



Annex, à remplacer
slp

EUROPEAN COMMISSION

Brussels, 14.12.2012
C(2012) 9341 final

Dear President,

The Folketing wrote to the Commission on 31 May 2012 concerning the Commission's Communication {COM(2011) 803 final} on minimising regulatory burdens for small and micro enterprises in connection with the work of the European Affairs Committee of the Danish Parliament.

You asked for information on the status of the report and on how the policy described therein is being reflected in the legislative work of the Commission.

In the report, a commitment is made to look at the *acquis* to determine the impact of certain laws or proposals on SMEs. Annex 1 lists measures already adopted by the EU legislator, while Annex 2 lists relevant legislative initiatives in preparation or already in legislative procedure at the time of the report. A list of Annex 2 items is attached to this letter, including the latest information on the individual initiatives.

The examination of impacts on SMEs is integrated into the legislative work of the Commission through the strengthened SME Test now being applied in the Impact Assessments which accompany all Commission legislative proposals. The Test requires that "all future legislative proposals will be based on the premise that in particular micro-entities should be excluded from the scope of the proposed legislation unless the proportionality of their being covered can be demonstrated" (see section 4 of the Communication).

In Annex 2 the Commission indicated possible adaptations of existing EU legislation to be considered when reviewing the measures in the list. In addition, conferences and meetings have been held with representatives of SMEs and micro-enterprises from four Member States (Germany, UK, the Netherlands and Sweden) and others are being prepared. An EU-wide consultation is in progress to identify what SMEs perceive as the 'Top 10' most burdensome EU legislative measures. The input received will contribute to the definition of further steps to be taken in the implementation of this policy.

I hope these explanations are useful for your work and look forward to continuing the dialogue with the Folketing in the future.

Yours faithfully,

Maroš Šefčovič
Vice-President

Mr Mogens LYKKETOFT
President of the Folketing
Christiansborg
DK – 1240 COPENHAGEN

Annex – Overview of initiatives listed in Annex 2 of Communication COM(2011)803

Proposal 1

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Status and content

The Commission has already adopted its proposal on data protection regulation. It foresees that enterprises employing less than 250 employees do not have to appoint a data protection officer to manage their data processing procedures and provision is made for implementing measures to take account of the situation of small businesses.¹

Proposal 2

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

Status and content

A call for tenders for an evaluation of the practical implementation of EU Occupational Safety and Health Directives (under the Framework Directive 89/391/EEC) in EU Member States was launched in July 2012, with a view to assessing their relevance, effectiveness and coherence and identifying possible improvements to the regulatory framework. The evaluation is expected to be launched in early 2013 and results are expected in 2015.

Proposal 3

Amendment to 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

Status and content

The proposal is expected to be adopted by the Commission in the second half of 2013.²

Proposal 4

Proposal for a EP and Council Directive on the minimum health and safety requirements on ergonomics at work particularly to prevent work-related musculoskeletal disorders (WRMSD) and display screen vision conditions and repealing Council Directive 90/269/EEC and Council Directive 90/270/EEC

¹ For additional information, please see:
http://ec.europa.eu/justice/newsroom/dataprotection/news/120125_en.htm

² For additional information please see:
http://ec.europa.eu/governance/impact/planned_ia/docs/2013_empl_001_carcinogens_and_mutagens_at_work_en.pdf

Status and content

Further analysis of the impact of the measures under consideration on smaller and larger businesses is being undertaken.³

Proposal 5

Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment

Status and content

The Commission adopted its proposal which was delivered to the European Parliament and Council on 13 July 2010.⁴

Proposal 6

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services

Status and content

The Commission has already adopted the proposal which was delivered to the European Parliament and Council on 21 March 2012. The proposal does not include specific measures for SMEs⁵.

Proposal 7

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships

Status and content

The Commission proposal is planned for adoption in early 2013.⁶ An issue under consideration is whether small ships (for instance with a length of less than 24 meters) can be excluded from the scope of the legislation without significant changes in the safety level for passengers.

Proposal 8

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

³ For additional information please see:

http://ec.europa.eu/governance/impact/planned_ia/docs/2008_empl_003_musculoskeletal_disorder_en.pdf

⁴ For additional information please see:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0098:EN:NOT>

⁵ For additional information please see:

http://ec.europa.eu/commission_2010-2014/andor/headlines/news/2012/03/20120321_en.htm

⁶ For additional information please see: http://ec.europa.eu/transport/maritime/safety/passenger_ships_en.htm

and

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/391&format=HTML&aged=0&language=EN>

Status and content

An evaluation of the practical implementation of EU Occupational Safety and Health Directives (under the Framework Directive 89/391/EEC) in EU Member States was launched in July 2012, with a view to assessing their relevance, effectiveness and coherence and identifying possible improvements to the regulatory framework. Results are expected in 2015. A study on the consequences of an obligation for very small enterprises to have to document risk assessment (Article 9 of Directive 89/391/EEC), or their being exempted from that obligation, is already well advanced.

Proposal 9

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration).

Status and content

A call for tenders for an evaluation of the practical implementation of EU Occupational Safety and Health Directives (under the Framework Directive 89/391/EEC) in EU Member States was launched in July 2012, with a view to assessing their relevance, effectiveness and coherence and identifying possible improvements to the regulatory framework. The evaluation is expected to be launched in early 2013 and results are expected in 2015.

Proposal 10

Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE).

Status and content

The proposal has already gone through the full legislative process at EU level. The main content in relation to the policy is that the take-back obligation only applies to retail shops larger than 400 m².⁷

Proposal 11

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste.

Status and content

This is an issue of Member State take-up of existing possible simplified administrative requirements to provide information. The deadline for transposition was December 2010, so this Directive is now in the implementation phase. To achieve the intended light requirements for SMEs, Member States need to make full use of the existing possibility provided for simplified treatment.

Proposal 12

⁷ For additional information, please see: <http://register.consilium.europa.eu/pdf/en/12/pe00/pe00002.en12.pdf>

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks.

Status and content

A proposal is expected during the 4th quarter of 2013. A consultation has already been carried out.

Proposal 13

Proposal for a Directive of the European Parliament and of the Council on public procurement.

Status and content

The Commission has already presented its proposal on the revision of the directives on Public procurement. The main content in relation to the policy is that bidders can provide self-declarations, rather than original documents or certificates, proving that they meet selection and exclusion criteria. Only the winning bidder would be asked to provide the original documents. Together with a greater use of e-procurement, this would facilitate the participation of SMEs.⁸ The proposal was forwarded to the European Parliament and the Council on 20 December 2011.

⁸ For additional information please see:
http://ec.europa.eu/internal_market/publicprocurement/modernising_rules/reform_proposals_en.htm