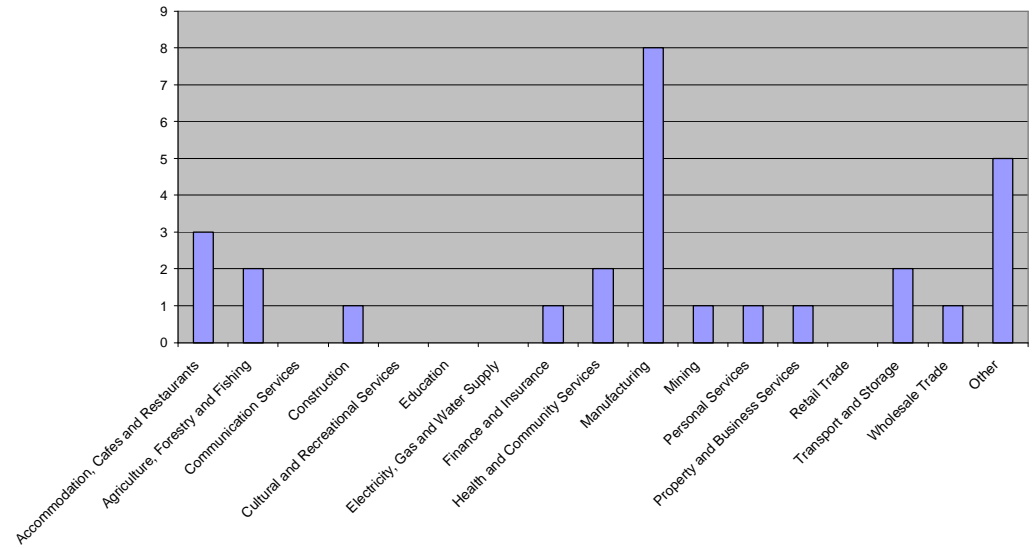
³ 'Regulation' is used in a general sense.

Annex 1. Online consultation - statistics for the period 1 January to 31 March 2008

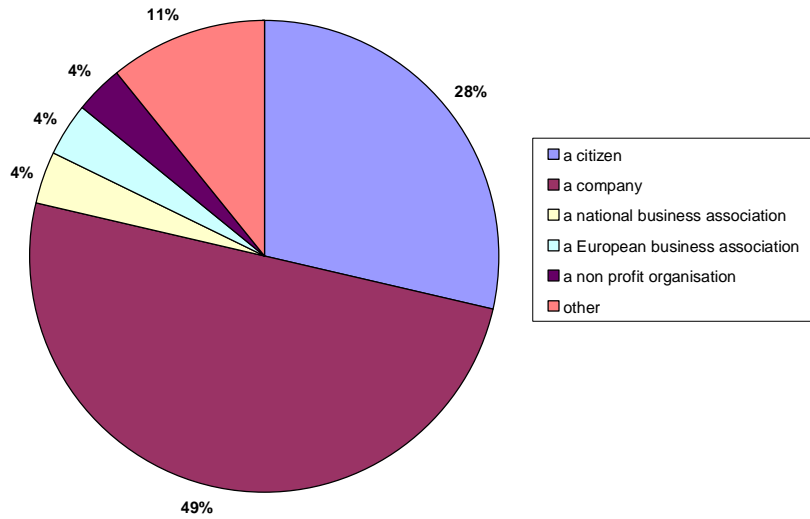
Geographical origin of complaints and suggestions



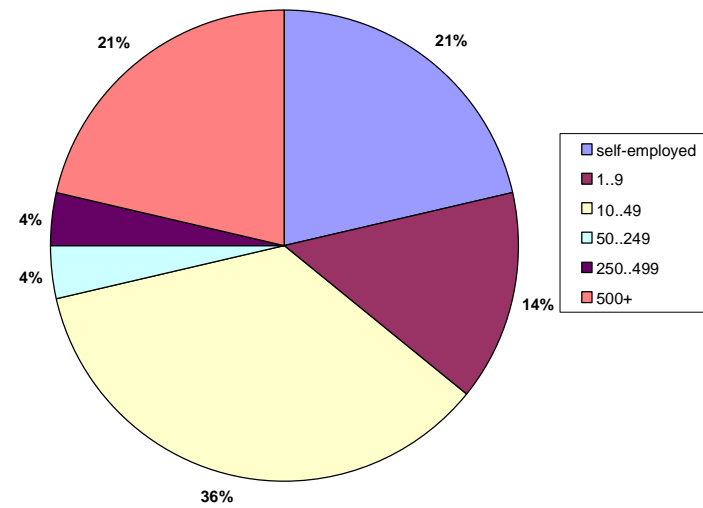
Sector of activities



Type of respondents



Organisational size (number of employees)



Annex 2. Table of suggestions received between 1 January and 31 March 2008

RN: Registration Number.

Co: The column contains the ISO code for the Country of origin of the suggestion, except for Greece (EL) and the United Kingdom (UK):

AT	Austria	DE	Germany	FI	Finland	LT	Lithuania	PL	Poland	SE	Sweden
BE	Belgium	EE	Estonia	FR	France	LU	Luxembourg	PT	Portugal	UK	United Kingdom
BG	Bulgaria	IE	Ireland	IT	Italy	HU	Hungary	RO	Romania		
CZ	Czech Republic	EL	Greece	CY	Cyprus	MT	Malta	SI	Slovenia	AU	Australia
DK	Denmark	ES	Spain	LV	Latvia	NL	Netherlands	SK	Slovakia	CN	China

S: Status of the suggestion in the processing system of the European Commission. Possible statuses: 0 = Responded to previously; 1 = Unable to take forward; 2 = Under consideration; 3 = Idea rejected; 4 = Idea taken forward.

R: Reason for the status attributed to the suggestion (mainly explaining why the Commission cannot take an idea forward or has to reject it). 'No AB' = the complaint is outside the remit of the online consultation aimed at reducing administrative burdens put on business; 'No EU' = the regulation concerned is outside EU jurisdiction; 'No ID' = the regulation concerned could not be identified; 'Too gen' = the submission is a general statement that does not require action. 'Inc' = the suggestion is Incompatible with policy objectives (for instance safety objectives could not be met if the suggestion was implemented).

The suggestions are listed in descending order of their status: Idea taken forward (4); Idea rejected (3); Under consideration (2); Unable to take forward (1). Within each of these categories, they are sorted first by their 'reason' code and then by country of origin.

RN	Co	Problematic regulation	Problem title	Problem description	Suggestions	S.	R.
28	DE	REACH and many others	Dealing with European and National Regulation in the EU takes an immense amount of effort and cost.	Permitting of new mining activities in the EU countries takes far too long. The land availability for mining activities mineral processing gets restricted tremendously by all kind of regulation and zoning.	Stop coming up with costly new initiatives all the time, like REACH, Mining Waste and other Directives, LCA, respirable silica, dioxin in feed additives parnoia and many other activities that competitors in other countries outside the EU don't have to deal with.	3	Inc
2	DE	Services Statistics Act (DIStatG) of 19.12.2000 in conjunction with the Federal Statistics Act (BStatG) of 22.01.1987 (BGBl. I p. 462, 565), as last amended by Article 2 of the Act of 09.06.2005 (BGBl. I p. 1534).	Structural survey in services sector	Since the start of the 2001 survey for 2000, a random sample of 15% of the businesses concerned has been required to provide information. Refusal to provide information is punishable with a fine. Several written communications asking how long we have to take part in this survey either received no reply or were answered in writing to the effect that (quotation from 29.01.2004) "... the legal basis for services statistics does not contain any provisions on drawing a fresh sample".	Stop the job-creation scheme and save taxpayers' money, as no meaningful data are produced for any sector.	2	
5	DE		Accompanying documents 500 or 501	unnecessary red tape	Abolish accompanying documents (documents 500 or 501) for shipping wine within the EU.	2	
12	DE	<i>EC Regulation on chemicals and their safe use (EC 1907/2006).</i>	Small businesses unable to cope with the REACH Regulation	The formalities just for the pre-registration of each of the substances we produce are a big problem for us in terms of both costs and staffing. We cannot assign a person to deal with REACH alone that is beyond our means. The competitive disadvantage vis-à-vis producers from countries outside Europe are also enormous. No-one seems to have given any thought to the fact that this will destroy large numbers of jobs in Europe - that too is a way of respecting the environment.	Repeal the REACH Regulation and keep the old laws, which also protected people and the environment.	2	
14	DE	561/2006 Special arrangements in Germany, obligation to provide evidence for vehicles of 2.8 - 3.5 tonnes gross mass <i>Regulation (EC) 561/2006</i>	For practically every day I have to fill in a form as evidence, and I even have to use a keyboard to do so.	E.g. in order not to overstep my driving time I call on my daughter to help out. She comes to meet me by car and takes over the van and trailer. Now we are missing the computer-generated evidence of rest days or holidays. If there is a checkpoint that costs 150 euros. When I am on the road I don't have a PC, but handwritten evidence isn't accepted any more.	Make it possible again to use the old forms, which could be filled in by hand.	2	
17	ES	Acquiring a Foreigner's Identification Number (NIE) for non-resident administrators (Law 36/2006 of 29 November	Acquiring a certified power of attorney allowing me to represent applicants before	To become the manager of a Spanish company, non-residents need to obtain a Foreigner's Identification Number, which is a complicated procedure, because unless the individual goes in person to face the queue, they must provide a power of attorney, which must be translated and	Eliminate this requirement for EU citizens, otherwise there is a discriminatory barrier to free movement.	2	

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		2006)	the police and tax authorities.	certified to enable someone to represent them for the procedure. This is supposedly intended as a way to control taxation and money-laundering, but it is discriminatory because it does not make any distinction between EU citizens and non-EU citizens and it has become a barrier to the free movement of persons and goods, which are at the heart of the Treaties.			
18	LU	98/8/EC (BPD) 67/548/EEC (C&L Dangerous Substances) + 30th ATP 1907/2006/EC (REACH Regulation) 793/93/EEC (Risk Assessment ESR) GHS (EU-GHS= expected CLP Regulation)	Inclusion of Boric acid and sodium tetraborates in 30th ATP	We have to submit same information for each of a/m legislation, besides, by passing enormous fees each time. On the other hand, our concerns as the industry have never been taken into consideration when the EC has proposed in 30th ATP where Boric acid and sodium tetraborates took place as reproductive toxic Cat-2 just based on some insufficient animal data which is not relevant for human health. In addition, the existing epidemiological studies are not considered at all.	For the classification of chemicals for which the existing data is not sufficient, the relevant technical departments of the EC must be able to conduct further scientific studies jointly with the industry. If not possible, they should have a careful evaluation of the existing epidemiological data so that unnecessary barriers to international trade are avoided. Before classification of any chemical as CMR, the on-going risk assessment studies must be completed and taken as a reference. As the Annex VI of 68/548/EEC states The object of classification must be to identify all the physico-chemical, toxicological and ecotoxicological properties of substances and preparations which may constitute a risk during normal handling or use. As stated in the paragraph 6 of Section 4.2.3.3 of Annex VI of 68/548/EEC... Even when clear effects have been demonstrated in animal studies, the relevance for Humans may be doubtful because of the doses administered, for example, where effects have been demonstrated only at high doses, or where marked toxicokinetic differences exist, or the route of administration is inappropriate. For these or similar reasons it may be that classification in category 3, or even no classification, must be warranted.	2	
21	NL	Statutory obligation to supply to Statistics Netherlands (CBS) and European obligation to carry out Intracommunity deliveries (IRIS)	Takes a lot of time and several people have to be informed about it.	The registration of statistical data (which only keeps increasing year on year) and the obligation to stick to deliveries within the EU leads to the loss of a substantial number of working hours.	Better cooperation on the exchange of data between the tax offices within the EU and the deduction of foreign VAT. Compensation for the hours spent on compiling obligatory external reports.	2	

RN	Co	Problematic regulation	Problem title	Problem description	Suggestions	S.	R.
26	NL	Netherlands Customs (export and import declarations) Commodity Board for Arable Products (HPA), subdivision of the Ministry of Agriculture dealing with export refunds	Providing proof of export refunds	Providing proof of export refunds --> Owing to the strict EU regulations, businesses are obliged to supply an increasing amount of information, including the obligatory submission of transport documents (CMR (Convention on the Contract for the International Carriage of Goods by Road), bills of lading, airway bills). From 1 April 2008 we are also obliged to notify a refund rate or amount on the export document per article rule.	Instead of fueling a daily flood of papers, more emphasis should be placed on checking contents during AID (Agricultural Inspectorate) and customs controls, and this could be undertaken by sample controls. Moreover, it could technically be covered by means of AEO (authorized economic operator) AO certification. Another direction in the search for a solution could be taken with digital registration by the importing country as this is where the goods are registered. Another solution could be to supply transport documents for refunds only where the amount exceeds 1000 euros. Refunds under 1000 euros could be checked by sample controls.	2	
24	SE	<i>Directive 77/388/EEC</i>	VAT on smaller businesses	I want to make this proposal after working together with a bowmaker from France, who told me that in his country a business had to be registered for VAT only when it reached a turnover threshold of EUR 60 000.	My suggestion is that there should be simplified rules for VAT accounting in smaller businesses. That would also make for competition on equal terms.	2	
9	AU		Is it a joke?	I have received the email below: \ European Commission Enterprise and Industry DG Communication and Information Unit/R4 BREY 13/ 092 B - 1049 Brussels (Belgium) We bring to your notice the decision by the board of trustees of The European Union to choose you as one of the final recipients of a cash grant/donation for your own personal, educational, and business development (SME funding). To promote growth and creating new jobs in the European economy, we are giving out a yearly donation of €500,000.00 (five hundred thousand Euros) to 10 lucky recipients who have been selected from over 25,000 websites all over the globe, as funding/aid from the European Union, European Commission, and the United Nations in accordance with enabling acts of Parliament. Please contact paying office (England) Name: ...	Please tell me if it is a joke. Thanks.	1	No AB
10	BG	no idea!	lack of prompt notification of EU programmes!	Because of the distance from central information sources primarily in the main towns, we learn rather late from the Internet, the press and TV about programmes we should like to take part in: programmes to compete for subsidies for energy-saving ecoprojects, technological upgrading of basic equipment, creation of new jobs for minorities and in districts with a high percentage of unemployed, etc.	We should like to subscribe to existing and future programmes for any kind of information on projects we could take part in. Create a website where you can bring together those who are interested and you can understand what interests them, so that we can be more useful in the future.	1	No AB

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					Or put us in touch with actual licensed firms or people, who can help us to find our way properly around things. It is wrong to let a few close firms and people know about programmes so that they use them, while leaving others to fend as best they can!		
16	CH		Your site has very much liked me.	buy viagra online.....		1	No AB
25	CZ	ha ha	none	none	maybe	1	No AB
6	DE		time change procedures and resulting burden on individuals and office equipment	the change from local time - daylight -to so called summer time or winter time produces many burdens on business, transport, local computerized or automatic controls etc. Conflicts arise with changes in the USA at times other than in the EU. Many time pieces have to be adjusted by hand, with resulting delays and errors.	return to the previous local timezones for the EU,nad Europe	1	No AB
11	FR		Your site has very much liked me.	buy viagra online<.....		1	No AB
27	NL	Dutch packaging tax law	taxation of primary-secondary and tertiary packaging	As a preserved foods business, we buy jars, tins and aluminium foil to be filled with vegetable and fruit preserves. These products are, of course, supplied in cans and aluminium foil to customers within and outside NL. On the pretext of limiting damage to the environment, a tax was introduced on 1 January 2008, largely used for general means. The administrative burden is enormous - a great deal has to be registered simply because of this tax. After that we have to struggle with every customer in order to pass on the extra cost. These customers then have to burden consumers with the tax. The authority hopes that this will reduce consumption of jars and cans, so they are threatening our core business. In our opinion, the word "environment" is misused, because most of the money ends up in the treasury's coffers to be spent on other things. Very business-unfriendly.	Abolish it as soon as possible! When there is not enough money, existing taxes should be raised instead of cooking up new, laborious, and barely practicable new taxes under false pretences.	1	No AB
8	RO	I don't know the details since I am an average citizen who has problems at work and doesn't know how to solve them.	Failure to prepare at work / unjust accusations without a chance to explain so that the person in question could defend the reasons for: their signature being on invoices	I am an average citizen who left the protective wing of my parents after university. I was hired by an electrical appliance firm that promised much and has done little. I am accused of stealing and have not been given the chance to prove my innocence. I have been framed for acts they blamed on me. Is it right to blame me since cartographical expertise and detailed	I wish someone would tell me what I have to do to solve this problem that I am losing sleep over.	1	No AB

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			instructing payment, spending very much time at work and solving certain labour and management problems.	analysis are needed for this, along with explanations and solid proof?			
13	SE		Economic and social inequalities	Why should there be differences for joining the EU? There is no reason for countries that are obviously only fishing for economic support to be able to become members without contributing anything to the Union.	Lay down rules for membership and make countries who want to join show that they have something to contribute to the Union.	1	No AB
19	FR		Employment and investment aids for hotels, cafes and restaurants	Dear Sir or Madam, Since 2004 we have had employment and investment aids as we await the reduction in VAT to 5.5% promised by Mr Chirac in 2002 and Mr Sarkozy in 2007. A study has shown that these aids only amount to 15% of the savings that could be gained by setting the VAT rate at 5.5%. Today, 29 February 2008, we are hearing yet again about raw materials shooting up in price, and that only a few sectors, such as industry and distribution, can take advantage of this. Let me remind you that many employees need to go out to eat lunch in neighbourhood restaurants. These meals may or may not be reimbursed by their employers. Bills would be lower and, thanks to the increased margin offered by the 5.5% VAT rate, restaurants would not need to pass on the excessive price rises of raw materials.		1	No AB
20	FR		Employment and investment aids for hotels, cafes and restaurants	Dear Sir or Madam, Since 2004 we have had employment and investment aids as we await the reduction in VAT to 5.5% promised by Mr Chirac in 2002 and Mr Sarkozy in 2007. A study has shown that these aids only amount to 15% of the savings that could be gained by setting the VAT rate at 5.5%. Today, 29 February 2008, we are hearing yet again about raw materials shooting up in price, and that only a few sectors, such as industry and distribution, can take advantage of this. Let me remind you that many employees need to go out to eat lunch in neighbourhood restaurants. These meals may or may not be reimbursed by their employers. Bills would be lower and, thanks to the increased margin offered by the 5.5% VAT rate, restaurants would not need to pass on the excessive price rises of raw materials.	Every three months, French hotel, cafe and restaurant sector sends salary statements to the ASSEDIC, which has to check around 1 500 000 statements in order to grant these aids. While they are talking about merging the ASSEDIC and the ANPE to lower costs and cutting red tape, which we have been waiting for for years, how can you thus tell us that checks need to be made on aid granted when it would be so much simpler to allow us to lower the VAT rate to 5.5%?	1	No AB
15	ES	On registering TA2 workers by the Red System.	Registration of a worker who does not have the corresponding administrative permit	On registering TA2 workers by the Red system or data transmission system provided by the General Social Security Fund, if you register a worker with no work permit but who you think has one the system allows you to do so and there is no way to check this simple information which the resident foreign nationals department of the administration has. What would it cost the Spanish national administration to link the General Social Security Fund database with the one in the resident foreign nationals department and	Linking the General Social Security Fund database with the one in the resident foreign nationals department, and making it impossible to register someone who does not have a work permit.	1	No EU

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				report on registration that that worker does not have a work permit and therefore not permit registration? This would avoid errors and fines for subterfuge or involuntary acts by enterprises which believe that they are registering workers who have valid work permits when this is not so, leading to a fine of 6 001 euros. My most recent experience is of a work permit which reads: TEMP.CTA.P.FIRST RENEWAL MISCELLANEOUS ACTIVITIES SCOPE NATIONAL when I do not know what the P means, and following a labour inspection I am told that this is self-employed whereas it ought to read Employee (Cuenta Ajena) to entitle that individual to work. Let's be serious and inform citizens and in this case do not make us policemen to know whether or not a person has a work permit and put us in a criminal position because we have registered someone, paid contributions and two years later the labour inspectorate tells me that the P is for PROPIA (self-employed).			
7	IT	Decree-Law No 144 of 27 July 2005, Article 7	Internet access possible only with much red tape	Since 2005 restaurants and hotels in Italy that offer their guests Internet access (whether cable or wireless) are required to obtain a corresponding licence, to record Internet users either electronically or in a ledger certified for the purpose, and to copy their identity documents. These are bureaucratic impositions that have already led many operators of restaurants and hotels to remove the opportunities for Internet access in their establishments, since the red tape involved is completely out of proportion to the benefit of the service, which is often even offered free of charge. The guests for their part cannot understand why, in order to quickly read a few e-mails, they have to put up with this sort of procedure, which they have never met in any other country.	The provisions should be done away with, since this is a measure that only creates red tape, in other words costs, and produces no results whatever in relation to the fight against terrorism that it is supposed to serve.	1	No EU
22	RO		Too many declarations to submit and too much taxation.	In Romania too many declarations have to be submitted by companies. I have had to submit declarations to the Ministry of Finance (National Tax Administration Agency), the Business Register, Chamber of Commerce, Unemployment Office, Pension Fund and Health Fund. Most of these declarations have to be submitted in person at the office of each authority and this wastes a lot of time. Likewise, the level of taxation and the number of taxes that companies have to pay is way too high in Romania.	All declarations should be made online.	1	No EU
23	RO	Law No 85/2006 as subsequently amended		The current legislation does not provide for what happens with environmental authorisation in case of bankruptcy. In practice, this is equivalent to an operating permit for a company. I would like to mention that laboratory analyses are submitted monthly in accordance with the requirements of environmental legislation. However, the authority refuses to deliver the authorisation, because we have not drawn up a compliance plan (lack of investors during the reorganisation, decision of the creditors' committee and approval at the general meeting of creditors), as the creditors mainly want to get the money they invested back. Forcing the	The best solution would be for environmental legislation to grant environmental authorisation for three years under the conditions stipulated by law. Reorganisation presupposes that the company will get back on its feet, that working conditions will improve, and that there will be more environmental protection, increased productivity,	1	No EU

RN	Co	Problematic regulation	Problem title	Problem description	Suggestions	S.	R.
				Technical Analysis Committee to prepare this compliance plan in our current state of pre-regularisation would impose costs since no one knows whether this company will ever operate in this location since it will move to another location if the reorganisation succeeds.	improvements in the mechanical manufacturing equipment and the foundry. Do we not need to give industry a chance? Or is importing better, reducing the number of jobs and ROs' standard of living even further? Or does the solution lie in building and creating a glut of hypermarkets? Don't you need to work to put food on the table? I would really like to know.		
3	BG		legal authentication	really too much legal authentication in principle		1	Too gen
1	ES	In my opinion most of the international companies that are implemented in Spain do not know about the procedures of the Administrative Burden Reduction. They don't know how the laws are helping them to miximize the administrative process.	More public Information, a Communication Plan have to be define	Communication plan had to be define		1	Too gen
4	RO	Structural funds and problems with partnerships.	an old story	a partnership between an NGO and a local authority with a hoe...	projects should be applicable individually and on their own.	1	Too gen