

COMMISSION LEGISLATIVE AND WORK PROGRAMME 2007

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ROADMAP

Title of the proposal: **Communication on the Strategic EU Energy Review 2007**

Expected date of adoption of the proposal: **10 January 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The main problems are that the current energy position in the EU is not sustainable, and that the global landscape for energy supply is in a process of transformation which could exacerbate the situation.

In terms of sustainability of secure supplies, several years of efforts by Member States have failed to fundamentally change the fundamentals which govern Europe's energy situation: 80% reliance on fossil fuels, energy demand rising by up to 4% per year, a slower than expected take up of renewable energy, over two thirds of energy expected to come from imports in the next 25 years (up to 80% for gas and 90% for oil) and rising carbon dioxide emissions.

Also, despite certain efforts by Member States and industry, Europe's energy supply risks becoming less diversified in the near future. Reliance on Russian gas already accounts for one quarter of all gas used in the EU, and could rise in the future. There are only two other gas suppliers (Norway and Algeria) who can today fill the supply gap caused by declining domestic production at a time of rising gas use. Huge investments are needed to diversify gas supply. Europe's energy mix could also become more dominated by fossil fuels, due to the rising popularity of gas and the expected fall in the use of nuclear power.

Economically, rising demand for fuel imports exposes the EU to increasing international energy prices and the volatile geopolitical situation which affects energy supply. Global oil consumption in 2005 was 84 million barrels per day. This has increased by 20% since 1994. According to the IEA, by 2020 the world would need another 22 million barrels of oil per day. By 2030 this could increase to 33 million barrels per day. It therefore seems certain that energy prices will be higher in the future, which will feed through into all economic sectors and affects all citizens.

Moreover, the aging energy infrastructure in Europe calls for massive levels of investment simply to maintain the status quo. In Europe alone, to meet expected future energy demand and to replace aging plant and infrastructure, investments of 1 trillion Euros will be needed over the next 20 years. There is some doubt as to whether markets are working effectively enough to create the necessary confidence for this level of investment. It is also a fact that investments in energy technology are decreasing.

Environmentally, the growing use of fossil fuels is pushing up the EU's emissions of greenhouse gases. Greenhouse gas emissions have already made the world 0.6 degrees warmer. If no action is taken there will be an increase of between 1.4 and 5.8 degrees by the end of the century. This will bring serious economic and environmental consequences for all regions in the world.

Around 20% of energy use in the EU could be saved using easily available efficient technologies and techniques. As well as environmentally damaging, this acts as a drain on the economy, particularly at a time of rising energy prices.

Therefore, at the Hampton Court Informal Summit of October 2005, all the Member States of the European Union agreed that the EU Member States should work together to tackle the multiple energy challenges the EU faces. The Council has also recognised that the EU, comprising an energy market of some 450 million consumers, is better able to protect and assert the interests of Member States if it speaks with one voice. In the absence of an EU competence in energy policy, the European Council asked the Commission, in March 2006, to develop a strategic European energy review and concrete measures to set Europe on track towards a more coherent energy policy.

The Strategic European Energy Review (SEER) will therefore be a blueprint for a new energy policy for Europe. As requested by the European Council, it is based on the principles laid out in the Commission's Green Paper on "A European strategy for sustainable, competitive and secure energy" (COM (2006)105 of 8 March 2006).

The SEER upholds the principle, underlined in the Green Paper, that Member States must retain the right to decide their own energy mix. However, Member States acknowledge that the EU has a role to play in informing national policy decisions and putting them into a European market context. The Commission is committed to

presenting the SEER to the March 2007 Spring Summit of the European Council. The SEER answers the request from the March 2006 European Council for a stocktaking and action plan with a view to agreeing an energy policy for the EU. It includes international aspects, as requested at the June 2006 European Council.

The SEER itself will be a main policy communication accompanied by a three year Action Plan and by a set of legislative proposals and Communications (all together called as “Energy Package”).

2. What are the main policy objectives?

Energy Policy for Europe has three main objectives, well recognised by all EU institutions and the stakeholders, as well as the public. The three main objectives have to be articulated in such a way to ensure the right balance:

- **Sustainability:** (i) developing competitive renewable sources of energy and other low carbon energy sources and carriers, particularly alternative transport fuels, (ii) curbing energy demand within Europe, and (iii) leading global efforts to halt climate change and improve local air quality.
- **Competitiveness:** (i) ensuring that energy market opening brings benefits to consumers and to the economy as a whole, while stimulating investment in clean energy production and energy efficiency, (ii) mitigating the impact of higher international energy prices on the EU economy and its citizens and (iii) keeping Europe at the cutting edge of energy technologies.
- **Security of supply:** tackling the EU’s rising dependence on imported energy through (i) an integrated approach – reducing demand, diversifying the EU’s energy mix with greater use of competitive indigenous and renewable energy, and diversifying sources and routes of supply of imported energy, (ii) creating the framework which will stimulate adequate investments to meet growing energy demand, (iii) better equipping the EU to cope with emergencies, (iv) improving the conditions for European companies seeking access to global resources, and (v) making sure that all citizens and business have access to energy.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

The SEER intends to establish the key elements of an energy policy for Europe encompassing the three main energy policy objectives now broadly accepted by all. It should offer a long term strategy to be followed by the European Union and the individual Member States in order to ensure full consistency and to allow a single voice at international level.

Starting with the business as usual scenario, the review should conclude that this would not lead the European Union in 2030 to a sustainable energy policy. Therefore, new actions are needed to reach a better balance between competitiveness, sustainability and security of supply. Various policy options with different weight on each of the main policy objectives will be tested and the best possible options should be retained and proposed by the Commission to the European Council.

One of the main policy option should look at setting a certain level of carbon free of the used energy sources to promote at the same time sustainability and security of supply, while maintaining the requested level of competitiveness of the European economy and the affordability of energy. Several scenarios will be made, resulting in different set of measures to be taken to achieve the objectives.

The main measures to be considered in SEER to translate the agreed objectives into actions will cover issues such as:

- energy savings and the increase of efficiency in energy production, transport and domestic use
- the promotion of international energy efficiency commitments in the field of energy efficiency (building on the recent Energy Efficiency Action Plan)
- the means to increase the share of low carbon indigenous energy sources in the energy mix
- promotion of a legal and political framework conducive to long term investments and to diversification of routes and energy sources in energy supply
- fostering the development and take up of clean and efficient energy technologies
- extending the Emissions Trading Scheme in sectoral coverage, beyond 2012 and beyond EU borders
- improving the functioning of the single energy market and ensure it serves the wider interest
- improving the internal coherence of the energy policy for Europe in order to reinforce the effectiveness and credibility of EU actions at international level, with producing, transit and consumer countries
- accelerate the structural changes in the transport sector to improve its sustainability

All instruments will be used to this effect: directives and regulations, voluntary agreements, international bilateral and multilateral agreements.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

In principle, energy affects everyone and the whole economic spectrum of the European Union. The various policy options should have different level of impacts. Impact on competitiveness is one being already addressed by the High Level Group on Competitiveness, Energy and Environment. Impacts on sustainability and particularly climate change are essential, given the existing targets already defined at international and European levels.

New targets have to be assessed carefully as they have to be implemented properly. Impact assessment of policy options on security of supply through long-term objectives on various energy sources (targets for renewables, indigenous low-carbon energy sources, energy savings etc.) should be done in a balanced way, looking for instance at the interdependency existing between producing and consuming countries and the mutual interests. Current development of transport sector is not sustainable and impact of major changes in this sector should be done to improve its energy efficiency balance.

Monitoring the implementation of the strategy and adapting it when needed, will be part of the SEER and should require the necessary information and analysis tools to ensure a close monitoring.

The impacts are addressed through higher energy efficiency, a new energy policy for transport sector, climate targets, diversification of supply to power generation, market-based approach, fostering clean, innovative and sustainable energy technology and through international partnerships.

The Action Plan which will accompany the SEER will be made of individual actions for the next 3 years policy development of the EU energy field subject to individual impact assessments. The SEER will in part base itself on the impact assessment made for each of the main policy measures, such as the completion of the single market, the promotion of energy efficiency and renewables, the role of nuclear energy etc.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The foundation to the public consultations on the future Energy Policy for Europe are set by the Green Paper on a European Strategy for Sustainable, Competitive and Secure Energy (COM(2006) 105 final), adopted by the Commission on 8 March 2006.

All written reactions received from the public, the stakeholders and Member States to the Green Paper during the consultation period – 31 March 2006 – 24 September 2006 will be assessed and taken into account for the SEER development.

The European Council discussed the Green Paper and energy policy issues both at 24 March and 16 June 2006 and the Presidency conclusions are giving already some guidelines for the strategy to be proposed.

Two major papers covering key issues of the strategy are already adopted or will soon be adopted by the Commission and may feed the SEER: the Action Plan on Energy Efficiency to be adopted end of September 2006; and the Biomass Action plan adopted December 2005 (COM(2005) 628 final).

For the 25 years analysis and outlook, the Energy baselines scenarios and projections 2004 and update from December 2005, as well as this year specific projections are used.

The SEER will consider the global dimension, which is extensively discussed by various IEA publications, incl. World Energy Outlook 2005, External studies (f.e. oil industry).

National energy policies are being revisited by most Member States in 2006 and will be analysed to examine consistency and relevance for the SEER.

As the first exercise of this kind, the SEER will be regularly (every two years) revisited and amended on the basis of the monitoring of its implementation and it may be subject to further impact assessment in the course of implementation.

6. Which stakeholders & experts will be consulted, how and at what stage?

Public consultation and questionnaire on Green Paper, 31 March till 24 September 2006. Stakeholder consultations on the Green Paper via the 5 forums run by Commission (Energy and Transport Forum, Fossil Fuel Forum, Sustainable Energy Forum, Florence Electricity Forum, Madrid Gas Forum), High level group on Competitiveness and sustainability, Hearing of the European Parliament on 12 September 2006 and subsequent opinion of EP, hearing organised by the Commission on 22 September 2006, extensive consultation of Member States, discussion of Ministers on 7 June and 23 November 2006, various top level conferences, dialogues and international ministerial events.

The DG TREN website is being kept regularly updated with information on the development of the policy, including relevant meetings, thereby enabling stakeholders to keep abreast of developments and provide their input when appropriate.

7. Will an inter-service steering group be set up for the IA?

The Commission Interservice Group has been set for the discussion on the follow-up of the Green Paper. It will also be used as steering group for impact assessment.

ROADMAP

Title of the proposal: **Further measures (3rd package) to support the creation of the electricity and gas internal market**

Expected date of adoption of the proposal: **September 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The Commission is currently undertaking two parallel exercises which are being carried out by DG TREN and DG COMP in this area.

The Commission's reports annually [e.g. 2005 report COM (2005)568] on the functioning of the relevant internal market Directives [2003/54 and 2003/55]. This report will be updated for early 2007. In addition, the Commission has conducted a sectoral inquiry into gas and electricity markets under competition law. This report will also be completed in early 2007.

Initial work in updating and finalising these reports, including detailed interviews with market participants, suggest that progress in removing the ongoing obstacles to functioning competition is still unacceptably slow. Many of these obstacles are associated with inadequate integration of national rules for third party access to transmission and distribution networks. Although minimum requirements are spelt out in the existing Directives, these appear to be interpreted in a diverse and incoherent way between Member States and a number of areas have emerged where there are gaps in the regulatory framework.

Although some problems may be solved through greater co-operation between system operators and/or regulators at national level, it is unlikely whether the majority of the outstanding issues will be solved rapidly. There is therefore a need for Community action to be considered carefully as an option.

2. What are the main policy objectives?

The creation of a single market for electricity and gas is a key objective of the Community that has been re-stated on several occasions at meetings of the European Council. It is an important component of the Lisbon agenda. This implies that, as far as is possible and economic, the Community should work towards a situation whether electricity and gas should be freely traded across the European Union without barriers. This would both improve, through competition, the efficiency of the energy sector and provide important benefits to consumers and the economies of the European Union as a whole. The single market will also improve security of supply since investors in new production or import infrastructure will be assured of the whole of the European Union as a potential market. While markets remain segmented, investors will be reluctant to finance projects.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

The main policy options in this respect would appear to be the following:

- 1) Current approach: rely on the existing framework with respect to the internal market Directives (2003/54 and 2003/55) and Regulations (1228/03 and 1775/05) which already contain some avenues for measures for co-ordination at EU level. For others areas reliance on voluntary co-operation between TSOs and/or regulators [e.g. through ERGEG and the Florence and Madrid process] to achieve workable results.
- 2) Minor modifications to the existing Directives and Regulations to strengthen and add detail to the existing provisions, particularly on the role of national energy regulators, unbundling and the role of public service obligations including detailed guidelines on what these imply and increase the transparency of the markets.
- 3) Major modifications to the existing Directives and Regulation; for example, the creation of an obligation for full structural unbundling of the system operators or for a large extension of the powers given to national regulators and/or the Commission.
- 4) New measures requiring the creation of European bodies relating to the operation of the gas and electricity networks and the creation of a permanent regulatory function at European level to impose common rules over operational and investment decisions.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Other than the first option, all the possibilities set out would have a high impact on companies currently active in the European electricity and gas sectors, particularly those which are vertically integrated in that they have production, network and supply functions at present. Option 2 would create additional requirement with respect to their functioning, whereas options 3 and 4 imply a significant structural change to the nature of the businesses concerned in many cases.

National energy regulators would also be affected since their competences might be significantly expanded, especially under option 2 or 3. Option 4, on the other hand, might imply a transfer of existing functions and responsibilities to either fully unbundled system operators or to newly created European organisations

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

A large amount of information has already been collected and compiled in context of the two reports referred to in section

1. This has included work by external consultants (for example on unbundling). Additional evidence is being collected during 2006 based on detailed country reviews of the functioning of electricity and gas markets. This is expected to be an in-house exercise to a large degree. Further information needs to be collected relating especially to the cost implications of some of the policy options identified. This could be done through a consultation process or by using consultants (or both).

6. Which stakeholders & experts will be consulted, how and at what stage?

The Commission regularly consults key energy industry stakeholders; including energy companies, network operators, consumers and social groups. The 2005 report, for example, was partly based on submissions from major stakeholders.

The regular meetings of the Florence and Madrid Fora also provide an opportunity to discuss specific technical issues with stakeholders.

Any new measures would require a further consultation process during which the options presented above would need to be examined by stakeholders.

7. Will an inter-service steering group be set up for the IA?

Yes

ROADMAP

Title of the proposal: **Legislative proposal for a general framework directive addressing labour immigration**

Expected date of adoption of the proposal: **September 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

In November 2004, the European Council asked the Commission to present a policy plan on legal migration by the end of 2005 that would build on the result of the public consultation that was about to be launched with the publication of a *Green Paper on an EU approach to managing economic migration* of third-country nationals (COM(2004)811 final of 11 January 2005). On the basis of this consultation, the Commission has published a Policy Plan on Legal Migration (COM(2005)669 final of 21 December 2005). This proposal is part of the comprehensive package of legislative measures the Commission has announced in this Communication.

The Policy Plan on legal migration, including admission procedures for third-country nationals seeking work in the EU, represents the necessary and comprehensive response to a number of interrelated and complex issues which – despite the steady developments in this policy field, remain open, particularly in the field of economic migration. Since the entry into force of the Treaty of Amsterdam in 1999, a number of common measures have been adopted in the areas of immigration.

Despite such important steps forward in the creation of a common policy on legal migration, no minimum common level of rights across the EU exists for third-country nationals entering the EU territory for employment. This can have the negative consequence that the decision of economic immigrants on where in the EU to seek work is too much influenced by considerations of obtaining more benefits and/or being more protected in the workplace than by actual labour demand. The absence of minimum standards can also expose these immigrants to abuses and/or inappropriate working conditions. Furthermore, the absence of equal conditions with the EU nationals as regards working and remuneration conditions could be considered unfair towards persons that contribute with their work and tax payments to the economies and national budgets of EU Member States and also makes the EU labour force vulnerable to possible consequences of cheap foreign labour employed within the EU.

The reasons for proposing an EU policy on labour migration have been explored in SEC(2005)1680, annexed in the Policy Plan on Legal Migration, where the Commission has examined whether and for which reasons a common policy in this field would be necessary, by evaluating the following elements:

- interrelation of national immigration policies: at the current state of the *acquis*, it is acknowledged that admission of economic immigrants in a Member State can have an impact on other Member States and/or on the Community as a whole. Indeed, the absence of border checks in the Schengen area, the common visa policy, the tight economic and social relations between EU Member States and the development of the common immigration policy in recent years have as an indirect consequence the fact that immigration measures taken by one Member State are more likely to have an impact on other Member States. For instance, a very restrictive migratory policy in one Member State may deviate migration flows to its neighbours; and a regularisation procedure may attract illegal immigration into one Member State, from which regularised migrants could afterwards move easily to other Member States. Another relevant and even more specific example is represented by the provisions of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, applicable as of January 2006. This directive provides that once an immigrant established in a Member State has acquired long-term resident status in that Member State, he/she will have the right – subject to certain precise conditions – to move for study, work or other reasons to another Member State for more than three months without losing the rights and obligations linked to the long-term resident status (he/she will become long-term resident of the second Member State), even though he/she has been admitted to the EU according to different national rules. The absence of any common policy concerning admission for employment (except for researchers working on a research project) represents therefore a big gap in the EU policy, as well as a potential source of disturbances in the EU labour market. Furthermore, providing a ground level playing field for all immigrants accessing the EU labour markets, at least for what concerns the important aspect of obtaining a secure legal status throughout their stay and other horizontal measures (for example, the single application for a work/residence permit) should encourage immigrants to go where their work is really needed, without this decision being too much influenced by considerations of obtaining more benefits and/or being more protected in the workplace. It is also aimed at combating exploitation;
- the EU labour market and demographic change: Eurostat projections concerning demographic ageing and its impact on the labour market indicate that there will be a fall in the EU working age population by 2011, with an estimated fall of 52 million between 2004 and 2050 (STAT/05/48). While this

situation will have to be addressed primarily with measures such as these foreseen by the Lisbon Strategy, immigration has been recognised as one of the available tools – within a broader policy mix – necessary to tackle the negative effects of the demographic change. While such trends will not affect all the Member States at the same time and at the same degree, this is a common trend that must be addressed coherently. Present analysis already shows gaps in the labour markets, at all level of skills and qualifications, and Member States are likely to continue to admit labour immigrants able to fill such vacancies. In the light of the above, providing a ground level playing field for all immigrants accessing the EU labour markets, at least for what concerns the important aspect of obtaining a secure legal status throughout their stay and other horizontal measures (for example, the single application for a work/residence permit) should encourage immigrants to go where their work is really needed, without this decision being too much influenced by considerations of obtaining more benefits and/or being more protected in the workplace. It is also aimed at combating exploitation;

- the outcome of the public consultation on the Green Paper on managing economic migration: (around 130 written contributions received from a vast variety of stakeholders): some clear elements emerged, i.e. the need for EU common rules regulating at least the conditions of admission for some key categories of economic immigrants (highly skilled and seasonal workers), coupled with the request to ensure a secure legal position to all immigrants in employment, no matter the Member State they are living in.

2. What are the main policy objectives?

According to The Hague Programme, adopted by the European Council on 4/5 November 2004, “legal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development, and thus contributing to the implementation of the Lisbon strategy. It could also play a role in partnerships with third countries.” For this reason, the European Council has asked the Commission to prepare before the end of 2005 a policy plan on legal migration, “including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market”. The different measures proposed in the Policy Plan on legal migration respond to the objective of ensuring the effective management of future economic migration flows towards the European Union.

A more specific objective consists in promoting a better integration of economic immigrants in the labour market and of establishing fair and clear rules and rights for them. A secure legal status for economic immigrants – where their rights both as workers and as members of the host society will be clearly identified and recognised – will protect them from exploitation, therefore augmenting their contribution to the EU economic development and growth.

Further specific objectives are:

1. Pursue the coherent further development of the EU immigration policy: no immigration policy can be coherent and effective without addressing the immigration for employment purposes. The absence of almost any common policy concerning immigration for employment represents therefore a big gap in the EU policy, as well as a potential source of disturbances in the EU labour market.
2. Complement the set of policies and measures aimed at enhancing the competitiveness of the EU economy, as well as at addressing the negative consequences of demographic ageing: evidence shows that there are already important gaps in the labour markets of the Member States, for various skills and sectors, and projections indicate that such gaps will increase in the next decades, due to a fall in the active population. Member States will therefore continue to admit third-country workers – from unskilled to highly qualified – even in the absence of a common legislation concerning the admission of labour immigrants to the EU. While it is clear that immigration cannot in itself compensate for this decline, management of migration (both in terms of conditions of entry and of residence) has been recognised as an important part of the measures to address the demographic challenge.

The achievement of the objectives will be pursued within the broader objective of developing coherent and complementary initiatives, in close connection with existing policies and legislation.

In the context of the Lisbon strategy, for example, the initiatives to be proposed in the area of economic immigration are seen as complementary to the broader framework identified by the integrated guidelines for growth and jobs – where both macro and micro economic policies are clearly identified to foster the competitiveness of the EU. In the area of employment policy in particular, the initiatives relating to economic migration from third countries are to be placed in the broader objectives to attract more people into employment, improve the adaptability of workers and enterprises as well as the flexibility of labour markets and increase investment in human capital.

Making reference to another overarching and long term goal of the European Union, i.e. the sustainable development strategy agreed at the European Council in Göteborg in 2001, the reviewed Strategy focuses on some key issues, among which “Social exclusion, demography and migration”. In this context, it is clearly recognised that the effective management of migration flows, including the integration of immigrants and their families, should form part of the response needed to “prepare Europe's economy and society for the onset of ageing”.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

1) To maintain the status quo;

2) To put forward an horizontal directive dealing with certain horizontal issues, such as the rights of third-country immigrants and/or a single permit for residence and work.

3) To put forward a comprehensive directive dealing with the entry and stay of all third-country immigrants in employment;

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

1) Admission procedures and management of legal migration for economic reasons would remain under the competence of the Member States. This would undermine the development of the EU immigration policy and migrants seeking entrance to the EU labour market would not have one set of common definitions, criteria and procedures to refer to, but 25 different systems. Since the immigration policies of one Member State do affect the others, this situation could have a negative impact on the other Member States and in particular undermine their labour market policies, as well as create pull factors for immigration. As a way of example, the *acquis* provides for a right to settle for work purposes in another Member State than the one of first admission for all third-country citizens having acquired the long-term resident status under the terms of Council Directive 2003/109/EC. This means that all concerned third-country workers will enjoy intra-EU mobility, even though they have been admitted in the EU according to different national rules.

2) This option would consist of a proposal for a framework directive addressing horizontal issues, such as a common list of rights for legal immigrants in employment and the introduction of a single work/residence application and permit. This proposal would address all typologies of immigrants in legal employment. With the exception of the single application for a joint permit, this instrument should not address admission conditions and procedures for economic immigrants (otherwise it would in fact consist of option 3). This option would have the advantage of providing a ground level playing field for all legal immigrants accessing the EU labour markets, at least for what concerns the important aspect of obtaining a secure legal status throughout their stay (thus protecting them from abuses and/or inappropriate working conditions and granting them at least the basic benefits) and other horizontal measures (for example, the single application for a work/residence permit). It should encourage immigrants to go where their work is really needed, without this decision being too much influenced by considerations of obtaining more benefits and/or being more protected in the workplace, even though national differences will continue to exist (different welfare systems, for example). Furthermore, granting equal conditions with the EU nationals as of working and remuneration conditions will not only be fair toward persons that contribute with their work and tax payments to our economies and national budgets, but will also protect the EU labour force from the possible consequences of cheap foreign labour (i.e. in cases where regular third-country nationals do not enjoy the same level of protection, and thus are more subject to exploitation on the workplace). Finally, from the point of view of EU integration, the disadvantage of this option is that the Member States will continue to admit economic immigrants by national rules: third-country nationals will therefore not have one set of common entry criteria and procedures to refer to, but 25 different systems. On the other hand, an important step toward building a common policy on economic immigration would be achieved. In order to assess the advantages/disadvantages of this option in particular, and its potential added value, it will be necessary to go into details and examine, for example, which rights should be included and under what terms.

3) This option would introduce common rules covering the conditions for entry and residence for all economic immigrants seeking entry in the EU for work purposes. This option would have the advantage of providing a ground level playing field for all immigrants applying to enter the EU for work purposes, including the important aspect of obtaining a secure legal status throughout their stay and other horizontal measures (for example, the single application for a work/residence permit). This will encourage immigrants to go where their work is really needed, without this decision being too much influenced by considerations of obtaining more benefits and/or being more protected in the workplace (for other important reasons for which such secure legal status is deemed necessary, see option 2). From the point of view of policy development, such a proposal would represent a major step forward in the common policy for legal immigration, because of the establishment of one common set of entry and residence conditions for the whole EU. However, this approach had been already tried in 2001, when the Commission put forward a proposal for a directive dealing with “*the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities*” (COM(2001)386): this proposal did not receive the necessary support in the Council and was finally withdrawn. There are no indications that Member States have radically changed their position since then. From the point of view of the economy, though, such an approach could result in an unwanted stiffening of the national EU labour markets because of the differences in labour market gaps, structures and needs, as well as in demographic projections. By way of example, certain categories of workers could be badly needed in certain Member States but not in others: the Member States in need could decide to introduce special procedures in

order to attract such workers, leading to a number of derogations from the general acquis that could end up complicating the admission legislations instead of streamlining and rationalising them.

Each of these options affects – although in different ways – all economic immigrants to be admitted/legally present in the EU, before they acquire the long-term resident status under the terms of Council Directive 2003/109/EC. Other impacts that will have to be examined for all options are the impacts on labour markets, enterprises, third countries and fundamental rights.

It has to be underlined that in line with the principle of subsidiary, whichever of these options will be chosen, the volumes of third-country nationals seeking entry to the EU for employment reasons will remain under the competence of the Member States.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

A public consultation has been carried out with the Green Paper on an EU approach to managing economic migration (COM (2004)811 final of 11 January 2005). The Commission has received more than 130 contributions from Member States, the other EU institutions, social partners, NGOs, third countries, academia, etc.: such written contributions can be consulted on the Commission's web-site at: http://ec.europa.eu/justice_home/news/consulting_public/economic_migration/news_contributions_economic_migration_en.htm . An extended impact assessment based on a report by an external contractor will be launched in November 2006 and will be delivered in the Spring 2007, in order to assess whether to present a proposal and, if yes, which should be its exact contents.

6. Which stakeholders & experts will be consulted, how and at what stage?

All interested stakeholders have been already consulted (see point 5). Moreover, the Commission has already stated in its policy plan on legal migration that it will discuss with all the interested stakeholders before putting forward legislative proposals, even though this consultation will not take the form of public events, but of ad hoc meetings whenever considered necessary.

7. Will an inter-service steering group be set up for the IA?

Yes. It will involve at least the SG, EAC, MARKT, EMPL and RELEX and DEV.

ROADMAP

Title of the proposal: **proposal for a directive on the conditions of entry and residence of highly skilled workers**

Expected date of adoption of the proposal: **September 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

In November 2004, the European Council asked the Commission to present a policy plan on legal migration by the end of 2005 that would build on the result of the public consultation that was about to be launched with the publication of a *Green Paper on an EU approach to managing economic migration* of third-country nationals (COM (2004)811 final of 11 January 2005). On the basis of this consultation, the Commission has published a Policy Plan on Legal Migration (COM (2005)669 final of 21 December 2005). This proposal is part of the comprehensive package of legislative measures the Commission has presented in this Communication.

The Policy Plan on legal migration, including admission procedures for third-country nationals seeking work in the EU, represents the necessary and comprehensive response to a number of interrelated and complex issues which – despite the steady developments in this policy field, remain open, particularly in the field of economic migration. Since the entry into force of the Treaty of Amsterdam in 1999, a number of common measures have been adopted in the areas of immigration.

Despite such important steps forward in the creation of a common policy on legal migration, no common measures exist to admit third-country nationals entering the EU territory for employment, even though the admission of economic migrants represents the cornerstone of any immigration policy.

Evidence from consultation and analysis suggests a lack of highly-skilled third country nationals across the EU to fill present and future labour-market gaps, and therefore sustain economic growth and competitiveness. The attractiveness of the EU compared to the US, Canada and Australia as a destination for seeking employment suffers from the fact that at present these migrants need to deal with 25 different admission systems, do not have the possibility of easily moving from one country to another for work (until the status of long-term resident is acquired) and in several cases lengthy and cumbersome procedures make them opt for these non-EU countries which grant more favourable conditions in terms of entry and stay. For example, the EU is the main country of destination for unskilled to medium skilled workers from the Maghreb (87% of such immigrants), while 54% of highly qualified immigrants from these same countries reside in the US and Canada.

The reasons for proposing an EU policy on labour migration have been explored in SEC(2005)1680, annexed in the Policy Plan on Legal Migration, where the Commission has examined whether and for which reasons a common policy in this field would be necessary, by evaluating the following elements:

- *Interrelation of national immigration policies:* at the current state of the *acquis*, it is acknowledged that admission of economic immigrants in a Member State can have an impact on other Member States and/or on the Community as a whole. Indeed, the absence of border checks in the Schengen area, the common visa policy, the tight economic and social relations between EU Member States and the development of the common immigration policy in recent years have as an indirect consequence the fact that immigration measures taken by one Member State are more likely to have an impact on other Member States. For instance, a very restrictive migratory policy in one Member State may deviate migration flows to its neighbours; and a regularisation procedure may attract illegal immigration into one Member State, from which regularised migrants could afterwards move easily to other Member States. Another relevant and even more specific example is represented by the provisions of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, applicable as of January 2006. This directive provides that once an immigrant established in a Member State has acquired long-term resident status in that Member State, he/she will have the right – subject to certain precise conditions – to move for study, work or other reasons to another Member State for more than three months without losing the rights and obligations linked to the long-term resident status (he/she will become long-term resident of the second Member State), even though he/she has been admitted to the EU according to different national rules. The absence of any common policy concerning admission for employment (except for researchers working on a research project) represents therefore a big gap in the EU policy, as well as a potential source of disturbances in the EU labour market. In particular, highly skilled workers are considered to be a category having a relatively high mobility: common rules on their entry, stay and intra-EU mobility appear therefore as necessary;
- *the EU labour market and demographic change:* Eurostat projections concerning demographic ageing and its impact on the labour market indicate that there will be a fall in the EU working age population by 2011, with an estimated fall of 52 million between 2004 and 2050 (STAT/05/48). While this situation will have to be addressed primarily with measures such as those foreseen by the Lisbon Strategy, immigration has been recognised as one of the available tools – within a broader policy mix – necessary to tackle the negative effects

of the demographic change. While such trends will not affect all the Member States at the same time and at the same degree, this is a common trend that must be addressed coherently. Present analysis already shows gaps in the labour markets, at all level of skills and qualifications. Already existing needs in the high qualifications' segment of the labour market will become more and more evident in the years to come and will have to be addressed if Europe wants to remain competitive on the global market. However, as already stated above, there is already a strong competition at international level to attract highly skilled workers, with non-EU countries (with the possible exception of the UK) being the main countries of destination;

- *the outcome of the public consultation on the Green Paper on managing economic migration* (around 130 written contributions received from a vast variety of stakeholders): some clear elements emerged, i.e. the need for EU common rules regulating at least the conditions of admission for some key categories of economic immigrants (highly skilled and seasonal workers), coupled with the request to ensure a secure legal position to all immigrants in employment..

Finally, it must be recalled that the above is a general assessment of the necessity of EU action in the field of economic immigration, in particular of immigration of highly skilled third-country workers. A throughout assessment of the need or not for such common rules will be done in the context of the impact assessment that will be done prior to the eventual drafting of this legislative measure.

It has to be underlined that in line with the principle of subsidiary, the volumes of third-country nationals seeking entry to the EU for employment reasons will remain under the competence of the Member States.

2. What are the main policy objectives?

According to The Hague Programme, adopted by the European Council on 4/5 November 2004, *“legal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development, and thus contributing to the implementation of the Lisbon strategy. It could also play a role in partnerships with third countries.”* For this reason, the European Council has asked the Commission to prepare before the end of 2005 a policy plan on legal migration, *“including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market”*. The overall aim of the different measures proposed in the Policy Plan on legal migration is to respond to this clear objective by developing a number of instruments that will support the effective management of future economic migration flows towards the European Union.

A more specific objective is to devise *“admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market”*, i.e. capable of effectively and quickly filling in labour market gaps, also with a view to addressing the consequences of the demographic trends in Europe.

Further specific objectives are:

3. Pursue the coherent further development of the EU immigration policy: no immigration policy can be coherent and effective without addressing the immigration for employment purposes. The absence of almost any common policy concerning immigration for employment represents therefore a big gap in the EU policy, as well as a potential source of disturbances in the EU labour market.
4. Complement the set of policies and measures aimed at enhancing the competitiveness of the EU economy, as well as at addressing the negative consequences of demographic ageing: evidence shows that there are already important gaps in the labour markets of the Member States, for various skills and sectors, and projections indicate that such gaps will increase in the next decades, due to a fall in the active population. In particular, many Member States have acknowledged the need for highly skilled immigrants – in all sectors and occupations – whose contribution to the EU wealth and competitiveness is proven by many independent studies.
5. Respond to existing and arising demands for highly skilled migrant labour and render the EU attractive for this category of workers: as explained above, the demand for this category of workers is already quite high in the EU (although not equal in all Member States). However, international competition is very high and the EU is not yet so attractive for them in terms of conditions of work and residence: many prefer to go to countries like Canada, US or Australia, where there are active recruitment policies for highly skilled immigrants and where they are mostly offered attractive settlement schemes.

The achievement of the objectives will be pursued within the broader objective of developing coherent and complementary initiatives, in close connection with existing policies and legislation.

In the context of the Lisbon strategy, for example, the initiatives to be proposed in the area of economic immigration are seen as complementary to the broader framework identified by the integrated guidelines for growth and jobs – where both macro and micro economic policies are clearly identified to foster the competitiveness of the EU. In the area of employment policy in particular, the initiatives relating to economic migration from third countries are to be placed in the broader objectives to attract more people into employment, improve the adaptability of workers and enterprises, as well as the flexibility of labour markets, and increase investment in human capital. However, when it comes to highly skilled workers, training of existing workforce (or other similar actions) will in most cases not be adequate to respond to the needs of EU companies and institutions, who are in demand, for example, of doctors, engineers, etc. In this case in particular, highly qualified immigrants can be an asset.

Making reference to another overarching and long term goal of the European Union, i.e. the sustainable

development strategy agreed at the European Council in Göteborg in 2001, the reviewed Strategy focuses on some key issues, among which “Social exclusion, demography and migration”. In this context, it is clearly recognised that the effective management of migration flows, including the integration of immigrants and their families, should form part of the response needed to “prepare Europe's economy and society for the onset of ageing”.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

- 1) To maintain the status quo;
- 2) To put forward a comprehensive directive dealing with the entry and stay of all third-country immigrants in employment;
- 3) To put forward proposals for directives dealing with the conditions of entry and residence of targeted categories of migrants, first of all of highly skilled immigrants.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

1) Admission procedures and management of legal migration for economic reasons would remain under the competence of the Member States. This would undermine the development of the EU immigration policy and migrants seeking entrance to the EU labour market would not have one set of common definitions, criteria and procedures to refer to, but 25 different systems. Since the immigration policies of one Member State do affect the others, this situation could have a negative impact on the other Member States and in particular undermine their labour market policies, as well as create pull factors for immigration. As a way of example, the *acquis* provides for a right to settle for work purposes in another Member State than the one of first admission for all third-country citizens having acquired the long-term resident status under the terms of Council Directive 2003/109/EC. This means that all concerned third-country workers will enjoy intra-EU mobility, even though they have been admitted in the EU according to different national rules. All economic immigrants would be affected by this option.

2) This option would introduce common rules for all economic immigrants seeking entry in the EU for work purposes. In this case as well, all economic immigrants would be affected by this option. From the point of view of policy development, such a proposal would represent a major step forward in the common policy for legal immigration. From the point of view of the economy, though, such an approach could result into an unwanted stiffening of the national EU labour markets because of the differences in labour market gaps, structures and needs, as well as in demographic projections. Furthermore, Member States need specific schemes to admit specific categories of economic immigrants, either to respect international obligations or to quickly react to gaps in their labour markets: such a scheme would therefore need to be really flexible and include the possibility of derogating to the normal procedures, its EU added value being therefore to be closely examined as it risks to be minimal under these conditions.

3) The EU could limit its common action to certain key categories of immigrants: the public consultation – and above all the analysis of the economic and labour market situation in the EU – highlighted a common need and interest for highly skilled third-country nationals, to fill in already existing and future labour gaps and needs. In particular, it should be underlined that international competition from the US, Canada and Australia to attract highly skilled workers is really strong. The EU needs to put in place a series of attractive conditions if it intends to encourage top-end migrants to choose Europe instead of going to these other States. Including a form of intra-EU mobility could allow an easier and more efficient reallocation of already residing highly skilled third-country nationals in function of the fluctuating demands of the Member States' labour markets. From the point of view of the third-country nationals concerned, intra-EU mobility would allow them to increase their competences and experiences, and to take up a job where they are most needed, without having to go through lengthily and cumbersome procedures. Attracting excellence is one of the ways of fostering the EU competitiveness. Furthermore, common rules would avoid potentially harmful competition among Member States to attract such migrants and are a prerequisite for allowing intra-EU mobility for these highly qualified workers. From the point of view of the impact on policy development, addressing this key category of immigrants as a priority would have the advantage of reaching more easily a political consensus, in a sector where unanimity of Member States is the rule. On the other hand, the clear disadvantage of this option is that it would leave outside the scope of any EU rule the bulk of economic immigrants entering the EU each year.

Other impacts that will have to be examined for all options are the impacts on labour markets, enterprises, third countries and fundamental rights (the latter are to be examined in accordance with the Communication of the Commission of 27 April 2005).

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

A public consultation has been carried out with the Green Paper on an EU approach to managing economic migration (COM(2004)881 final of 11 January 2005).. The Commission has received more than 130 contributions

from Member States, the other EU institutions, social partners, NGOs, third countries, academia, etc: such written contributions can be consulted on the Commission's web-site at: http://ec.europa.eu/justice_home/news/consulting_public/economic_migration/news_contributions_economic_migration_en.htm . An impact assessment study based on a report by an external contractor will be launched in November 2006 and will be delivered in the Spring 2007, in order to assess whether to present a proposal and, if yes, which should be its exact contents.

6. Which stakeholders & experts will be consulted, how and at what stage?

All interested stakeholders have been already consulted (see point 5). Moreover, the Commission has already stated in its policy plan on legal migration that it will discuss with all the interested stakeholders before putting forward legislative proposals, even though this consultation will not take the form of public events, but of ad hoc meetings whenever considered necessary.

7. Will an inter-service steering group be set up for the IA?

Yes.

ROADMAP

Title of the proposal: **Proposal for a Directive on sanctions for employers of illegally resident third-country nationals**

Expected date of adoption of the proposal: **April 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

Illegal immigration into the EU is reaching considerable numbers each year. From indicative statistical data, estimates of annual inflows of illegal migration into the EU are thought to reach over six figures. Without reinforced Community action, the crisis as already seen and perceived today would increase both in qualitative and quantitative terms. One of the key pull-factors of such illegal immigration is the possibility of finding (illegal) employment in the EU, as it is both relatively easy to quickly find such work, and the risk of being detected by competent authorities is low. Such illegal employment particularly occurs in certain sectors such as the construction, catering and textile industries as well as agriculture. Illegal workers are often subject to exploitation and slavery-like working conditions and they are prevented from benefiting from social welfare. In addition, illegal employment by some employers creates an uneven playing field (distortion of competition).

For these reasons, the recent Communication on policy priorities in the fight against illegal immigration of 19 July 2006 (COM (402) 2006) suggested to address this pull-factor as one of the necessary steps to reduce illegal immigration. In the Schengen area without internal borders, illegal immigration is unlikely to be reduced through measures taken by Member States acting alone. Such actions can hardly lead to the desired sustainable result if they are not co-ordinated with, and accomplished at, EU level. Practical experiences show that if a Member State steps up the fight against illegal immigration, illegal immigrants are likely to head to other Member States (“displacement effect”). In addition, the negative consequences in case insufficient measures by some Member States would not be limited to these, due to the possibility to freely move from one Member State to another. Indeed, the challenges posed by the management of migration flows can no longer be adequately met by the Member States acting alone and independently.

2. What are the main policy objectives?

To contribute to effectively tackling/reducing employment of illegally staying third-country nationals in order to at the same time reduce illegal immigration and exploitation of such workers.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

1. To maintain the status quo;
2. To develop, in close cooperation with relevant stakeholders, non-binding guidelines for employers to prevent employment of illegally staying third-country nationals;
3. To put forward a binding legal instrument (Directive) that would provide for sanctions for employers who employ illegally staying third-country nationals; such sanctions could range from administrative (exclusion from public procurement contracts, obligation to bear costs of subsistence and return of illegally staying third country nationals that were employed) to penal sanctions.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

4.1. Status quo:

- Impact on illegal immigration flows: Reduction to some extent expected as a consequence of ongoing policy development e.g. in the areas of third country cooperation to reduce illegal immigration or external border protection.

Social impact: Illegal employment and exploitation that may go along with it would continue as currently, or be reduced to a limited extent only, as a consequence of measures taken by some individual Member States.

Economic impact: Certain parts of the EU economy could continue to rely on cheap and unlawful illegal work and in this way maintain their profitability. Uneven playing field for employers would continue to exist.

4.2. Non-binding guidelines:

- Impact on illegal immigration flows: See point 4.1. Some additional reduction likely, provided that these guidelines will be observed (no/limited enforcement possibilities).

- Social impact: Reduced exploitation and slavery-like conditions as a consequence of reduced illegal employment.
- Economic impact: Certain parts of the EU economies currently rely, to some extent, on labour which is provided by illegally staying third-country nationals, often far below average wages. Non-binding guidelines may contribute to reducing such labour to some extent. Employers would thus need to substitute such work with regular work at higher costs, which would impact on the profitability of their businesses.

4.3. Binding legal instrument:

- Impact on illegal immigration flows: Given that a key pull-factor for illegal immigration would be reduced, significant reduction of illegal immigration flows to be expected once such binding instrument is applied and properly enforced in the Member States.

- Social impact: Significantly reduced exploitation and slavery-like conditions as a consequence of significantly reduced illegal employment.

- Economic impact: Certain parts of the EU economies currently rely, to some extent, on labour which is provided by illegally staying third-country nationals, often far below average wages. Imposing binding sanctions against such employment would reduce the number and availability of these illegal workers and would thus oblige employers to substitute such work with regular work at higher costs, which would impact on the profitability of their businesses. Given the high share of illegal work in some Member States, this impact on certain EU economies could be considerable.

In addition, current toleration of employment of illegally staying third country nationals takes away some pressure from the domestic labour markets in countries of origin, an effect which reduced possibilities for such work would undo which would also lead to reduced remittances.

In line with the Commission of 27 April 2005, the impact on fundamental rights will be assessed for all options considered.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Some information is available both on the amount of illegal work in the EU (recent studies) and on measures taken by individual Member States to specifically combat the employment of illegal immigrants. More information would still be need on these Member States' measures, in particular on their effects in reducing illegal immigration. More information is needed on the extent of the impact that sanctions against employers are likely to have on the EU economies. To that end, an impact assessment done by an external contractor will be launched in November 2007 and will be delivered in Spring 2007

6. Which stakeholders & experts will be consulted, how and at what stage?

Member States and relevant stakeholders, in particular employer's organisations and trade unions. Member States will be consulted via a discussion paper to be presented in the existing immigration and asylum committee; relevant stakeholders via bilateral hearing to be scheduled before the end of 2006.

7. Will an inter-service steering group be set up for the IA?

Yes.

ROADMAP

Title of the proposal: **Single Market review**
 Expected date of adoption of the proposal: **end of May 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States?

The Communication on a Citizens' agenda calls for a forward-looking review of the Single Market. Its aim is to assess the experience of the Single Market since 1992, to identify successes and gaps and see what action is needed to ensure that the Single Market continues to deliver on its economic promise, and to ensure that citizens effectively reap the benefits.

2. What are the main policy objectives?

The review should set out a clear and coherent vision for the Single Internal Market. It should offer clear policy directions for the years to come and serve as a useful instrument to re-connect the citizen to the SM.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

N/A – this is a strategic document so a communication is most appropriate.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Not applicable – the document will set out broad policy directions, not immediately propose concrete action. So no IA will be required.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

N/A

6. Which stakeholders & experts will be consulted, how and at what stage?

In April 2006, we launched a public consultation on future Single Market policy via the DG MARKIT website http://ec.europa.eu/internal_market/strategy/index_en.htm.

A report will be publicly available shortly.

A stakeholder hearing will be organised probably at the end of 2006.

In addition, three Eurobarometer surveys have been carried out, two targeted on businesses and one on citizens. The reports on the result of the surveys will be published on DG MARKT's website as well.

7. Will an inter-service steering group be set up for the IA?

An IA will not be carried out. However, all relevant DGs were very much consulted on the public consultation document via an 'input group' organised by DG MARKT.

ROADMAP

Title of the proposal: **Stocktaking of European social reality**

Expected date of adoption of the proposal: **interim report by 02/2007 / report by 05/2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States?

Over the last decades, the ways people live and work together in Europe have undergone radical changes. Therefore, the Commission has committed in its communication on a Citizens' agenda to take comprehensive stock of the reality of European society.

2. What are the main policy objectives?

The stocktaking process should allow to analyse major trends in societal change and assist in identifying appropriate policy responses, alongside the single market review, and as a basis for launching an agenda for opportunity, access and solidarity.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

N/A – this is an analytical/strategic document so a communication is most appropriate.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Not applicable – the document will set out issues and broad policy orientations, not immediately propose concrete action. So no IA will be required.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

N/A

6. Which stakeholders & experts will be consulted, how and at what stage?

The Commission will launch a broad public consultation on the basis of a consultation document by the end of October.

A stakeholder conference will be organised probably in early 2007.

The Committee of the Regions and the European Economic and Social Committee have been invited to give their views. Additional consultation tools are currently being examined. DG COMM has dedicated resources to developing a consultation process.

7. Will an inter-service steering group be set up for the IA?

An IA will not be carried out. However, all relevant DGs cooperate closely in the framework of an inter-service group and a steering group..

ROADMAP

Title of the proposal: **Proposal for a revision of the Council Framework Decision on Combating Terrorism**
 Expected date of adoption of the proposal: **2nd quarter 2007**

A. Initial impact assessment screening**1. What are the main problems identified?**

The use of explosives and bombs has been the most deadly method used by terrorists to strike at innocent civilians causing the death or maiming of hundreds of them. Notwithstanding all the measures being taken, including policy initiatives of the Commission, to reduce to the largest extent possible the misuse of explosives, terrorists can still find a way of getting hold of them and use them to perpetrate attacks. To support all the measures for enhancing the security of explosives, it is being assessed what and if measures need to be taken to combat the transmission of expertise with a terrorist intent on how to make bombs or explosives. This is currently not covered by most Member State laws or under the Framework Decision. Although the transmission of expertise on explosives and bomb-making is the most worrying issue, the transmission of terrorism expertise on another fields such the elaboration of other kind of weapons i.e. contact poison or know-how on organizational aspects as how to create a terrorist cell also constitute a serious problem.

The use of the internet to incite people into becoming violently radical or as a vehicle for terrorist recruitment is extremely worrying in view of the internet's global reach, real-time nature and effectiveness. Incitement to commit terrorism is a crime under the European Framework Decision on Combating Terrorism. This in principle covers incitement by whatever means, including of course the internet. The issue is whether law enforcement authorities are equipped with the adequate tools from a juridical as well as from a technical point of view to be able to counter such incitement and whether more detailed provisions are necessary. Furthermore it unclear how effective existing legislative tools like the E-commerce and Television without Frontiers Directives are in diminishing terrorist propaganda. This is currently being analysed.

2. What are the main policy objectives?

Devising effective solutions towards fighting terrorism propaganda through various media.
 Limiting the transmission of expertise, in particular on explosives and bomb making, for terrorist purposes.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

We will examine the option "no action/status quo" and the different existing possibilities to tackle the two problems described above concerning three different aspects: 1) The choice of instruments, 2) The scope of the proposal, and 3)

The treatment of different types of media, in particular the Internet.
 Regarding the transmission of expertise, in particular in explosives and bomb making, for terrorist purposes, the main policy options would be:

A) As regards the choice of instruments:**1) Legislative instruments**

- a) Modifying the Framework Decision on terrorism: detailing that the transmission of expertise, in particular in explosives and bomb making, with terrorist purposes, through media, in particular, the Internet, constitutes a crime.
- b) Using non criminal law but already regulation on different media such as the television without frontiers Directive or the e-commerce Directive in order to ensure that their respective provisions on incitement to hatred cover the issue of transmission of expertise for terrorist purposes.

2) Non-legislative instruments

- a) Enhancing public-private cooperation and encourage self regulation so that media service providers and print publishing companies address on voluntary bases , the problem of websites or printed publications which transmit expertise with terrorist purposes.

B) As regards the scope or what should be either considered as a crime under the Framework Decision or forbidden by non criminal law or even self-regulatory codes:

- 1) Status quo: not changing the language of existing regulations.
- 2) Expressly refer to the transmission of explosives and bomb-making expertise.
- 3) Expressly refer to the transmission of expertise with terrorist purposes including the elaboration of other kind of

weapons or know-how on organizational aspects as how to create a terrorist cell.

C) The treatment of different types of media, in particular the Internet.

1) Horizontal treatment meaning only one general formula should be enough to address the issue in all different media, including the Internet.

2) Different treatment depending on the media: specific regulation on the issue adapted to each of the different media or, at least, specific regulation for e-communications because of its specific problem of enforceability.

3) Mixed formula consisting of a horizontal formula + specific regulation on the issue adapted to each of the different media or, at least, specific regulation for e-communications because of its specific problem of enforceability.

Regarding terrorist propaganda, the main choices would be:

A) As regards the choice of instruments:

1) Legislative instruments

a) Modifying the Framework Decision: detailing or strengthen the provision on incitement so that terrorist propaganda through media, in particular, the Internet, constitutes a crime.

b) Using non criminal law but already regulation on different media such as the television without frontiers Directive or the e-commerce Directive in order to ensure that their respective provisions on incitement to hatred cover the issue of terrorist propaganda.

2) Non-legislative instruments

a) Enhancing public-private cooperation and encourage self regulation so that media service providers and print publishing companies address on voluntary bases the problem of websites or printed publications which make terrorist propaganda.

b) Using a constructive instead of a repressive approach by enhancing inter-religious and inter-racial dialogue.

B) As regards the scope or what should be either considered as a crime under the Framework Decision or forbidden by non criminal law or even self-regulatory codes:

1) Status quo: not changing the language of existing regulations.

2) Expressly refer to the notion of public provocation directly advocating a terrorist offence.

3) Expressly refer to the notion of public provocation to commit a terrorist offence in line with the Convention on the prevention of terrorism of the Council of Europe. (directly or indirectly advocating terrorist offences with the risk that one or more offences can be committed).

4) Expressly refer to apology/glorification of terrorism.

C) The treatment of different types of media, in particular the Internet.

1) Horizontal treatment meaning only one general formula should be enough to address the issue in all different media, including the Internet.

2) Different treatment depending on the media: specific regulation on the issue adapted to each of the different media or, at least, specific regulation for e-communications because of its specific problem of enforceability.

3) Mixed formula consisting of a horizontal formula + specific regulation on the issue adapted to each of the different media or, at least, specific regulation for e-communications because of its specific problem of enforceability.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Some interventions in this field could have negative impact on Fundamental Rights in particular on freedom of expression. Therefore, in accordance with the Communication of the Commission of 27 April 2005¹, the in-depth impact assessment study will assess the impact on Fundamental Rights of any possible legislative proposal in this field.

Transmission of terrorism expertise, particularly bomb-making

A) No action/status quo (not changing the language of existing regulations). This option would avoid the risk of adverse effect on Fundamental Rights and would allow to concentrate on the effective and efficient implementation of the existing FD. Non-action is an option if it appears difficult or uncertain to guarantee that the new provisions of the FD, or their implementation at national level, will fully comply with Fundamental Rights, or if there are counterproductive effects vis-à-vis Fundamental Rights, or if the legal soundness of such a proposal proves to be not that of the required standard or impossible to implement. On the other hand, if the EU does not react it could be criticised for not doing enough in the fight against terrorism. The EU must try and create the most hostile environment possible within which terrorists operate. Furthermore, the Member States might take the initiative themselves to make a proposal

¹ COM(2005)172 final 27.4.2005. *Communication from the Commission on Compliance with the Charter of Fundamental Rights in Commission legislative proposals. Methodology for systematic and rigorous monitoring.*

B) As regards the choice of instruments:

1) Using existing legislative instruments

a) Modifying the Framework Decision: MS would have to take account of the amendment and transpose it into their national laws. This in turn would imply that police and judiciary forces of the member states would have to apply the new provision. An amended Framework Decision could have an impact on the transmission of expertise in legitimate circumstances like for military or industrial purposes and would have to provide for exceptions for these cases. Such groups might be indirectly affected by the new provision and need to amend some of their current practices. This being said, the Framework Decision would expressly refer to the requirement of "terrorist purposes", which would minimise the impact of the modification on legitimate transmission of expertise.

b) Using non criminal law but already existing regulation on different media such as the television without frontiers Directive or the e-commerce Directive in order to ensure that their respective provisions on incitement to hatred cover the issue of transmission of expertise for terrorist purposes: No impact would result if it is found that the said instruments address satisfactorily the issues in question. If the latter is not the case, and a strengthening of the instruments is deemed necessary Member State authorities in charge of enforcing the said instruments will be impacted, as well as the MS broadcasting authorities and the information service providers.

2) Non-legislative instruments

a) Enhancing public-private cooperation and encouraging self regulation would impact nevertheless media service providers and print publishing companies. But, since they would play a main role in the definition of the policy, their resistance to its impact should be rather reduced.

Citizens in general would be affected since what might be perceived as inroads into freedom of expression might be required in addressing the concern.

C) As regards the scope or what should be either considered as a crime under the Framework Decision or forbidden by non criminal law or even self-regulatory codes:

1) Status quo: not changing the language of existing regulations : no impact

2) Expressly refer to the transmission of explosives and bomb-making expertise: see 1(a)

3) Expressly refer to the transmission of expertise with terrorist purposes including the elaboration of other kind of weapons or know-how on organizational aspects as how to create a terrorist cell: see 1(a)

D) The treatment of different types of media, in particular the Internet.

If we opt for a horizontal treatment the impact on media service providers and broadcasting channels or publishers etc will be similar. Sector specific or a mixed formula solutions might have different impacts and certain media might feel they are being targeted more than others.

Regarding terrorist propaganda, the main choices would be:

A) No action/status quo (not changing the language of existing regulations). This option would avoid the risk of adverse effect on Fundamental Rights, in particular freedom of expression and would allow to concentrate on the effective and efficient implementation of the existing FD. Non-action is an option if it appears difficult or uncertain to guarantee that the new provisions of the FD, or their implementation at national level, will fully comply with Fundamental Rights, or if it is concluded that detailing the notion of incitement is not required or would be counterproductive. Non-action is also an option with regard to imposing obligations technically unenforceable or if existing instruments are found to be performing that task efficiently already. On the other hand, if the EU does not react it could be criticised for not doing enough in the fight against terrorism. The EU must try and create the most hostile environment possible within which terrorists operate. Furthermore, the Member States might take the initiative themselves to make this proposal

B) As regards the choice of instruments:

1) Using existing legislative instruments

a) Modifying the Framework Decision or using non-criminal law but already existing regulation on different media: citizens in general and media service providers would be affected.

2) Use of non-legislative instruments

a) Enhancing public-private cooperation and encourage self regulation: impact on media service providers, broadcasting channels and print publishing companies.

b) Using a constructive instead of a repressive approach by enhancing inter-religious and inter-racial dialogue: impact on faith organisations, MS educational authorities, media, MS governments

C) As regards the scope or what should be either considered as a crime under the Framework Decision or forbidden by non criminal law or even self-regulatory codes:

1) Status quo: not changing the language of existing regulations – no impact

2) Whether one expressly refers to the notion of public provocation directly advocating a terrorist offence or the notion of public provocation to commit a terrorist offence in line with the Convention on the prevention of terrorism of the Council of Europe or refer to apology/glorification of terrorism.: the impact on citizens will be important as these would all be perceived as limitations to freedom of expression; the varying level of the impact of any of these options cannot be anticipated at this stage. *D) The treatment of different types of media, in particular the Internet.*

Whether horizontal treatment, sector specific regulation or a mixed formula: the impact presumably will not vary unless of course one sector is targeted to the exception of the other although this is highly unlikely to happen.

Member States would also suffer impacts if an obligation is imposed to close down websites or disable access to

them. It could mean that failure to do would be in violation of the FD and this would entail an additional law enforcement burden on MS. Furthermore, acts that prior to modification of the FD would have escaped the notion of incitement might now be caught under it if the notion is widened to include acts like glorification or apology of terrorism. (The 2 following paragraphs are the ones I have added to the non-action options above. So, I would delete them from here)

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

Further analysis is needed to examine the necessity and the extent of the scope that such a proposal would cover. Detailed analysis of Member States laws would also be required to see what expertise might be gained and transposed at a European level in the development of this Proposal. In depth analysis of the impact of Fundamental Rights will be necessary.

6. Which stakeholders & experts will be consulted, how and at what stage?

Experts from MS, Europol, Eurojust; European and national industry bodies in the field of explosives manufacturing; Internet Service Providers Associations, Media associations, .

7. Will an inter-service steering group be set up for the IA?

Yes

ROADMAP

Title of the proposal: **Emissions Trading Scheme. Proposal for amending Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended**

Expected date of adoption of the proposal: **October 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The existing Directive leaves ample scope in some aspects for Member States to make discretionary choices (e.g. on national allocation plans). In the implementation of the EU Emission Trading Scheme (EU ETS) for 2005 to 2007, and likely to be continued, it has turned out that choices differ across Member States which gives rise to concern about distortions of competition. A number of informal harmonisation and coordination exercises have been undertaken in preparing the implementation of the first and second trading periods without much success.

The EU ETS framework has been established to reduce greenhouse gas emissions cost-effectively. Community action is necessary to bring about greater certainty and predictability in the application of the scheme by Member States, and to avoid distortions of competition resulting from differences of approach between Member States.

2. What are the main policy objectives?

The main objective of the ETS Directive is to reduce greenhouse gas emissions cost-effectively in the sectors covered by the Scheme and to move towards the European Council's goal that the global average surface temperature does not increase more than 2°C above pre-industrial levels. The ETS review is intended to prepare a legislative proposal to ensure the achievement of this goal. It is envisaged that this will be done by improving the functioning where the review identifies means to achieve this, by increasing predictability and regulatory certainty for companies currently included in the EU ETS, and by extending the scope of the Scheme (to cover more sectors and greenhouse gases) for the third trading period starting in 2013.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

A first policy option would be to aim to a more harmonised or coordinated implementation of the scheme by Member States in respect of certain issues and on the basis of the existing Directive (e.g. application of the Directive to combustion installations.) While this seems to have been fairly successful, this approach is very unlikely to succeed in all areas where a greater need for harmonisation is evident.

An advantage of this option is that legislative action would not need to be undertaken. However, disadvantages are that there would need to be frequent meetings in the Climate Change Committee in any case to seek to co-ordinate implementation, harmonised implementation would only be possible where there was unanimity between Member States on the approach to take, and it might be difficult to legally enforce the application of such agreements.

Another policy option that is being explored is that the Member States' themselves expand the scope of the Directive. The EU ETS Directive's proposal would enable Member States to unilaterally include additional installations, activities and greenhouse gases and would envisage that, when Member States exercise this option, the next review by the Commission would have to consider the inclusion of these additional installations, activities and greenhouse gases in the EU ETS in a harmonised manner.

An advantage of this option is that a 'learning by doing' approach would be taken, with Member States able to take the initiative in terms of applying emissions trading to new activities and greenhouse gases. However, disadvantages are that this approach can only address issues relating to the extension of the scope of the EU ETS, and that harmonised implementation would only be possible without co-decision if all Member States were to unilaterally ask to include the same additional activities and greenhouse gases.

As the EU ETS has been established by Community law through a Directive, regulatory action by the Community is necessary for it to be amended.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The costs of climate change are expected to be very high, and more detailed quantification of these impacts will be explored in other Community actions (Green Paper on Adaptation to Climate Change, Green Paper on costs and benefits for post-2012 climate policy). Tackling climate change will have positive impacts for society, and for companies and service providers involved in energy efficiency and the development and deployment of emissions reducing technologies. For all sectors, increasing action to reduce emissions gradually over time will be more cost-effective than having to undertake major and rapid changes at a later point. There will also be collateral benefits from improved air quality. Emissions trading has lower economic impacts than other measures to reduce emissions, which is why the High Level Group on Competitiveness, Energy and the Environment confirmed its preference for a well functioning EU ETS as a central instrument for greenhouse gas emissions in the EU for major point sources. More detailed impact assessment will be part of the legislative initiative.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The implementation of the scheme in the first and second trading period delivers over time input about the functioning of the scheme. A consultancy contract running for 2006 and 2007 focused on monitoring the implementation of the scheme will deliver analytical input. In this consultancy report e.g. a comprehensive web-based stakeholder survey has been carried out in 2005. Under Article 21 of the existing Directive Member States report annually on various aspects of the implementation of the scheme. The High-Level Group on Competitiveness, Energy and Environment has discussed the ETS review in early 2006 and adopted advice as input to the review process in June 2006.

Additional information will be gathered through a number of avenues. Central in this effort will be the dialogue with stakeholders through the ECCP. In addition to this the Commission will review literature, organise additional stakeholder consultation exercises and provide for the elaboration of specific studies and technical and economic modelling tools.

6. Which stakeholders & experts will be consulted, how and at what stage?

A dedicated stakeholder Working Group under the auspices of the European Climate Change Programme will allow for consultation on the ETS review (start in November 2006)

7. Will an inter-service steering group be set up for the IA?

The existing IS Group on Emission Trading and National Allocation Plans will serve as the steering group for the IA.

ROADMAP

Title of the proposal: **Communication sur la "flexicurité" Des parcours vers davantage de flexicurité: Mieux combiner la flexibilité et la sécurité**

Expected date of adoption of the proposal: **June 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The main problem is the recognised lack of flexicurity in many Member States.

Flexicurity is a situation whereby workers and enterprises have sufficient flexibility to respond to and indeed trigger change, but with sufficient security so that such change is accepted as necessary and indeed beneficial. Elements of flexibility and security are linked to labour/contract legislation, education and training, social partnership, active labour market measures and social security provisions. Greater flexicurity has been identified as a key factor in promoting more and better jobs. Concomitantly, Member States have now recognised the importance of addressing the issue in a more comprehensive manner.

By its comparative position, the Community can help Member States identify good practices and define common principles with a view to enhancing flexicurity.

2. What are the main policy objectives?

The overall objectives of the Lisbon strategy are more growth and jobs. Within the employment area, the objective is more and better jobs, i.e. higher employment rates and better paid more productive workplaces. The Commission Annual Progress Report 2006 and Spring Council conclusions noted that flexicurity is not adequately addressed. To this end, the Commission has proposed that MS adopt a set of common principles on flexicurity for the end of 2007.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

The issue falls beyond the scope of EU legislation per se, , although it is likely that the need to achieve more flexicurity may also touch upon matters falling under existing EU legislation – e.g. in the field of mobility. As a key aspect of the Lisbon Strategy for Growth and Jobs, flexicurity needs to be better and more adequately addressed in the context of the Employment Strategy and the Open Method of Coordination in the field of social protection and social inclusion. A Communication is the most adequate instrument to foster a debate with the MS so as to reach a consensus on the best ways to enhance flexicurity. .

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The Communication will encourage MS to improve flexicurity and thereby increase the quantity and quality of jobs. The set of common principles will lead to:

- Increased competitiveness of EU economies resulting from more adaptable workers and enterprises
- Increased employment and labour market access for those at risk of exclusion due to skills gaps or otherwise
- Improved job quality and social inclusion because it aims to address labour market segmentation and helps workers make progress in work
- More equality of treatment and opportunities for those who are currently stuck in low quality or informal jobs without much opportunity to move into better employment

For example, Denmark, which many would hold to have the highest degree of flexicurity, has high rates of employment for men and women, low unemployment for all ages, high levels of wealth and labour productivity, high levels of spending on active labour market measures and education and training, and high tax rates. An increase in flexicurity in any MS is likely to result into some -if not all -of these positive socio-economic impacts.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Data on the flexicurity situation in the 25 MS is already available but it will require more in-depth analysis. This will be done internally by the Commission and with the assistance of the Employment Committee. The analysis should be completed early 2007.

6. Which stakeholders & experts will be consulted, how and at what stage?

Member States will be actively involved in the elaboration of the Communication, i.a. through EMCO as well as the social partners. Social partners already discussed flexicurity at the Social Summit of 22nd March. A subsequent ad hoc Social Summit on flexicurity scheduled for the autumn 2006 will offer them an additional opportunity to contribute to the debate on flexicurity. .

7. Will an inter-service steering group be set up for the IA?

No. Lisbon DGs, among them ECFIN and ENTR will be actively and regularly consulted and involved.

ROADMAP

Title of the proposal: **Communication on "A European strategy for social services of general interest"**

Expected date of adoption of the communication: **November 2007**

A. Initial impact assessment screening

1. What are the main problems? Are they likely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The consultation launched by the Green Paper on services of general interest² showed the need to take into account the specific situation of social and health services within the services of general interest. Service providers, users, as well as Member States expressed in particular the need for greater clarity and predictability in the application of Community rules in order to allow social and health services to develop and modernise.

This increased clarity and predictability can not be provided by individual Member States but should be taken up at Community level. As announced by the White paper on services of general interest³, a Communication on social services of general interest in the European Union has been published on 26 April 2006⁴ as a first step towards a more systematic approach in this area. This Communication announced the continuation of the process based on an extensive consultation with Member States and stakeholders.

2. What are the main policy objectives?

On the basis of further consultations undertaken in 2006-2007, the main policy objectives of this follow-up communication are to

- Identify and recognise the specific characteristics of social services of general interest;
- Clarify the framework in which they operate and can be modernised;
- Propose further steps to come to a systematic approach in the field of social services of general interest.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

In the mid term, three basic options can be envisaged:

1. No EU action, maintaining the current situation, with the risk of not responding to the announcement made in the White Paper of a more systematic approach regarding social and health services of general interest.
2. A regulatory instrument at EU level in the form of a directive establishing public service obligations for social services, but that would need further analysis in particular regarding community competence and the subsidiarity principle.
3. Adaptation of the currently applicable regulatory framework to take account of the specificities of social services

To develop the analysis of these basic options, a follow-up Communication to the Communication of April 2006 appears necessary. This Communication would, on the basis of further consultations with Member States and all relevant stakeholders examine closely all possible options in order to provide a stable and predictable EU legal framework for social services supporting their modernisation.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis?

Direct and indirect social and economic effects will have to be considered for this sector of which the dynamics are closely related to the fundamental changes in society.

A particular attention should also be given to distributive issues and equity concerns. .

² COM(2003) 270, 21.5.2003

³ COM(2004) 374, 12.5.2004

⁴ COM(2006) 177, 26.4.2006

The purpose of the first Communication was rather to clarify the existing Community framework applicable to the Social Services of General Interest and identify the specific characteristics of these services. The follow-up Communication will set out more concrete steps to be taken at the Community level. Further impact assessment work (described under B) will enable the Commission to take a decision on these further steps.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

The Commission already gathered information from the Member States by means of a questionnaire prepared by the Social Protection Committee and from a major civil society conference that took place in June 2004 (results can be consulted on http://europa.eu.int/comm/employment_social/social_protection/questionnaire_en.htm)

In April 2006 the Commission launched a study (<http://www.euro.centre.org/shsgi>) aimed at deepening the knowledge about the contribution made by social services at national, regional or local level to the achievement of the Community objectives (social cohesion, the promotion of social progress, high level of employment etc.) by describing the situation of these services in eight Member States. The study will also give an overview of the importance of the sector of social services in economic and employment terms. The second aim of the study is to examine whether there are common specific characteristics of these services across the eight Member States and how these characteristics could be taken into account vis-à-vis the currently applicable EU legal framework in particular as concerns internal market rules and competition law. The third aim is to describe the modernisation and further developments of these services and the consequences thereof for the fulfilling of the mission and the application of the EU legal framework. Finally, the study examines whether and how a "mechanism for a regular assessment and evaluation of the national frameworks for the provision of social services of general interest" as announced by the White paper could be set up. The results of the study will become available in the first half of 2007 and will be discussed with representatives of Member States and of the social services sector during a conference in the summer of 2007.

6. Which stakeholders & experts will be consulted, how and at what stage?

In parallel to this study, the Commission will, as announced in the Communication continue the open process of consultation with Member States and all relevant stakeholders. To this end, the Social protection committee has issued a questionnaire. The results of this questionnaire exercise will be available early 2007.

7. Will an inter-service steering group be set up for the IA?

An informal inter-service group has already been established for the preparation of the first Communication. This group will be involved in the preparation of the second Communication.

ROADMAP

Title of the proposal: **Community framework for safe and efficient health services**

Expected date of adoption of the proposal: **June 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

These issues have been considered by the High Level Reflection Process on patient mobility and healthcare developments in the European Union in 2003, which involved 24 EU health ministers as well as representatives of patients, professionals, providers and purchasers.

The report of the reflection process identified a wide range of issues linked to mobility of patients and health professionals between Member States and more generally concerning healthcare developments.

These included issues relating to cross-border provision of health services; sharing and protection of health information in cross-border care; access to and quality of care; and European cooperation to enable better use of resources.

The report of the reflection process also invited the Commission in consultation with the Member States to explore how legal certainty could be improved following the Court of Justice jurisprudence concerning the right of patients to benefit from medical treatment in another Member State and to bring forward any appropriate proposals.

The Commission set out its response to these issues in its Communication COM(2004)301 on the follow-up to the patient mobility reflection process, which included the establishment of the High Level Group on health services and medical care. This High Level Group has already been addressing many of these issues, as set out in its 2004 and 2005 reports. However, many issues of legal uncertainty remain. As these concern the interaction of different legal systems between Member States as well as Community law, it is unlikely that these can be solved solely by action of the Member States, as the lack of resolution of these issues over several years of consideration has shown.

Moreover, the complexity of these issues has been shown in the context of the debate on the proposed directive on the free movement of services in the internal market. In the context of discussions of the impact of that proposal on health services many areas of uncertainty have been raised concerning the detailed interaction between Community law and different national regulations on health services and the possible consequences for the accessibility, quality and financial sustainability of health services throughout the Union. Regardless of the outcome of discussions on that proposal, it is therefore appropriate to explore whether further proposals are necessary to ensure a clear framework for safe and efficient health services throughout the Union.

2. What are the main policy objectives?

The specific objective is to establish a Community framework for safe, high-quality and efficient health services in order to:

ensure patient safety wherever healthcare is provided throughout the Community;
address uncertainties over application of Community law to health services that create obstacles to cross-border healthcare;
and improve the efficiency and effectiveness of health services throughout the EU.

Patient safety is not ensured by current health systems across Europe; statistics indicate that 10% of hospitalisations involve harm to patients from the care meant to help them. A clear Community framework will help Member States to ensure safety of patients wherever they seek healthcare within the Union. More generally, uncertainty about the application of Community law to health services creates obstacles to the freedom of patients to have access to the high-quality healthcare they seek wherever it can best be provided across Europe

The lack of a clear Community framework for cross-border healthcare also creates inefficiencies in health systems. Cooperation between healthcare systems can bring benefits for patients and for better functioning of

systems overall, for example in border regions or where there are capacity constraints or the need for particular concentrations of resources or expertise. Current variations in techniques, resources and outcomes show that there is enormous scope to improve the results obtained from existing resources by bringing healthcare across the Union towards the standard of the best. For example, for bladder cancer, although survival rates are improving in general, there are substantial differences in survival among countries in Europe, with five-year survival rates ranging from highs of 78% in Austria to 47% in Poland and Estonia.

Greater cross-border cooperation can help to reduce these disparities. However, a clear Community framework for safe and efficient health services is required in order to enable this potential to be realised. Without this, current inefficiencies will undermine Europe's potential to maintain sustainable health systems in future years, in particular with regard to demographic ageing. Current projections by the Economic Policy Committee show that the future cost of healthcare between now and 2050 will depend crucially on efficiency in provision; this will be as significant a factor as demographic ageing itself.

Addressing these issues will also be particularly important for the new and future Member States, who need to benefit to the maximum possible from the potential of cross-border healthcare in order to be able to ensure access by their citizens to healthcare reflecting European values.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

Before proceeding to specific proposals, consultation will be required beginning in 2006 on the issues to address and the best ways of doing so.

Possible options that can already be identified include:

- reinforcing cooperation between Member States through the existing High Level Group on health services and medical care;
- maximising use of existing financial instruments (such as the structural funds and the research funds) to develop proper structures and expertise for health services throughout the Union;
- developing non-binding standards or references at EU level (eg: a charter of patients' rights; guidelines for patients, purchasers and providers of cross-border healthcare);
- a framework directive on safe and efficient health services providing clarity and certainty over the application of Community law to health services;
- a regulation providing a direct framework for health services at Community level (to complement to the existing regulations on the coordination of social security schemes)

Different options could also be combined, and other options considered. However, which options are appropriate will depend on the result of consultation on this issue and an assessment of the impact of any proposals

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The main impacts from any initiative on health services will principally be on:

- accessibility of health services for patients throughout the Union;
- the quality and safety of those health services;
- and their efficiency and financial sustainability, with consequent impacts on purchasers of care and ultimately public finances.

Specific impacts will depend on the particular options chosen, and the issues that are addressed. The key areas of impact will be on health systems and health services, as well as on overall public health. However, other key dimensions will include:

- economic impacts: on competition in the internal market; operating costs and costs of business for providers of health services; consumers and households; innovation and research in the health sector, including pharmaceuticals and medical devices; and impacts on specific regions (such as areas of high tourist flows and border regions) and sectors (such as certain medical specialities); public authorities; and the overall macroeconomic environment and sustainability of the European social model;

and social impacts: employment in the health sector; social inclusion with regard to access to high-quality health services based on medical need; and privacy of personal data in connection with health services

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Much information on these issues is already available, in particular through the work already undertaken in connection with the patient mobility reflection process and the High Level Group on health services and medical care. Regarding the principal impacts:

for health services, a specific methodology for analysing impact of proposals on health services is being developed through the High Level Group on health services and medical care, which will be used to assess the impact of any options chosen;

for overall public health, methodologies have already been developed through the public health programme to assess health impacts.

Information is also available from other sources, including:

- current projects on health services under the public health programme, including an analysis of cross-border cooperation in healthcare;
- current research projects related to patient mobility and health services under the research framework programmes, including specific research on patient and professional mobility; analysis of different national strategies for quality and patient safety; and analysis of the different entitlements to healthcare under different health systems;
- economic analysis linked in particular to the impact of demographic ageing and its implications for public and private expenditure on healthcare over coming decades, and the sensitivity of projected costs to improvements in efficiency of health service provision;
- and contributions from the Member States on the key challenges they face regarding accessibility, quality and financial sustainability of health systems through the 'open method of coordination' on healthcare and long-term care.

Further data will be gathered as part of the consultation on possible options that is planned for 2006, in particular regarding other economic and social impacts. Final analysis will depend on the options proposed following consultation and will be carried out internally, drawing on external expertise where appropriate

6. Which stakeholders & experts will be consulted, how and at what stage?

Consultation of a wide range of stakeholders on these issues has already begun through the patient mobility reflection process and the High Level Group on health services and medical care. A formal further consultation on these issues and possible Community initiatives is planned for 2006.

7. Will an inter-service steering group be set up for the IA?

Other services will be involved through the inter-service group on health.

ROADMAP

Title of the proposal: **Proposals to implement the Green paper to inform EU citizens and provide training to civil servants of Member States on the contents of Article 20 of the EC Treaty**

Expected date of adoption of the proposal: **September 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test).

Article 20 TCE provides that Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

A Green paper on Article 20 TCE and diplomatic and consular protection of EU citizens in third countries will be adopted before the end of 2006. The purpose of the Green paper is to propose options for consideration with a view to enhancing protection of citizens of the Union in distress in a third country. In particular the Green paper will propose to develop an information policy on the right to diplomatic and consular protection foreseen under Article 20 of the EC Treaty, to launch a reflection on the scope of this fundamental right for EU citizens (see article 46 of the EU charter of fundamental rights) and to open a debate on the structures and resources which the Union must have for this purpose and on the relations with third countries' authorities.

At a first stage, priority should be given to actions related to information of citizens on their right to diplomatic and consular protection and to the training of Member States' diplomatic and consular staff.

This roadmap should be reviewed in the light of the conclusions of the fifth citizenship report to be adopted in the second semester of 2007.

In this context, the following problems can be identified:

1. On the one hand, a recent inquiry (Eurobarometre of July 2006) has made evident that only a **minority of EU citizens know about the existence and the scope of Article 20** of the EC Treaty. Since 1996 Member States have occasionally printed leaflets and brochures but the precise number and the strategy of dissemination remain unknown. Given the increasing number of EU citizens traveling/living abroad (for tourism, education, work or retirement) and therefore likely to resort to diplomatic or consular protection in case of a problem, the low level of information on their rights is not acceptable. If citizens are not aware of their rights, they are unlikely to request consular protection from a Member State other than their own. This can be problematic if the Member State concerned does not dispose of a representation in the third country in question. This is a frequent reality, as to date all 25 Member States dispose of their own permanent representations only in the P.R. of China, USA and the Russian Federation. In all other States of the world some Member States do not dispose of representations. In such cases, EU citizens in need of diplomatic and consular protection would need to address themselves to other Member States' representations. This is also hampered by the fact that no up-to-date contact information on other countries' consular services is easily and centrally available for all EU citizens.
2. On the other hand, training on consular and diplomatic protection have traditionally been in the hands of Foreign Offices. Each Member State has its own academy providing national state-oriented training. But nowadays there is an increase of interacting activities for consular and diplomatic personnel of one country aiming at protecting/assisting EU citizens of another country abroad. The **differences in trainings to follow can lead to less efficient interventions** (see the case of Tsunami, or the Lebanon war). Effective mutual assistance is hampered by diverging levels of training and divergent procedures across the Member States administrations.
3. Also, the **scope of protection varies** from one Member State to another, depending on the national rules. EU citizens are confronted with different levels of protection depending on the Member State from which they request help. Also, on the basis of the existing acquis diplomatic and consular protection does not cover important aspects: art 5 of Decision 95/553 provides for consular protection in case of repatriation. This does not include European citizens' family members of third country citizenship. Also, the repatriation of corpses is not explicitly covered by this article. Due to that, their repatriation from third countries is at the moment burdensome, as different rules exist in Member States. 2 international conventions exist (Berlin convention from 1937 and Strasburg convention from 1973) on the repatriation of corpses, which have not been ratified by all Member States.

The necessity of EU level action: As outlined above, **information** on the fundamental right to diplomatic and consular protection is not adequately provided at Member States level. Information on one Member States' representations is not easily accessible by the citizens of another Member State and would be of high added value. **Training** at on diplomatic and consular protection does not adequately take into consideration key aspects for effective EU-level cooperation. To achieve a **similar level of consular and diplomatic protection** across the EU and to ensure that it extends to family members of Union citizens who are third country nationals and to the transport of corpses, EU level action modifying the relevant acquis seems necessary .

2. What are the main policy objectives?

To make citizens aware of their fundamental right to diplomatic and consular protection outside the EU.

To ensure adequate training of officials on aspects of diplomatic and consular protection relevant for EU-level cooperation

To implement common standards among Member States when helping EU citizens abroad and extending the scope of diplomatic and consular protection as described above.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?-

It should be underlined that amongst others, the issues listed below will be submitted to public consultation in the green paper. Any future actions will have to take into account the replies received in that context.

- No policy change

- Non-legislative measures could include: (1) **information to citizens:** Basic information offered would be based on a regularly updated inventory of contact details of all EU Member States' embassies/representations abroad. Also, it could be recommended to Member States to include the relevant article of the EC Treaty (Art 20) in passports. (2) **Training and procedures for national diplomatic and consular and EC staff :** the relevant budget line in the Citizenship financial programme for 2007 would be used for: seminars on relevant articles of the EC Treaty and EU Charter, as well as information material for national civil servants; joint seminars on the relevant conventions on consular and diplomatic functions; and information exchange events between consular staff and representatives of relevant professional groups (travel agents, chambers of commerce, academic/scientific exchange programme coordinators). Issues covered could be: respect of procedural guarantees on detained/arrested persons; degrading treatment; data protection, respect of family life, etc. (3) As regards the **repatriation of corpses**, the missing Member States could be encouraged to ratify the relevant conventions, leading to their consistent across the EU.

- Legislative measures could include the extension of diplomatic and consular protection to European citizens' family members of third country citizenship and to the repatriation of corpses.

- In addition, the creation of common consular offices, at the first stage in four experimental regions (Caribbean, Balkans, Indian Ocean and West Africa), will also be assessed.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

1) in case of no action the low level of public awareness, the unsatisfactory level of training and the absence of consular protection in certain important areas are likely to persist.

2) the training programmes can be expected to increase the level of knowledge of Member States' and EC civil servants on citizens' rights as regards diplomatic and consular protection and will lead to their better application in case of need. Common training can also help to establish a common level of diplomatic and consular protection, so that could ensure that EU citizens could enjoy the same level of diplomatic and consular protection irrespective of the embassy they address themselves to. This would also foster cooperation between diplomatic and consular services in emergency situations. Communication measures would increase the public knowledge about consular and diplomatic protection rights and enable EU citizens to invoke these rights.

3) The possible extension of diplomatic and consular protection to family members of EU citizens and the repatriation of corpses would provide better protection for those family members and facilitate the situation of EU citizens confronted with the difficult task of having to organise the repatriation of a corpse.

4) Common consular offices would create a higher level of diplomatic and consular protection for citizens by providing them with a clear contact point, and reduce costs for Member States by allowing them to pool their resources.

The impact of the proposed measures could in the future be monitored from two perspectives:

TOP-DOWN: Under Article 22 of the EC Treaty the future three-year Citizenship Reports will make reference to progress achieved with the initiatives considered above. As in the past, information gathering could also be conducted through the Eurobarometer.

BOTTOM-UP: Possible complaints by EU citizens about the denial of protection or the inadequate protection under Article 20 of the EC Treaty will be an important way to measure the level of satisfaction of EU citizens and the problems they have faced when demanding help abroad.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered?

An academic study was carried out in 2004. Beyond the consultations mentioned under the next point, an external study to support the assessment of the impacts of the proposed measures is envisaged, launch in early 2007.

6. Which stakeholders & experts will be consulted, how and at what stage?

The aforementioned Green Paper will be adopted before the end of 2006. It will invite all relevant stakeholders to express their views on possible measures in the area of diplomatic and consular protection. The deadline for comments on the Green paper is planned for the end of March 2007, followed by a hearing.

7. Will an inter-service steering group be set up for the IA?

Yes.

ROADMAP

Title of the initiative: **Health in Europe, a Strategic Approach**

Expected date of adoption of the proposal: **June 2007.**

A. Initial impact assessment screening

1. What are the main problems identified?

Health is a fundamental right and is intrinsically valuable for both the individual and for society. Improving health is thus a key part of the citizen's Agenda. However, in Europe, significant health inequalities still exist within and between Member States. Life expectancy for men is 13 years longer in Sweden than in Lithuania, and there is great potential to increase healthy life years across the EU. The enlargement to 25 (and soon 27) Member States has brought new health challenges across the EU. Health is also a key factor for economic prosperity and competitiveness for Europe, as reflected in the inclusion of the Health Life Years indicator as part of the Lisbon Strategy. The changes taking place in Europe, including demographic ageing and the continuing rise of new technologies and innovation, mean that health systems will be facing growing costs at the same time as the workforce is put under pressure to support older people. However, it has been predicted that if healthy life expectancy increases in line with total life expectancy, the projected increase in spending on health care due to ageing by 2050 would be halved.⁵ Health is a vital element for Europe's future and taking forward work at the EU level is therefore clearly important.

In defining and carrying out its policy the Community acts according to the subsidiarity principle, with due consideration for the fact that most competence for action in the field of health is retained by Member States. However, the EU has a clear role, set out in the Treaty, notably in Article 152, to undertake certain actions in the field of health. Over the past decades, the EU has taken action on global issues such as health threats, for example from pandemic flu, and international trade, cross-border issues such as patient and health professional mobility, health promotion and prevention issues around health determinants such as tobacco and nutrition/physical activity, and cross-cutting issues such as the ageing population and new technologies all benefit from cooperation at the EU level. This also includes a small but important *acquis* on blood, tissues and cells.

In recent years, EU actions have included setting up the European Centre for Disease Control; developing programmes to set the framework for funding of projects in the health field; developing strategies on mental health and alcohol, and taking action to ban tobacco advertising across the EU, to name just a few examples.

However, the EU has never had an overarching Strategy, setting out a coherent approach to health policy. Such a coherent approach to improving the health of the population and patients access to high quality and safe healthcare services, particularly given the ongoing enlargement of the EU, can achieve real change, so that more European citizens enjoy good health for a greater proportion of their lives. A health Strategy can set a framework for enhanced cooperation with the Member States and partnerships with stakeholders to optimise the delivery of health improvements across the EU.

In late 2004 a consultation process "Enabling Good Health for All – A Reflection Process for a new EU Health Strategy" formally consulted stakeholders to gain their views on what future action the EU should take in the field of health. This process was intended to feed into an overall strategy which would encompass all work done at EU level, taking into account both the Programme for Action in the Field of Health (adopted by the Commission on 24 May 2006), as well as the broad range of other actions taken by legislation (e.g. issues such as the regulation of blood and tobacco and the International Health Regulations), non-legislative means (such as coordination of pan-European planning for health threats), and cross sectoral work (such as the contribution of health to the Lisbon Strategy Agenda or cross-sectoral work on demographic change).

The consultation process generated a broad debate amongst stakeholders. Key outcomes of the consultation were that the majority of stakeholders signalled a need for a coherent approach to health that mainstreams health concerns into all Community policies; that they see a need to bridge health inequalities across the EU; that the EU should take a much stronger role in global health; that the EU should focus on health promotion; to tackle key issues such as mental health and cross-border matters, and that the EU, its Member States and stakeholders should work together to deliver concrete results. The strategy will respond in broad terms to the reflection process consultation, addressing its key concerns.

The key problem that the strategy will tackle is therefore the lack of a coherent approach, with clear short, medium and long-term objectives, at EU level in the field of health, which fully respects the competences of the Member States..

Within that broad aim, the specific problems that the strategy will aim to tackle are many and varied. By the nature

⁵ DG ECFIN – The Impact of Ageing on Public Expenditure 2004-2050 p.133

of the strategy, they range across the whole field of work done on health at EU level.

Three central themes have been identified; Key Issues (within which theme health promotion and health inequalities are addressed), Health in all Policies, and Global Health. These themes are interdependent. Addressing key issues within the health sector is complemented by a strong, coherent 'Health in all Policies' approach to working with other sectors. Further, a view restricted to the EU is too narrow. A broader approach, taking global health issues into account is needed.

1. Key Issues

There are huge gaps in health status and access to healthcare across the EU which translate into major differences in quality of life and that also impact negatively on economic growth and the cohesion of the Union. Life expectancy in EU 25 varies from 66-78 years (a gap of 12 years) for men and 76-84 years (a gap of 8 years) for women. Even in the EU15, the average difference between life expectancy and healthy life expectancy is 11 years for men and 16 years for women. The Strategy will encompass key issues to promote health and reduce health inequalities. It will encompass the work done and ongoing on health determinants, for example the strategies on alcohol and mental health, where impact assessments have been completed, and will set new objectives in these areas. Variations between health systems show that there is unrealised potential to make health systems more effective and efficient through cooperation at European level. This overarching Strategy will cover work on health services including the new health services initiative (internal market in health services – work in progress), which will have a separate impact assessment. It will also include some new actions, including in the field of technological innovation. New technology can increase efficiency but this added value must be balanced against the cost. One area in which there is potential for better use of new technologies is e-health. Work done in these key areas will often have links to other policy areas or to global issues, and will therefore overlap with the other broad themes.

2. Health in all Policies

Health concerns are not sufficiently well integrated in other policies, despite some progress. At EU level, partnerships have been developed in the field of pharmaceuticals, taking into account the often common interests of patients and industry. Work with Regional Policy has achieved greater use of the Structural Funds to support health improvements, particularly in the new Member States. There is a need for partnership with the information society sector, the develop ways that new technology and innovation can be harnessed to improve health and the efficiency of health care systems. Looking ahead to the demographic change expected across Europe, partnerships are being developed in relation to the role of a healthy workforce and active older people to support prosperity and competitiveness in the future. Further examples are seen in the field of research, environment, education and other sectors. However, there is currently no coherent overview or overall approach to maximise the results of the actions pursued by different sectors on health-related actions. No objectives currently exist to measure the success of mainstreaming health, or 'Health in all Policies', but given the Treaty requirement in Article 152, that 'a high level of health protection shall be ensured in the definition and implementation of all Community policies and activities' a more structured and measurable approach to this aim is lacking.

3. Global Health Issues

Overall policy consistency and efficiency should be reinforced - both in EU health policy and throughout other EU policies - to ensure a better EU contribution to address global health issues, together with the Member States and other international players (United Nations' organisations, international donors, etc). Global issues impact directly on the EU. Managing the threats related to communicable disease such as HIV/AIDs and pandemic flu is a key concern, as well as issues around trade with countries outside the EU. The EU is increasingly participating in global health governance (e.g. the WHO Framework Agreement on Tobacco Control or revised International Health Regulations). However it is still not properly recognised and sufficiently involved in shaping the international health agenda. Based on its experience and various competencies and policies, and given the obligation and added value of coordinated action, the EU clearly has a different role from individual Member States at international fora, and this is vital for key international issues such as pandemic preparation where failure to have a strong voice could lead to severe consequences for the EU. The way health is integrated in the EC external relations is also increasingly important: while EU Development policy has a longstanding health component, more could be done in the framework of more recent policies such as the European Neighbourhood Policy – where the EC experience in some key areas (e.g. communicable diseases) could be better acknowledged to support these countries to improve their health systems and status. New tools and objectives need to be defined to measure progress in these areas.

All new initiatives mentioned in the strategy for subsequent development will have their own impact assessments

2. What are the main policy objectives?

The main objective is to present a coherent approach, with clear objectives, at EU level in the field of health, with the ultimate aim of improving the health of EU citizens, improving health security and promoting health, which in turn are important factors in supporting a productive and competitive economy.

For the themes identified above, the objectives are to:

- Develop a more comprehensive and coherent approach to work on key health issues at EU level. Set objectives to address inequalities in health, promote health, strengthen co-operation between national health systems, encourage health investment and innovation. Set objectives for improving the use of information technology in health.
- Develop a more comprehensive and coherent approach to work on ‘Health in all Policies’; set objectives for mainstreaming health into relevant Community policies, and for developing integrated Community approaches to important health themes.
- Develop a more comprehensive and coherent approach to the EU’s role in international health and set tools and objectives to have a more active and efficient co-operation with international organisations active in health and third countries.

The aim is to set broad objectives, rather than introducing many new quantitative objectives. Following the adoption of the Strategy, further work will take place to develop methods for achieving the overarching objectives, which should include drawing up more specific objectives and key indicators

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

Policy Options

a) Option 1: No Action

Continue with existing and planned work without setting objectives or developing a coherent, strategic approach for key actions in the health sector, cross sectoral actions and global issues.

Instruments : no new instruments to be used

b) Option 2: Develop a more comprehensive and coherent approach to key issues for health at the EU level, Health in all Policies, and the EU’s role in global health

This would include:

- a) Setting one or two key objectives to improve health in the EU by, for example, increasing Healthy Life Years
- b) Setting a number of EU-wide objectives in different interrelated fields, and developing action plans to implement them, e.g. increase cancer screening, increase numbers of networks of centres of reference, increase numbers of member states with e-medical records
- c) Setting objectives for the inclusion of health in key Community policies, including for the use of health impact assessment and health systems impact assessment.
- d) Setting objectives for action in partnership with other sectors, for example in relation to the Lisbon Agenda and competitiveness, technology and innovation, young people’s health, health prevention/life long learning, ageing and health, health and the world of work, health and regional development.
- e) Setting objectives to carry out joint initiatives with international organisations on global health problems, in particular communicable diseases e.g. HIV/AIDS.
- f) Development of effective monitoring and evaluation processes

Instruments : White Paper Communication, action plan, evaluation

c) Option 3: Option 2 + Enhanced coordination between Member States and active cooperation with international organisations and with partners

In addition to the policy actions set out under Option 2, this would include :

- a) Setting objectives and quantitative indicators of progress for the EU which Member States would be asked to endorse and reflect in their own programmes and policies
- b) Setting up a consensus mechanism with Member States, comparable to the Open Method of Coordination
- c) Setting a key objective to develop more effective co-operation with relevant international organisations, in particular the World Health Organisation.
- d) Strengthening existing mechanisms of dialogue and cooperation with health partners, with a particular focus on the civil society

Instruments: White Paper Communication, action plan, evaluation, coordination and partnership mechanisms, including with WHO

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Option 1: No Action

Option 1 will lead to a continuation of work at EU level. There will be no additional impact. Choosing this option would mean accepting the lack of a coherent approach to the EU's work in the field of health. This option would mean a continuing work on key issues without a coherent framework to help to prioritise and guide work. It would mean continuing work to mainstream health into other policies, but on a fragmented, ad hoc basis. It would mean accepting a level of cooperation with international institutions that is not optimal as well as an approach to global health throughout EU policies that is too heterogeneous and fragmented. Ultimately this option represents a failure to optimize Community added value in addressing the main health problems.

Option 2: Develop a more comprehensive and coherent approach to key issues for health at the EU level, Health in all Policies, and the EU's role in global health

This option would provide a coherent framework for addressing the key areas where EU action can bring added value. A consistent approach would help prioritise the areas where action needs to be carried out in the long term. Setting a range of EU-wide objectives would impact positively by setting a clear direction for health policy at EU level that will be beneficial to the health sector and other sectors as well as to Member States and the public.

Further analysis is needed to identify in measurable terms the impact of putting in place objectives, indicators, and a strategic framework in order to achieve health policy goals in different areas.

Option 3: Option 2 + Enhanced coordination between Member States and active cooperation with international organisations and with partners

This option is ambitious; while respecting subsidiarity, it will mean obtaining the commitment of all relevant actors to achieve real change. Along with the benefits of the actions included in option 2, the involvement of partners will strongly boost efficiency and efficacy, and enable EU action to achieve measurable positive impacts on the health status of the population. This option would create an appropriate and flexible European framework, responding better to the requirements under Article 152 of the Treaty.

Under this option, partners at all levels will be involved in new objectives and participating in implementation processes. It will benefit from greater commitment and engagement from Member States. While preserving the subsidiarity principle, the EU would work to enhance its cooperation with Member States. It would also strengthen partnerships with international organisations and civil society. Achieving the concrete and clearly framed involvement and commitment of Member States and of the international actors to the Strategy would lead to strong and effective actions.

Further analysis will be needed of the resources required to implement this option, both in the Commission and in the Member States. This will be dependent on the new mechanisms which are developed

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

The Impact Assessment will focus on the efficacy of using objectives, aims and indicators to achieve policy goals in different fields. Information will be obtained from academic experts in the health policy field, as well as using internal analytical and statistical resources. Information currently collected by DG SANCO can also be used to demonstrate the general need to improve health across the EU.

There is clearly a vast amount of evidence relating to the broad gamut of work covered by the overarching Strategy. In some of the areas covered by the Strategy, Impact Assessments exist, for example for the alcohol strategy. An Impact Assessment will be developed for the upcoming Health Services Initiative.

6. Which stakeholders & experts will be consulted, how and at what stage?

A formal consultation took place in 2004, (as described under point 1 above), to identify the themes for the content of the Strategy.

However, during the development of the White Paper, further informal discussions will take place with Member States (e.g. through the High-level Group on health services and medical care, and the High level Committee on Public Health) and with relevant stakeholders including the Health Policy Forum and the European Centre for Disease Prevention and Control. A document will also be placed on the web, so that other external stakeholders including the general public will also have a second opportunity to comment on the strategy, in particular in how to identify key overarching objectives and means to implement them.

7. Will an inter-service steering group be set up for the IA?

Inter-service co-ordination is essential, in particular as this initiative aims to bring different health actions under a coherent framework (objective 1). A sub-group of the existing Inter-service Group on Health will begin work in November 2006. They will assist in developing the Impact Assessment

ROADMAP

Title of the proposal: **Communication de la Commission au Conseil, au Parlement et au Comité Economique et Social sur la Stratégie Européenne d'Accès aux Marchés**

Expected date of adoption of the proposal: **avril 2007**

A. Initial impact assessment screening**1. What are the main problems identified?**

L'année 2006 marque le dixième anniversaire de la Communication COM(96) 53 du 14 février 1996 par laquelle la Commission Européenne a élaboré une Stratégie Européenne d'Accès aux Marchés. Cette stratégie précise les objectifs d'ouverture des marchés. Elle explicite spécifiquement les modalités d'action fondées sur l'identification et l'élimination des barrières à l'accès aux marchés extérieurs à l'Union et leur enregistrement dans une Base de Données gratuite, la Base de Données Accès aux Marchés. Ce dixième anniversaire de la Stratégie Européenne d'Accès aux Marchés fournit une bonne occasion de réviser cette Stratégie dans le sens d'une proactivité toujours améliorée.

C'est aussi en 2006 que débute la mise en œuvre concrète de la stratégie à 5 ans présentée par le Président de la Commission le 26 Janvier 2005 et qui vise notamment à renforcer la stratégie de Lisbonne. L'un de ses objectifs majeurs est ainsi d'assurer une plus grande prospérité pour les Européens. De ce point de vue, l'amélioration de l'accès aux marchés est un point clé du renforcement de la compétitivité européenne. En effet, les marchés des pays tiers sont globalement moins ouverts que ceux de l'Union Européenne ce qui offre un potentiel d'augmentation de nos exportations qu'il convient d'exploiter. Pour faire bénéficier les entreprises européennes de la forte réduction des coûts de transport et de communication à l'échelle mondiale, il convient aussi de lever les barrières à l'accès aux marchés dont les effets sont désormais prépondérants : défauts de protection des droits de propriété intellectuelle, obstacles techniques au commerce, obstacles au commerce des services, freins à l'investissement dans les pays tiers. Ces défis exigent de poursuivre et d'amplifier la Stratégie Européenne d'Accès aux Marchés.

2. What are the main policy objectives?

L'adaptation des modalités d'action de la Stratégie Européenne d'Accès aux Marchés est nécessaire pour développer l'ouverture des marchés mondiaux, au bénéfice de l'Union Européenne comme des pays tiers. Il s'agit d'utiliser au mieux l'ensemble des instruments de politique commerciale, qu'ils impliquent des négociations aux niveaux multilatéral régional et bilatéral ou qu'ils prennent la forme d'instruments spécifiques tels que le dialogue réglementaire qui vise à suivre la bonne mise en œuvre des engagements pris par nos partenaires. L'interactivité avec les entreprises européennes découlant de l'utilisation de la Base de Données Accès aux Marchés constitue à cet égard un atout qu'il convient d'exploiter plus finement.

En termes de politique commerciale, les objectifs concernent la facilitation des exportations de biens, de services et de propriété intellectuelle, et des investissements, notamment dans les pays émergents à fort potentiel de croissance. Il s'agit aussi, en levant les barrières à l'accès aux marchés où qu'elles se trouvent, d'aider les entreprises européennes travaillant dans les secteurs à plus fort potentiel, à tirer profit de la spécialisation sectorielle mondiale par des économies d'échelle.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

Les options disponibles sont les suivantes :

- limiter les activités d'Accès aux Marchés à l'information des entreprises,
- adapter l'Accès aux Marchés sans modification de son périmètre ni mobilisation de ressource supplémentaire de la part des parties prenantes y compris pour l'élimination des barrières à l'accès aux marchés,
- renforcer toutes les activités d'Accès aux Marchés (identification puis élimination des obstacles aux exportations, information des entreprises) dans le cadre d'un partenariat renouvelé impliquant une mobilisation accrue des parties prenantes.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Les impacts attendus concernent *in fine* les entreprises européennes, par une meilleure information sur les barrières à l'accès aux marchés et sur les actions engagées pour les lever, et par une meilleure maîtrise du processus de levée des barrières prioritaires. Ceci doit permettre d'améliorer la performance globale en matière d'accès aux marchés, d'améliorer la compétitivité des entreprises européennes et d'augmenter les échanges et ainsi la croissance économique.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

◆ Une enquête « ouverte » avait été lancée en 2005 auprès des Etats Membres en vue de recueillir leurs souhaits concernant la base de données Accès aux Marchés et plus généralement la mise en œuvre de la Stratégie Européenne d'Accès aux Marchés. Les résultats ont fait apparaître un niveau de satisfaction élevé mais des marges de progrès dans la mobilisation autour de la Base de Données.

◆ Tirant le meilleur parti des indications fournies par les Etats Membres, des questionnaires « fermés » ont été largement diffusés au début de l'année 2005 auprès d'entreprises de toutes tailles et d'organisations des Etats Membres qui sont impliquées dans le commerce international. Les fédérations européennes ont également été consultées.

Le bilan synthétique de ces enquêtes a été présenté aux participants au Symposium Européen Accès aux Marchés du 19 Septembre 2005.

◆ Un groupe de réflexion couvrant les services pertinents a été mis en place à la fin de l'année 2005 pour faciliter les échanges tant sur le contenu de la nouvelle stratégie d'Accès aux Marchés que sur les modalités de sa présentation dans le contexte de la Communication.

◆ Deux réunions du Comité Consultatif Accès aux Marchés qui réunit les Etats Membres ont été organisées pour identifier leurs meilleures pratiques nationales et pour recueillir leurs suggestions sur le contenu souhaitable de la Stratégie d'Accès aux Marchés à mettre en place pour l'Union Européenne. Plusieurs réunions complémentaires se sont tenues dans des Etats Membres avec la participation de leurs exportateurs pour affiner ces propositions.

◆ Ces démarches ont été complétées par:

- une étude de comparaison des principales Bases de Données d'accès aux marchés disponibles dans le monde,
- des enquêtes qualitatives menées auprès d'entreprises de toutes tailles et de fédérations européennes en vue de connaître plus finement les améliorations qu'elles attendent,
- une exploitation des avis recueillis auprès des autres parties intéressées (y compris les organisations syndicales...),- une évaluation de la Base de Données Accès aux Marchés qui a débuté à la fin de l'année 2005 et dont les résultats sont téléchargeables à l'adresse Internet suivante: http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130518.pdf.

◆ Un document de consultation sera diffusé à l'automne 2006. La consultation des parties prenantes débouchera sur la Communication sur la Stratégie Européenne d'Accès aux Marchés.

6. Which stakeholders & experts will be consulted, how and at what stage?

Voir la question précédente.

7. Will an inter-service steering group be set up for the IA?

Un groupe de réflexion couvrant tous les services pertinents validera l'étude d'impact.

ROADMAP

Title of the proposal: **Communication on a European Space Policy, incorporating a European Space Programme**

Expected date of adoption of the proposal: **March 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they likely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

European policies, including in the area of security, are failing to maximise the benefits of space systems. The European space sector suffers from the lack of a substantial public sector market. Its major competitors enjoy the stability of much greater public sector RTD investment and procurement contracts, putting Europe at a competitive disadvantage when it addresses global commercial markets. Solving these problems requires coordinated actions at the appropriate level, in line with the principle of subsidiarity – Member States, European Union, European Community and European Space Agency – which are appropriate in nature – policy, programme and possibly adaptation of regulatory regimes.

2. What are the main policy objectives?

The overall objective will be to devise a coherent and comprehensive European Space Policy, covering the EU and the European Space Agency (ESA), together with the policies and activities of the Member States, matching user needs on the demand side to the strategic potential of space systems and technologies. The Policy will be directed towards exploiting space technologies and systems in support of the Union's policies and objectives: sustainable economic growth, competitiveness, enlargement and cohesion, international development and security. Where such uses are strategically important to Europe, policies and programmes will be designed to ensure continuity of availability of service, including through investment in critical technologies and guaranteed access to space. It will provide the political backdrop for the coordination by these bodies of their existing programmes under the umbrella of a European Space Programme.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

At a theoretical level, there are three broad options:

1. To reverse the Community's policy of engagement in space-related policies and programmes;
2. To maintain the current loose coordination arrangements between the Community and ESA; or
3. To strengthen coordination arrangements either within the current institutional structure or, over a longer period, after institutional change.

Within option 3, the full scope of the Policy and of the Programme will be determined on the basis of consultation with Member States and stakeholders and of an impact analysis. Nevertheless it is possible to foresee a range of sub-options, which should be considered, in the following areas:

- (i) relationship between EU, EC, ESA and national elements of Programme (ie governance of public sector activities, including international relations aspects) – whether change should be gradual and organic or radical; options within the latter will be explored in both an EC and an EU framework.
 - industry policy, including
 - improved consideration of the impact of existing regulations on space activities and services e.g. spectrum policy, harmonised European market, international market access, implementation of UN Treaties and Conventions;
 - standardisation;
 - procurement policy;
 - ensuring that the contribution of SMEs is not stifled by the way public sector activities are managed;
- (ii) facilitating private sector investment, for example through private finance initiative and public-private partnership;
- (iii) Cross-Pillar relationships i.e. multiple use of space technologies and space assets and the importance of the defence and security markets for the space manufacturing and service industries.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Option 1: The Resolutions of the Member States over the past 8 years and Council's decisions on, for example, Galileo, indicate that this option can easily be disregarded. Withdrawal would, seriously diminish the benefits gained by the EU from space systems and technologies, reducing the efficiency of space programmes in Europe and risking in some areas the loss of capability developed over 40 years of national and intergovernmental investment.

Option 2: Indeed, those same resolutions have repeatedly asked the Commission to strengthen its cooperation with the ESA. By maintaining the status quo, the problem explained in section 1 would remain unsolved. Europe would continue its actions in the space domain and would invest money at a less than optimal level, with overlaps and lack of co-ordination. In a nutshell, the institutional fragmentation would result in operational fragmentation. However, this option will provide the baseline against which to measure options for change.

Option 3: Further analysis will be necessary to substantiate the following anticipated impacts and assess them in the range of sub-options identified:

Economic impact

The European Space Policy should stimulate development of public sector use of space systems and contribute to the development of space technologies. This will lead to efficiencies in public sector policy making and implementation (e.g. facilitating evidence-based policy making in environmental policy) and reinforce the competitive position of space manufacturing and service industries in global markets, thereby consolidating and expanding highly skilled employment opportunities, in line with Lisbon objectives. Increased clarity in the relative responsibilities of public sector actors will provide a stable background for private sector investment. This will have to be weighed against the potential costs of reorganisation if a radical governance options is recommended, including the risk of a temporary loss of momentum in the programme.

Societal impacts

Government: public sector will benefit from improved use of space-derived information in the development and implementation of policies in many areas, including transport, environment, security, defence etc. Optimising the distribution of competences between actors in the Space Policy will increase both efficiency and effectiveness in the delivery of the Space Programme.

Security: space systems are by their nature global and unrestricted by geographical or political boundaries. Protected by distance against many natural and manmade threats, they provide emergency communications and observation capabilities.

Quality of life: the use of space assets will improve quality of life for many (e.g. social inclusion broadband capacity in low-density regions); for others it makes the difference between life or death (e.g. refugees, victims of natural disasters). Transfer of space technologies and technologies developed in space can provide systems for extreme environments (e.g. water recycling) and new materials (e.g. lightweight turbine blades).

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

a) Available information

Considerable information has been obtained during a six month open public consultation period leading to the White Paper on space in 2003, COM(2003)673. A report containing the contributions of stakeholders and outcome of the consultation is at

http://europa.eu.int/comm/space/whitepaper/pdf/greenpaper_report_en.pdf (SEC(2003)1249).

In addition, socio-economic benefit studies have been, or are being, conducted for individual elements of the Space Programme (e.g. Galileo, GMES, Digital Divide). An IA has been issued on FP7, the legal base for much EC expenditure on space technologies. A panel of experts has produced a report on Space and Security (http://europa.eu.int/comm/space/news/article_2262.pdf). It is in those areas where major funding has been, or is planned to be, committed and hence where the opportunity cost of major investment is assessed.

The views of international partners were obtained at a major ministerial level conference in February 2005.

b) Further information

A contractor has been appointed to update and integrate this information, together with assessing areas where information is not yet complete. In particular, one significant element of such a study will be assessing the impact of options for the future governance of space activities in the public sector, described in section 3 above and including the implications for industry policy. If any substantial change is proposed in the area of regulation, options will be evaluated and quantified. The work is being conducted under the auspices of a DG ENTR framework contract by RPA Limited. An interim report will be available in late-autumn and the work will be completed in February 2006.

6. Which stakeholders & experts will be consulted, how and at what stage?

The Space Policy and the Space Programme will be compiled on the basis of inputs from key stakeholders: European Space Agency, Member States of EU and ESA, and space-related intergovernmental bodies such as EUMETSAT.

Under the EC-ESA Framework Agreement, the Member States are consulted in the High-level Space Policy Group (HSPG). Throughout 2006 they will receive papers on key elements of the Space Policy for comment.

They will also be consulted on the terms of reference for the contractor, insofar as these concern the governance of space activities. The Space Council (concomitant meetings of Competitiveness council and ESA Council at Ministerial level) will meet as necessary and will be invited to endorse the Policy and Programme in May 2007. Manufacturing and value-adding service industries, including SMEs, will be consulted periodically and through a high level meeting with Vice-President Verheugen.

Consideration will be given to the consultation which the contractor will need to conduct in order to complete the planned study referred to above.

7. Will an inter-service steering group be set up for the IA?

The existing body, the Interservice Space Task Force, consisting of some 20 Commission services has agreed that it should perform the role of steering group within the Commission. It was consulted on the terms of reference for the contractor. DG TREN and DG INFSO have joined a small steering committee to oversee the work of the contractor for the supporting study. The ESA Executive is associated to this work.

ROADMAP

Title of the proposal "**Communication from the Commission: The way forward for a maritime policy: Political conclusions on the consultation regarding the Green Paper – "Towards a future Maritime Policy for the Union: A European vision for the oceans and seas."**

Expected date of adoption of the proposal: **November 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

A continued fruitful maritime economy and a sustainable development of ocean resources will only be possible if we follow an integrated approach to Maritime Policy for the EU. To maintain and develop the performance of the maritime sector in line with the Lisbon Agenda requires not only greater coordination of efforts between the various constituent sectors, but also between regions and the member states of the EU. The EU's maritime environment is a common heritage, and can only benefit from being treated in ways compatible with sustainable development. Based on the consultation of as broad a range of stakeholders as possible following the adoption of the Green paper on Maritime Policy ending on 30 June 2007, this Communication will summarize the results of the consultation including the preferences for a future maritime policy as identified by stakeholders, will draw political conclusions and will present certain follow up actions that can be implemented in the short-term.

2. What are the main policy objectives?

The key objective of the Commission communication reporting on the results of the consultation is to lay the ground work for a future EU Maritime Policy, which is to increase the maritime industries' competitiveness and to maximise the employment potential of this sector, while at the same time contributing to a sustainable development of ocean resources and efficient enforcement of policies. A number of areas will be examined with a view to identifying those where further initiatives are considered appropriate, based on the results of the consultation. The policy objective will be to have a basis which will allow the Council and Parliament to draw its conclusions on the results of the consultation period and take note of the follow up actions that can be implemented in the short-term. The Communication will also provide a basis for a wider action plan to be adopted by the Commission in 2008.

3. What are the policy options? What regulatory or non-re instruments could be considered?

The policy options for a future EU Maritime Policy will be developed in line with the progress of the consultation period, based on the stakeholder consultation and on the results of various studies with a view to obtaining technical, scientific, social and economic data relating to the whole range of issues addressed in the Green Paper on Maritime Policy.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The impacts likely to result from the policy options will be identified along with the development of the options themselves. The broad approach taken in the Green Paper implies that in theory, the future policy could have an impact on EU institutions, procedures and policies, Member States and Regional Governments as well as all sectors of maritime activities.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

A number of substantial submissions have already been delivered by stakeholders to the Commission.

Furthermore, the Commission services are embarking on gathering further data and information through studies. The Commission has already received a draft study on present employment and the future employment potential in maritime sectors as well as a list of policy options to stimulate employment.

6. Which stakeholders & experts will be consulted, how and at what stage?

As a basis for the report, a broad a range of stakeholders is being consulted, including Member States, third countries, International Organisations, regions, NGOs, business and industry, labour organisations and academia. Horizontal consultation of stakeholders is taking place in a number of ways:

- The European Parliament Intergroup on Sustainable Development and the Committee of the Regions has organised a consultation conference with industry, science and Non-Governmental organisations.
- The Finnish Presidency consultation conference with cross-sectoral participation, covering industries, including tourism, and NGOS, took place in Turku in July 2006.
- The German Presidency and the Commission are planning a major cross-sectoral consultation conference in the beginning of May 2007 in Bremen.
- Within the Member States, governments are consulting their stakeholders and report back to the Commission via the Expert Group for Maritime Policy.
- On a more sectoral level, the scientific community is being consulted both on the level of the major marine institutes and individual scientists. The major marine institutes of Europe have already formed a group in view of delivering a common input to the consultation process on the Green Paper. They are in continues dialogue on this with the Commission services. The EUROCEANS 2007 conference, to be held in Aberdeen in June 2007, will give individual scientists and technology companies the possibility to provide input on the Green Paper.
- The Green Paper is also being presented and discussed at major conferences on marine technology, off-shore technology and shipbuilding, such as the World Offshore Marine and Artic Engineering conference, the International Shipbuilding and Marine Technology fair, sponsored by the European Marine Equipment Council.
- On security on the seas and marine domain awareness, the Chiefs of the European Navies have suggested a joint seminar with the Commission to discuss potentials for civil-military cooperation. The Commission is also in close dialogue with EU Military staff, which presently work on a strategy for the future of the EU Navies, which will in part contribute to the Green Paper debate.
- For ports and shipping industries, intense debates are taking place inside the trade associations, and in close contact with the Commission. The Maritime Industries Forum General Meeting in November will give the possibility to have in-depth exchanges on the Green Paper. These exchanges include NGOS and Social partners.
- On marine spatial planning as tool for sustainable management of coasts and sees, the Commission has been invited to co-sponsor a seminar with the International Oceanographic Commission and UNESCO, the purpose of which is to bring experts together to determine the state of the art in coastal zone management and the potential and approaches to marine spatial planning.
- There are numerous other events allowing for interested parties to present their view on the Green Paper organised all over Europe. The Commission is inviting all organisers to keep it informed of events and is regularly updating an events list on the internet with the information received.
- The Commission also takes written contribution and has published its contact details both in the text of the Green Paper and on the internet. It is also carrying out an opinion pool on the internet.

7. Will an inter-service steering group be set up for the IA?

A Steering Group of Commissioners and an Interservice Group for Maritime Policy already exists, both of which will work on the report.

ROADMAP

Title of the proposal: **Green Paper on Urban Transport**
 Expected date of adoption of the proposal: **September 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

80% of Europeans live in an urban environment. Public transport, cars, lorries, cyclists and pedestrians all share the same infrastructure. Urban transport accounts for 40% of CO₂ emissions of road transport and up to 70% of other pollutants from transport. One in three road fatalities occurs in cities. Congestion problems, too, are concentrated in and around cities. How to increase mobility while at the same time reducing congestion, accidents and pollution is the common challenge to all major cities.

Effective and efficient urban transport can contribute to achieving a wide range of EU policy objectives, including those of EU transport policy. Urban transport is also an area where the expectations from EU action are high but diverse. Many good practice solutions have been developed and tested in cities across Europe. Their take up is however insufficient considering the problems that exist in many cities, among others on the financing. There is also a risk that the implementation of isolated solutions will result in local regulations that could develop into barriers to the Single Market

2. What are the main policy objectives?

The Commission will launch a wide consultation that should result in a European approach on urban transport. The Green Paper will assess the benefits that would result from such an approach. The Green Paper will also identify the problems/challenges, (possible) new actions including ‘early actions’, (possible) responsibilities, it will look in particular into actions through which the EU can add value, and it will include a list of questions for a further consultation. Taking into account the results of the consultations during the preparations of and after the adoption of the Green Paper, the Commission will decide on further proposals. These may include the implementation of ‘early actions’ as well as the publication of an Action Plan.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

Depending on the outcome of the consultation, appropriate alternative instruments will be proposed. In the field of urban transport, the EU can add value to action at the national, regional and local level by: (1) playing the role of catalyst, and giving frameworks as appropriate, to encourage or facilitate decision-makers; (2) promoting research and the spread of best practice and emulation; (3) integrating urban transport concerns into sectorial EU policies; (4) examining whether there are legal or political obstacles at the EU level and if necessary removing these obstacles; and (5) considering initiating the implementation of joint solutions “d’intérêt européen”, which may imply harmonisation, co-operation and/or coordination at European level.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Not applicable at this stage.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Although no impact assessment is required for Green Papers, it is planned to provide indications of the advantages and disadvantages of the different policy options, if possible combined with an early qualitative assessment.

6. Which stakeholders & experts will be consulted, how and at what stage?

Three rounds of consultations are foreseen: (1) an early general consultation round using the internet that focuses on the perceptions of EU-level, national, regional and local stakeholders and citizens on the problems and role of the EU using the internet; (2) a second consultation round of EU-level, national, regional and local stakeholders and experts through a series of workshops/conferences during the preparation of the Green Paper focusing on the collection of ideas, views and input/data; and (3) a general consultation of EU-level, national, regional and local stakeholders and citizens on the options and their acceptability after the publication of the Green Paper.

7. Will an inter-service steering group be set up for the IA?

An interservice group will be established.

ROADMAP

Title of the proposal: **Green Paper on Costs and benefits of the Post-2012 Climate Change policy**

Expected date of adoption of the proposal: **April 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

Future Climate change policies in a common market and in a global perspective require a harmonised strategic approach in order to create a level playing field that optimises both economic cost and environmental effectiveness.

2. What are the main policy objectives?

Start public consultation process on the elements for a policy framework that can deliver a credible emission pathway to attain the EU's 2° C objective, i.e. keeping the global average temperature increase below 2 degrees Celsius compared to pre-industrial levels (EU Spring Council 2005).

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

International climate change policy framework, and EU climate change emission reduction strategy

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Limiting and reducing greenhouse gases has an impact on most sectors of the economy. The main sector affected is the production and consumption of energy. The technical and economic feasibility as well as the impact of credible emission pathways that can reach the EU's 2°C objective need to be assessed.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The economic impact of emission pathways need to be assessed using economic modelling tools that represent emissions of greenhouse gases on a global scale. The model used is POLES and GEM-E3.

6. Which stakeholders & experts will be consulted, how and at what stage?

The objective of the Green Paper is to launch a wide stakeholder consultation.

7. Will an inter-service steering group be set up for the IA?

Yes, the existing ISC European Climate Change Programme will be used.

ROADMAP

Title of the proposal: **Reform of the Common Market Organisation on the wine sector**
 Expected date of adoption of the proposal **March 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

Despite its many strengths, the European wine sector increasingly faces serious difficulties:

1. the current market imbalance between supply and demand in the Community. Recent harvests have increased stocks significantly, leading to lower prices and great pressure for expensive intervention measures such as distillations.
2. a strong and steady decline in consumption over decades, resulting from shifts in social behaviours with regard to nutrition and lifestyle.
3. a loss of competitiveness against so-called “new world” wine-producing countries. This has led, particularly since the reduction in the level of border protection following the entry into force of the Uruguay Round agreement of 1995, to a progressive erosion of the market share of EU wines, both on the domestic and on export markets.
4. the complexity of the legal framework for wine policy, which constrains EU producers and further weakens the competitive position of the European wine sector.
5. the lack of attention paid for environmental concerns in the current CMO despite the pressures exerted by wine production.

As wine is one of the products listed in Annex I, referring to Article 32, of the Treaty establishing the European Community, it is up to the Union to lay down rules for the establishment of the common market organisation, and therefore also to address the abovementioned problems.

2. What are the main policy objectives?

The future regime should ensure sustainability for producers, make provision for the smooth integration of Bulgaria and Romania and the full respect of our international obligations. The EU wine sector is producing the best wine in the world and has a huge potential that should be further developed in a sustainable manner. The policy also has to react to changing circumstances in order to:

- increase the competitiveness of the EU’s wine producers; strengthen the reputation of EU quality wine as the best in the world; recover old markets and win new ones in the EU and worldwide;
- create a wine regime that operates through clear, simple rules – effective rules that balance supply and demand;
- create a wine regime that preserves the best traditions of EU wine production, reinforces the social fabric of many rural areas, and ensures that all production respects the environment.

The new EU wine policy should also take in due consideration increased concerns of society on health and consumer protection.

3. What are the policy options?

The Impact Assessment (document SEC(2006) 770 of 22.06.2006) annexed to the Communication "Towards a sustainable wine sector" (document COM(2006) 319 final of 22.06.2006) has already analysed four policy options, namely:

1. Status quo with possibly some limited adjustments
2. Profound reform of the CMO

3. Reform along CAP reform lines
4. Deregulation of the wine market

Following the in-depth analysis in the Impact Assessment, the Commission has already considered the option 2 as the most appropriate response to the challenges.

What regulatory or non-regulatory instruments could be considered?

Council Regulation N° 1493/1999 on the Wine Common Market Organisation and derivate legislation should be subsequently rewritten.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Option 2, profound reform of the CMO, would address the problems of the wine sector in both the short and long term, by concentrating budgetary resources on measures to achieve smooth and rapid stabilisation of the market and the structural adjustment of the sector. Introducing national envelopes and transferring funds to rural development would leave Member States and wine regions scope to adapt the measures available at Community level to their specific conditions and needs, thus allowing greater subsidiarity.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The IA carried out in the context of the Communication "Towards a sustainable wine sector" is an extensive analysis of the likely impacts of the reform option chosen by the Commission. It needs to be updated to take into account possible modifications in the legal proposal with respect to the option described in the Communication. Furthermore, the analysis of the social impacts of the legal proposal should be further developed.

6. Which stakeholders & experts will be consulted, how and at what stage?

The Commission already held a seminar with a wide range of wine stakeholders on 16 February 2006. The Advisory Group on Wine has also discussed the potential reform scenarios. In addition, many bilateral meetings have been organised with a wide range of stakeholders.

These consultations with stakeholders will continue with the same modalities until the adoption of the legal proposals on the reform of the wine CMO.

7. Will an inter-service steering group be set up for the IA?

The inter-service steering group (ISG) was already set up in the occasion of the preparation of the IA annexed to the Communication "Towards a sustainable wine sector"

ROADMAP

Title of the proposal: **Communication on Defence Industries and Markets**

Expected date of adoption of the proposal: **October 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

Defence industries have so far been kept out of the implementation of the internal market. Member-States have maintained national control over defence equipment markets and related industries (based on article 296 of EC Treaty). Markets are therefore fragmented, leading to a corresponding fragmentation of research efforts and industrial bases. This has serious consequences in terms of competitiveness for the sectors concerned (aerospace, electronics, land and naval industries).

At the same time, defence budgets have been reduced in Member-States and the increase in development costs make this fragmentation of markets less and less sustainable, especially if access to top quality equipment and technology is to be preserved.

On a more positive note, increased emphasis on the Common Foreign and Security Policy and European Security and Defence Policy is paving the way for a progressively stronger framework for a European defence equipment policy.

As the problem is the market fragmentation, it is unlikely to be solved solely at Member States' level. Only an intervention at EU level could build a single market in this sector, and thus pave the way for increased competitiveness, scale effects and more focussed research efforts.

2. What are the main policy objectives?

The Commission wants to encourage the competitiveness of the European defence sector.

Appropriate measures, notably related to the functioning of the European market, are the main tools to achieve the objective.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

At this stage, three main options are identified:

- 1) Do nothing
- 2) Directly propose legislation, in the appropriate form according to the various domains touched
- 3) A communication reviewing with Member States and the European Defence Agency the progress made since the 2003 Communication as well as the domains for which Community instruments (legislative or not) could contribute to the shared objectives of setting up a European Defence Equipment Market and stimulating defence industries competitiveness. Such a review, in the form of a communication, would take stock of current actions carried out as a follow-up of the 2003 Communication (COM (2003)113). It would also present policy options for further progress in domains, such as:
 - Circulation of defence related goods within the EU (simplification of the licensing procedures)
 - Public procurement
 - Standardisation practices
 - Improve coherence of research efforts
 - Monitor defence economics (industries, technologies, national budget allocation)
 - Facilitate application of competition rules (merger regulation , state aids)

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

Option 1: The “Do nothing” option means that no follow-up will be given to the 2003 Communication which announced Community actions and that no further progress will be achieved. Moreover, it would not allow the Commission to fulfil its role and to co-operate with the European Defence Agency as envisaged in the Joint Action creating the latter. Although data are very difficult to obtain (see pt 5) market fragmentation prevents the necessary re-structuring and consolidation of the sector. For instance, an independent study conducted recently (by Unisys) estimated that present arrangements in force for intra-EU transfers of defence related goods imply visible and invisible costs up to €3.16 Bio, of which visible costs would represent €238.9 Mio.

Option 2: Whereas on certain aspects of the 2003 Communication, Community legislation might be considered, on other aspects as well as on new areas to be identified, this would certainly be inappropriate or too early. Given the specificity and sensitivity of the defence sector for Member-States, legislative proposals could achieve little benefits, as they would probably find little support from Member States without a further preliminary consultation phase.

Option 3: This option, while leaving the possibility for legislation to be proposed on specific issues identified in the 2003 Communication (COM (2003)113), also allows to take stock of progress on all issues as well as identifying work and options for the future.

The impact of policy options will be further assessed at the level of the individual instruments that might be considered suitable in each of the fields listed under point 3. above.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

One of the major problems identified in this sector is the lack of information currently available at a European level. The work presently envisaged by the Commission on monitoring/mapping of defence economics should help to produce data necessary to better gauge the impact of the various policy options over the years ahead. First data should be available in 2006, with a view to be completed until end 2007.

6. Which stakeholders & experts will be consulted, how and at what stage?

All usually consulted stakeholders (in particular, Member-States, notably through the European Defence Agency, Industry and obviously other Commission services) will be associated from the outset in the reflection, conception, development and –later- implementation stages.

7. Will an inter-service steering group be set up for the IA?

No

A meeting of services involved in defence matters is held at regular (monthly) intervals and is used for all exchanges of information between services. It will also be used in this context. Of course, normal ISC will also be conducted.

ROADMAP

Title of the proposal: **Communication concernant les Transferts intracommunautaires des produits liés à la défense**

Expected date of adoption of the proposal: **October 2007**

A. Initial impact assessment screening

1. What are the main problems identified?

Aujourd'hui, la circulation des produits liés à la défense est assujettie à des procédures administratives nationales divergentes des Etats membres que s'avèrent coûteuses voire dissuasives pour les industries européennes de la défense, et en particulier les petites et moyennes entreprises, qui produisent des sous-systèmes et composants.. Une récente étude faite par UNISYS pour la Commission de 2005 estime les coûts directs et indirects du maintien du système de licences à 3,16 milliards €p.a. Des actions seules au niveau des Etats membres ne peuvent pas diminuer les divergences existantes entre les systèmes nationaux et, partant, réduire voire abolir les obstacles aux échanges intracommunautaires y résultant.

L'objectif, de mettre en œuvre une politique de non diffusion d'armes dans les régions de crise, peut être poursuivi par des moyens moins restrictifs.

2. What are the main policy objectives?

Fournir une contribution à plusieurs objectifs de la Communauté et des Etats membres : compléter le marché intérieur des produits liés à la défense, et en particulier les sous-systèmes et composants ; favoriser la compétitivité de l'industrie européenne en tenant compte des caractéristiques et des besoins particuliers de chacun des secteurs (stratégie « Lisbonne »), renforcer la position industrielle et commerciale des entreprises européennes d'équipements de défense, et en même temps maintenir et développer une base industrielle de défense européenne capable de soutenir la PESC et la tâche des Etats membres de garantir la sécurité nationale. En particulier, cette politique vise à renforcer les synergies des besoins militaires et industriels de l'industrie de produits liés à la défense.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

Les options se regroupent à ce stade de la procédure pour l'essentiel en trois catégories :

- 4) Ne rien faire
- 5) Renvoyer les Etats membres à une action commune dans le contexte de la PESC, éventuellement à préparer avec le recours à l'Agence de Défense européenne
- 6) Proposer par le biais de leur rapprochement une simplification des systèmes d'autorisation concernant les produits liés à la défense.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Option 1: L'étude évalue les coûts annuels du système actuel d'autorisation d'exportation des produits liés à la défense à 3.160 Mio € qui continueraient à peser sur la compétitivité de la base industrielle européenne. La Commission pourrait être critiqué de ne pas faire une contribution pour faciliter les échanges intracommunautaires qui serait nécessaire à la réalisation des objectifs de l'Union en matière de défense, étant donné sa prérogative d'initiative concernant les instruments communautaires.

Option 2: La participation de l'Agence est certainement souhaitable, voir indispensable, notamment en raison de son expertise en matière de définition des besoins de produits liés à la défense. En revanche, cet instrument ne peut pas s'appliquer aux produits couverts par le Traité CE, en particulier aux composants intégrées dans le produit final.

Option 3: Un rapprochement des systèmes nationaux devrait contribuer à renforcer la compétitivité de la base technologique et industrielle de la défense européenne et notamment des entreprises européennes d'équipements de défense. Les effets seront visibles en particulier concernant les projets communs coordonnés par l'Agence. Celle-ci s'est déjà manifestée sur ce sujet et devrait être pleinement impliquée dans le processus. Le choix de l'instrument, son champ d'application, les garanties nécessaires au regard des risques de réexportation, la clause de sauvegarde méritent une analyse d'impact et une consultation des parties intéressés.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

Une étude déjà terminée en juillet 2005 décrit les effets restrictifs et les coûts d'application multiples des procédures administratives nationales des transferts intracommunautaires d'équipements militaires, prenant notamment la forme de licences exigées à chaque exportation d'un produit couvert. L'étude recommande des instruments communautaires en vue de simplifier les transferts intracommunautaires des produits liés à la défense. Une évaluation d'impact d'un instrument communautaire a été demandée à un contractant externe. L'analyse suivra la méthode d'analyse d'impact de la Commission.

6. Which stakeholders & experts will be consulted, how and at what stage?

Dans un premier temps, une information sur les résultats de l'étude a été donnée aux gouvernements des EM et les milieux intéressés lors d'une réunion le 11 juillet 2005. Une consultation plus détaillée a été menée lors des réunions le 9 septembre 2005 et le 20 février 2006. Dans un deuxième temps, un document de consultation a été publié fin avril 2006 afin de lancer un grand débat public et de collecter les positions de toute partie intéressée. L'étude d'impact mène une consultation large des industries et gouvernements des Etats membres sur les alternatives d'actions communautaires.

7. Will an inter-service steering group be set up for the IA?

L'initiative est couverte par les travaux du groupe interservices défense, géré par l'ENTR/H/1. Un groupe interservices spécifique a été créé et a eu la première réunion le 7 août 2006.

ROADMAP

Title of the proposal: **Directive on defence procurement**

Expected date of adoption of the proposal: **mid October 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States?

It is commonly recognised that the high level of fragmentation of the defence market has hampered the efficiency of procurement processes and the functioning of the Internal Market. In this context, the extensive use of the exemption provided by Article 296 TEC is a major problem, since it leads to the use of uncoordinated national procurement rules and different procurement practices in market segments which de jure fall under community rules. All this reduces transparency and openness in defence markets and contributes greatly to the current market fragmentation.

Stakeholders would welcome action by the Commission to overcome market fragmentation and increase competition in the defence markets. The Commission, as the guardian of the Treaty, appears to be the best placed to provide legal guidance for the use of Article 296 TEC through an Interpretative Communication. Moreover, the Commission considers that, in the medium term, a specific Directive for defence equipment not covered by Article 296 could be necessary to improve the situation described.

2. What are the main policy objectives?

The initiative on Defence procurement is part of a global initiative aiming at opening up defence markets, by introducing more transparency and competition on those markets. This would enhance the efficiency of public spending, support Member States' efforts to improve their military capabilities, and foster the competitiveness of the European Defence Industry.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

- 1) The Commission will adopt before the end of 2006 an "Interpretative Communication on the application of Article 296 of the Treaty in the field of defence procurement."
- 2) In parallel, the Commission carries out an Impact Assessment in order to assess whether a possible Directive on defence procurement would be useful, by introducing more flexible rules which are better suited to the specific nature of defence markets.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

- 1) An Interpretative Communication will clarify the existing legal framework and give guidance to contract awarding authorities for the use of Article 296 TEC. This enhances legal certainty and would limit the worst cases of misuse of the exemption.
- 2) A defence Directive would be more flexible than the existing PP-Directive. This would make it easier for national contract awarding authorities not to use the exemption under Article 296 TEC for the procurement of military equipment which does not fulfil the necessary conditions.

B. Planning of further impact assessment work

5. What information and data is already available?

- 1) General information on national defence budgets and on military R&D spending.
- 2) A research in the database "tenders electronic daily" has established the rate of publication in defence.
- 3) A financial research on national budgets, in order to characterize defence procurement expenditures, is currently being finalised.

What further information needs to be gathered?

- 1) A survey with companies of the defence sector and an analysis of the costs of compliance with a possible specific directive are currently prepared.

2) A market research in order to evaluate the impact of a new directive on competition in defence markets and to estimate potential cost-savings.

How will this be done (e.g. internally or by an external contractor) and by when?

1) For the economic research: under the framework contract of DG MARKT-B2 (external assistance), a specific contract was signed on 30 December 2005.

2) For the market research: DG MARKT-C3 found external assistance via a restricted procedure (AMI list). The contract was signed in July 2006.

6. Which stakeholders & experts will be consulted, how and at what stage?

1) Continuous informal discussions with Member States, other Institutions and European Defence Agency (EDA).

2) Consultations of the Public Procurement Advisory Committee are also envisaged.

3) The outsourced studies (see box 5) include a wide consultation of stakeholders via questionnaires to be drafted under the guidance of DG MARKT-C3.

7. Will an inter-service steering group be set up for the IA?

An inter-service steering group for the project was set up in February 2006.

ROADMAP

Title of the proposal: **Communication from the Commission to the Council and the European Parliament on the 2007 Enlargement Package composed of:**

- **Strategy Paper on Enlargement (Commission Communication to Council and Parliament)**
- **Progress Reports on Croatia, Turkey, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro and Serbia and Kosovo)**
- **Partnerships (proposals of Council Decisions) on Croatia, Turkey, the former Yugoslav Republic of Macedonia, Albania, Bosnia & Herzegovina, Montenegro and Serbia (including Kosovo).**

Expected date of adoption of the proposal: **October 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

Article 49 of the Treaty on European Union, together with its Article 6, sets the legal framework and conditions, as well as the respective roles of the EU-Institutions - amongst them the Commission - with regard to the application of European states to become new Member States of the Union.

The Copenhagen European Council of June 1993 stated that those candidate countries of Central and Eastern Europe who wish to do so shall become members of the Union if they meet the following conditions:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy, as well as the ability to cope with competitive pressures and market forces within the Union;
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

The same entry requirements apply to the countries of the Western Balkans as to other countries that aspire to join the Union. The Feira European Council explicitly recognised the Western Balkan countries' vocation as "potential candidates" and spoke of "a clear prospect of accession" once the relevant conditions had been met. These countries must also meet the criteria specific to the Stability and Association Process (SAP) as set out in the Conclusions of the General Affairs Council in April 1997 and in accordance with the Commission Communication of May 1999 on the establishment of the SAP⁶. These criteria include full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY)⁷, respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return and a visible commitment to regional co-operation.

In order to assess progress achieved by each country in preparing for accession, following the 1997 Luxembourg European Council, the Commission submits Progress Reports to the Council and the European Parliament. The reports serve as a basis for the Council to take decisions on the conduct of the negotiations.

2. What are the main policy objectives?

The main policy objectives of enlarging the Union to include the candidate countries Croatia, Turkey and the former Yugoslav Republic of Macedonia are political, economic, and cultural:

The extension of the zone of peace, stability and prosperity in Europe will enhance the security of the whole continent.

Rapidly growing economies would boost economic growth in general and should contribute to creating jobs in both old and new Member States.

There will be a better quality of life for citizens throughout Europe as the new members adopt EU policies for protection of the environment and the fight against crime, drugs and illegal immigration.

The arrival of new members will enrich the EU through increased cultural diversity, interchange of ideas, and better understanding of other peoples.

⁶ COM (99) 235

⁷ Cooperation with the ICTY is a legal obligation under UN Security Resolution 827 of 25 May 1999. It is also an obligation under the General Framework Agreement for Peace (the "Dayton/Paris Peace Agreement").

Enlargement will strengthen the Union's role in world affairs - in foreign and security policy, trade policy, and the other fields of global governance.

In the case of the Western Balkan countries Albania, Bosnia and Herzegovina, Montenegro and Serbia (including Kosovo), the SAP has been designed to help them transform their aspiration to join the Union into reality, and to establish a strategic framework for their relations with the EU.

The components of the SAP are the following:

- I. Stabilisation and Association Agreements (SAA), modelled on the Europe Agreements and also containing SAP related specificities.
- II. Autonomous Trade Measures (ATMs). In November 2000 the EU unilaterally granted almost totally free access to its markets for goods from the Balkans. The aim was clear: to boost the general level of imports from the Western Balkan countries, and thereby to encourage economic growth in the region as well as serving as a catalyst to the development of a network of free-trade agreements between the countries of the SAP and beyond.
- III. Assistance (through CARDS to be replaced, as of 2007, by the pre-accession instrument for all enlargement countries, IPA), designed to bring a more strategic approach to the support to the countries of the region and to reinforce the objectives of the Stabilisation and Association Process.

Regional co-operation also constitutes an essential element of the SAP and is a specific requirement under the Stabilisation and Association Agreements.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

The enlargement policy is outside the realm of the Commission's right of initiative and therefore not a policy, which the Commission can strictly speaking propose on the basis of policy options – and their impact assessments. Nevertheless, an important impact assessment element is built into the enlargement process since its inception.

To a large extent the impacts of future accessions are discounted in the Treaty's open-ended wording. The Copenhagen criteria set out more precise criteria (economic, political and regulatory or acquis-related) against which applications from non-member European countries are to be assessed by the Union on a case by case basis.

The Treaty and the Copenhagen criteria thus effectively set the framework for the whole of the enlargement processes and narrow down the assessment criteria that can be used against forward and actual impacts of the implementation of this policy.

A third step in the process that led to the founding of the fifth enlargement was the Agenda 2000, which i.a. enabled the financial framework for foreseeable accessions and considered their impacts. The communication [COM(97) 2000] described, in a single text, the overall prospects for the development of the European Union and its policies, the horizontal problems occasioned by enlargement and the shape of a future financial framework, in the context of an enlarged Union.

The Commission opinions on each country's application have further explored, within the framework of the applicable criteria, the likely and foreseeable impacts for the country and the Union.

Within this rather precisely charted terrain, the enlargement process for each country runs as a continuous feedback loop, whereby compliance gaps relative to the criteria are identified, the countries then take commitments and measures to plug them – which the Commission again vets, partly funds, monitors and eventually evaluates.

Progress achieved by each country in its preparations for accession is regularly assessed by the Commission. The Commission submits Progress Reports to the Council and to the European Parliament every year. The reports serve as a basis for the Council to take decisions on the conduct of the negotiations.

In this sense accession processes are underpinned by a permanent impact assessment loop that in the run-up to the Accession Treaties culminates in the final Commission opinion, and Council decision, on the country's readiness for accession, including a date and any transition measures and safeguard clauses.

In the case of the Western Balkan countries, the Stabilisation and Association process (SAP) is the specific policy framework for relations with the EU. Since its inception in May 1999⁸ the aim of the Stabilisation and Association process has been to equip the countries of the Western Balkans with the means, based on European practice and standards, to maintain stable democratic institutions, to ensure that the rule of law prevails and to sustain open and prosperous economies. Underlying this is the desire to replicate the successful transition achieved by the countries of Central and Eastern Europe before beginning negotiations on accession to the EU.

The "Thessaloniki Agenda for the Western Balkans" of June 2003 reconfirmed the "European perspective of the

⁸ Conclusions of the General Affairs Council of 21 June 1999, based on the Commission *Communication to the Council and the European Parliament on the Stabilisation and Association process for countries of South-Eastern Europe* [COM(99)235 of 26.5.99].

countries of the Western Balkans, as potential candidates". The Thessaloniki European Council enriched the EU's policy for the region, borrowing some elements of the enlargement method, and decided that the SAP "will constitute the overall framework for the European course of the Western Balkan countries, all the way to their future accession."

The annual Progress Report on the Stabilisation and Association Process in the Western Balkan countries is the main tool for the Commission to present its assessment of the progress of the reform process and the implementation of the SAP in the region to the Council and to the European Parliament. The Report assesses political and economic developments and also discusses some of the instruments of the process, such as the assistance and the trade measures. On the basis of this analysis, the Commission makes recommendations related to the region.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The impacts of enlarging the Union are political, economic, and cultural:

The extension of the zone of peace, stability and prosperity in Europe will enhance the security of the entire continent.

Rapidly growing economies would boost economic growth in general and should contribute creating jobs in both old and new Member States.

There will be a better quality of life for citizens throughout Europe as the new members adopt EU policies for protection of the environment and the fight against crime, drugs and illegal immigration.

The arrival of new members will enrich the EU through increased cultural diversity, interchange of ideas, and better understanding of other peoples.

Enlargement will strengthen the Union's role in world affairs - in foreign and security policy, trade policy, and the other fields of global governance.

Benefits are already visible: in Central and Eastern Europe, stable democracies have emerged, with democratic institutions and increased respect for minorities. The economic reforms in these countries have led to high rates of economic growth (higher than in the EU) and better employment prospects. This process has been helped and encouraged by the prospect of EU membership, and by the EU's financial assistance. As a result the Union enjoys growing trade with these countries, and this generates employment and growth in the member states.

Croatia

The Commission opinion on Croatia's application explored, within the framework of the applicable criteria, the likely and foreseeable impacts for the country and the Union. Negotiations with Croatia started on 3 October 2005 after full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) had been established. The first negotiating chapter "science and research" could be opened and provisionally closed.

Turkey

The December 2004 European Council decided to open accession negotiations with Turkey on 3 October 2005 and set out the requirements for starting negotiations. These requirements have meanwhile been fulfilled by Turkey and accession negotiations with Turkey were opened, on the same day as with Croatia, on 3 October 2005. In the meantime, also with Turkey, the first negotiating chapter "science and research" could be opened and provisionally closed.

The working hypothesis has been to assess the possible effects on the basis of existing policies, assuming that Turkey's accession would not take place before the end of the next financial perspective.

Turkey's accession would be different from previous enlargements (population, size, geography, economy, security and military potential, cultural characteristics). The accession perspective brings new opportunities but also risks. No insurmountable obstacles have been identified (for more details see Document COM(2004) 657 final).

Turkey's membership would – inter alia - bring the following positive factors/opportunities for the EU:

- The accession perspective would give solid support to the ongoing process of radical change in Turkey and could also send an important positive signal to countries in the neighbouring regions with a majority Muslim population.
- The characteristics of Turkey give it a considerable capacity to actively contribute to regional and international stability.
- Given its geographic position, Turkey would have a major role to play in the security of energy supply of the

enlarged EU.

- Managing migration and asylum as well as fighting organised crime, terrorism, trafficking and smuggling would all be facilitated through closer cooperation both before and after accession.

At the same time, the prospect of Turkey's accession inevitably entails a number of risks and challenges:

- In spite of its strategic assets, Turkey could also bring some regional foreign policy problems closer to the EU. Much will depend on how the EU itself will take on the challenge to become a fully fledged foreign policy player.
- Accession of Turkey would increase regional disparities in the enlarged EU. A number of regions in present Member States benefiting from structural funds support could lose their eligibility on the basis of present rules.
- Successful integration into the internal market depends on more horizontal reforms, such as strengthening corporate governance and regulatory frameworks intensifying the fight against corruption and improving the functioning of the judiciary.
- One of the most sensitive issues relates to migration. Available studies give very different estimates of expected migrations flows following Turkey's accession. Appropriate transitional provisions and a permanent safeguard clause could be considered to avoid serious disturbances on the EU labour market.
- As regards institutions, Turkey would have an important voice in the decision making process in view of its population, but like any Member State it would need to build coalitions with others in order to defend and promote its interests.
- The budgetary impact – on the basis of present policies – would be substantial. It is, however, impossible to know now how EU policies will evolve during this period. In any case, the financial cost of Turkey's accession will ultimately be determined by the negotiations on the basis of what the EU Member States are willing to accept.

The former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia was given candidate country status in December 2005, as recommended by the Commission. Opening accession negotiations will be decided once the country fulfils the necessary conditions. FYRoM still faces major challenges to adopt and implement the *acquis*. The Commission will have reviewed this question in its Progress Report of autumn 2006.

Western Balkans

The establishment of closer links with Albania, Bosnia & Herzegovina, Montenegro and Serbia through the Stabilisation and Association Process (SAP) will contribute to regional stability and security, will promote good governance and the rule of law in the countries and enhance trade opportunities and therefore contribute to fostering economic development.

A Stabilisation and Association Agreement with Albania was signed on 12 June 2006 and awaits its ratification; the Interim Agreement will have entered into force, as foreseen, on 1 October 2006.

Stabilisation and Association Agreement negotiations are ongoing with Bosnia and Herzegovina and it could be possible to conclude these negotiations before the end of 2006 if progress on reforms is made. However, some key reforms have been stalled, putting in question this time schedule.

The Commission decided to call off the SAA negotiations with Serbia and Montenegro on 3 May 2006 due to the failure of the country to honour its commitment to fully cooperate with the ICTY. Following the referendum on independence of Montenegro of 21 May, in which more than 55% of its population voted in favour of independence, the EU has recognized the new Republic and adapted its position to this new situation. Following the adoption of separate mandates for SAA negotiations for Serbia and for Montenegro in July 2006, the Commission will have resumed SAA negotiations with Montenegro, as foreseen, on 25 September 2006.

Serbia presented an Action Plan for full cooperation with the ICTY on 17 July 2006. The Commission has highlighted that successful implementation of the Action Plan and to reach full cooperation with the ICTY are necessary to be able to resume SAA negotiations. The independence of Montenegro and the expected outcome of the Kosovo status talks risk having a destabilisation effect on the political situation in Serbia.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The Commission opinions on each country's application, the Commission annual Progress Reports providing a detailed analysis of where each country stands in the various areas. Commission Communication on the establishment of the SAP and the annual SAP reports. Commission Working paper on the effects of Turkey's integration in EU policies.

6. Which stakeholders & experts will be consulted, how and at what stage?

The Progress Reports draw on expertise available within the Commission services as a whole but also on information and opinions gathered from a range of external official and non-official sources.

The Commission receives contributions from the governments of the countries concerned, from the major international organisations and a number of NGOs which are active in the countries concerned and in the fields covered by the assessment (such as rule of law and public administration; fundamental rights; economic policy). The sources used also include Council deliberations and European Parliament reports and resolutions

7. Will an inter-service steering group be set up for the IA?

No, but there will be an inter-service consultation with the participation of all commission services (regular meetings of the Inter Service Group "Enlargement")

ROADMAP

Title of the proposal: **The European Neighbourhood Policy: Working together for prosperity, stability and security**

Expected date of presentation to College: **last quarter 2007**

A. Initial impact assessment screening

1. What are the main problems identified?

With enlargement, the Union has acquired new external borders bringing new challenges and opportunities. The EU has an interest in being surrounded by stable, prosperous neighbours. For the EU, supporting the political and economic development of its neighbours is the best guarantee for peace and security and long-term prosperity.

It is furthermore in the enlarged Union's interest that its external border does not create new dividing lines in an area that is closely connected by historical, cultural and economic ties. Some neighbouring countries had apprehensions about potentially negative effects enlargement might have on them. The Union therefore needed a structured way of dealing with neighbours who do not (or do not currently) have an accession prospect.

2. What are the main policy objectives?

ENP aims at reform through the creation of an area of prosperity, stability and security - based on common values, common interests and deeper integration - encompassing the enlarged Union's neighbours to the East and the South that (currently) do not have a perspective of EU membership. This combines progress demonstrating shared values and effective implementation of political, economic and institutional reforms, with closer economic and political links with the EU, including a stake in the internal market. ENP also facilitates regional co-operation and cross-border co-operation at the Union's external borders. A new financial instrument, the European Neighbourhood and Partnership Instrument, underpins the policy for the period 2007-13.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

A Communication encompassing both an assessment of the policy so far and giving indications on future directions will be adopted on 29 November 2006. The Commission has been requested by the Council to report periodically on progress accomplished in the implementation of the Action Plans. Therefore, to this Communication will be annexed progress reports on seven countries, whose Action Plans came into force in 2005, namely Israel, Jordan, Moldova, Morocco, Palestinian Authority, Tunisia, Ukraine.

The suggestions in the overall Communication will need to be developed into more detailed proposals in 2007. A further Communication, reviewing ongoing progress and updating policy considerations as necessary, is foreseen by end 2007. It will also have to set out proposals for successor arrangements with Ukraine, Moldova and Israel, whose Action Plans will expire in 2008.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

In general, impacts of foreign policy are difficult to measure and always depend on a variety of assumptions about future developments, many of which are beyond the Union's influence.

Nevertheless, the Union faces the choice either to export stability or to import instability. Obviously, the latter could entail enormous yet incalculable costs in the future. Therefore, a constructive and coherent approach that can be implemented at reasonable cost is to prefer.

The EU's relationship with each neighbour will depend on the degree of the partner's commitment to common values and its capacity to implement jointly agreed priorities. The analysis of these relations will be provided through a regular monitoring process and adaptation of Action Plans.

ENP provides incentives for reforms that will bring benefits in terms of economic and social development. The convergence of economic legislation, the opening of partner economies to each other, and the continued reduction of trade barriers stimulate investment and bring economic growth. This in turn has a positive impact on prosperity within the Union itself through increased trade, and more generally, positive exchanges of people and ideas, ideally creating a virtuous circle.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

For each partner country that actively engages in ENP, the Commission elaborates Country Reports that describe the current situation in all sectors of particular interest, as well as the impact of recent policy measures. Thereafter, joint Action Plans are negotiated with the third country in question. Implementation of Action Plans is closely monitored through sub-committees. In this context, the Commission draws on a wide range of information sources, from government information to contributions from Commission delegations, international institutions, media and civil society. The results of this monitoring are assessed and reported upon in an annual Review, a progress report. The Communication foreseen for end 2006 will be the first of these; the one for 2007 will be the second.

6. Which stakeholders & experts will be consulted, how and at what stage?

See previous question + Council groups, EP.

7. Will an inter-service steering group be set up for the IA?

An Inter-Service Group already exists. It ensures coordination through formal as well as informal cooperation between services. Furthermore, country teams, led by the country desks, have input on Country and progress Reports.

ROADMAP

Title of the proposal: **Proposal for a Communication to the Council on the building up of a strengthened Black Sea regional policy approach**

Expected date of presentation to College: **Second Quarter**

A. Initial impact assessment screening

1. What are the main problems identified?

This proposal will not address a problem, but will argue that with the ongoing accession of Romania and Bulgaria and the increasing importance of the Black Sea area a strengthened Black Sea regional policy will be useful. Such a policy would respond to the demands of a growing number of Member States and partners. It could serve the overall objectives of the European Neighbourhood policy and its general features will already be outlined in the ENP Communication to be presented by the end of this year.

2. What are the main policy objectives?

To advance regional cooperation among countries and local authorities of the area and also between them and the European Union. To promote the overall objectives of the European Neighbourhood Policy, to contribute to the solution of problems which require a multilateral approach, including regional conflicts.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

EC Communication to the Council.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the enclosed guide)?

Greater efficiency and visibility, better coordination of EU regional-level efforts in the Black Sea region. Achievement of political objectives under point 2.

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when?

An Inventory of Commission Black Sea regional activity has already been prepared. Information-gathering continues internally by the end of the 1st quarter.

6. Which stakeholders & experts will be consulted, how and at what stage?

Member States – COEST Council Working Group, Black Sea partner countries, organizations, think tanks. Consultations are ongoing and continue until the finalization of the Communication.

7. Will an inter-service steering group be set up for the IA?

Possibly, but a limited one for a relatively short period.

ROADMAP

Title of the proposal: **Follow-up to the White Paper on a European Communication Policy**

Expected date of adoption of the proposal: **March 2007**

A. Initial impact assessment screening

1. What are the main problems identified? Are they unlikely to be solved satisfactorily by the sole action of Member States? (principle of subsidiarity – necessity test)

The main problems include the communication gap between the EU institutions and citizens. The poor knowledge of European issues results in low acceptance of, and participation in, political developments in the EU as well as little influence on the decision-making process. It becomes clear that solely institutional communication though essential and steadily improving, has not been sufficient.

A sole action of Member States would be insufficient. Successful communication requires an operational partnership of the EU institutions; national, regional and local authorities and organisations and civil society in the Member States as well as involvement of key stakeholders including the media.

2. What are the main policy objectives?

The main policy objective is to set up an agenda of practical steps by EU institutions, Member States and civil society, underpinning the Commission's commitment to connect to citizens and consolidate the democratic foundations of the European project, including development of a European public sphere.

3. What are the policy options? What regulatory or non-regulatory instruments could be considered?

a) Retaining the current status quo in EU communication policy seems illogical, as support for the European Union has deteriorated steadily in the recent past. Despite the EU has come up with new communication strategies since 2002, their overall impact has proved limited.

b) Starting from scratch is not needed either. The basic communication infrastructure is already in place. However, the existing framework requires an update and comprehensive overhaul, taking into account current developments in public opinion reflecting political, social and cultural changes in the society.

c) Having in mind that EU citizens have a fairly low knowledge and interest in EU issues but at the same time high expectations on delivery and policy content, the new approach builds on and complements the existing strategic framework. It is also a consequent step in a series of actions to improve communication, including the 2005 Action Plan and Plan D.

4. What are the impacts likely to result from each policy option and who is affected? Which impacts are likely to warrant further analysis (cf. list of impacts in the impact assessment guidelines)?

The new approach proposes a qualitative shift towards decentralisation of EU communication activities, reinforced dialogue with key stakeholders and a citizen-centred communication, with a view to strengthening public participation at European level. Consequently, actions have impact on all EU citizens.

Economic impact: To be assessed and accompany the comprehensive list of actions.

Social impact: Through the actions the public should be better informed on EU issues and the individual's access to information enhanced. However, neither the autonomy of Member States and other partners, nor the media will be negatively affected.

Environmental impact: No

B. Planning of further impact assessment work

5. What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The White Paper provided for a consultation period of six months, which subsequently has been extended until the end of September in the context of the European Council's decision to prolong the period of reflection on the future of Europe. In the meantime the Commission has received a considerable number of contributions from individuals and institutional stakeholders. The White Paper has also been subject to analysis in the other EU institutions and Member States. The Council, Committee of the Regions and European Economic and Social Committee have already issued opinions and the European Parliament is to do so in November 2006.

A special Eurobarometer opinion poll has been prepared and will be launched soon, with the principal aim to measure the understanding and acceptance of the actions laid down in the White Paper and flowing from the consultation period among two focus groups: public at large and decision-makers (CEO, public officials, NGOs, journalists). The results should be known in October 2006.

6. Which stakeholders & experts will be consulted, how and at what stage?

Five stakeholder conferences are in planning, covering each of the chapters of the White Paper (defining common principles for communication activities; empowering citizens; co-operation with media; understanding public opinion; and partnerships with other actors). Events will be held in the autumn 2006 and winter 2007. Participants include experts in the respective fields of interest, representatives of Member States and EU institutions, regional and local authorities; NGOs; think tanks and the media.

7. Will an inter-service steering group be set up for the IA?

In the framework of External Communication Network (ECN)