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## **SVAR PÅ UDVALGSSPØRGSMÅL**

### **Besvarelse af spørgsmål nr. 1-12 ad KOM (2009) 0544 af 2. december 2009**

Til underretning for Folketingets Europaudvalg vedlægges Økonomi- og Erhvervsministeriets besvarelse af spørgsmål nr. 1-12 ad KOM (2009) 0544 af 2. december 2009 vedrørende handlingsprogram for reduktion af administrative byrder i EU.

Per Stig Møller

**Besvarelse af spørgsmål 1 vedrørende KOM (2009) 0544 meddelelse fra Kommissionen til Rådet og Europa-Parlamentet: Handlingsprogram for reduktion af administrative byrder i EU - planer for reduktion af byrder i sektorer samt aktioner i 2009 stillet af Folketinget Europaudvalg den 2. december 2009.**

**Spørgsmål 1:**

”Ministeren bedes redegøre for sin involvering i forberedelsen af arbejdsmiljødelen af Kommissionens meddelelse (KOM (2009) 0544), der blev fremsat den 22. oktober 2009. I fald regeringen har leveret baggrundsmateriale, data eller lignende til brug for meddelelsen, bedes disse fremlagt.”

**Svar:**

Jeg kan oplyse, at jeg ikke har været direkte involveret i forberedelsen af arbejdsmiljødelen af Kommissionens meddelelse. Økonomi- og Erhvervsministeriet har dog været fagligt involveret i målingerne af de administrative byrder på alle de 13 prioriterede områder, som præsenteres i meddelelsen, side 5. Ministeriet har deltaget i den af Kommissionen nedsatte gruppe af medlemsstaternes målingsekspertes, som har kvalitetssikret målingsarbejdet. Dette gælder for alle de prioriterede områder og ikke arbejdsmiljødelen specifikt.

Desuden kan jeg oplyse, at jeg har sendt 30 forenklingsforslag til kommissær for erhvervs- og virksomhedspolitik, Günter Verheugen, hvilket udvalget blev orienteret om den 19. november 2008. Ingen af de fremsendte forslag angår arbejdsmiljøområdet. Jeg orienterede også udvalget om, at det var op til Kommissionen at undersøge mulighederne for forenkling nærmere og fremsætte de konkrete forslag. Det har Kommissionen ved KOM (2009) 0544 således efterfølgende gjort.

Jeg vedlægger til udvalgets orientering brevet af 19. november 2008 til Kommissær Verheugen, samt listen med de 30 forenklingsforslag og det tidligere fremsendte brev til Europaudvalget.

  
MINISTRY OF ECONOMIC AND BUSINESS AFFAIRS  
DENMARK

Mr Günter Verheugen  
Vice-President of the European Commission  
Rue de la Loi 200  
B-1049 Brussels  
Belgium

7. November 2008  
Exped. no.

19 NOV. 2008

Dear Commissioner,

I hereby present my compliments and would like to thank you for the great efforts the Commission and in particular DG Enterprise is putting into measuring and reducing administrative burdens for businesses in Europe.

I would also like to thank you for the invitation to submit proposals for simplification of EU legislation in particular within the so called 13 priority areas.

We strongly welcome and support the work on simplification and the efforts put forward to produce fast and tangible results for businesses in Europe.

In line with this approach, we have encouraged the danish public authorities to propose ideas for simplification of EU legislation. As a result, I hereby enclose a list of 30 Danish proposals for simplification (Annex 1).

There is a clear connection between the initiatives at EU level to reach the 25 percent reduction target and our own work towards the equivalent target set at national level. In this respect, we strongly agree with the approach towards simplification set up in the Action Programme for administrative Burden Reduction; this simplification effort should not comprise the underlying purpose of the legislation but should be based on a balanced and integrated approach.

I look forward to further progress and cooperation in this area and thank you again for your efforts and commitment to improve the business environment in Europe.

Yours sincerely,



Lene Espersen

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Folketingets Europaudvalg

ØKONOMI- OG  
ERHVERVSMINISTEREN

19 NOV. 2008

Som et led i Kommissionens arbejde for bedre regulering har kommissær for erhvervs- og industripolitik, Günter Verheugen, opfordret medlemslandene til at indsende forslag til forenkling af EU-reguleringen. Kommissionen forventer at fremsende en række forslag i første halvår af 2009 som led i arbejdet med at måle de administrative byrder på 13 prioriterede områder.

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På den baggrund er der gennemført en høring af ministerierne med henblik på at indsamle forslag til forenkling af reguleringen i EU. Høringen har resulteret i en liste med i alt 30 danske forslag til forenklinger af EU-reguleringen. Disse forslag har efterfølgende været i høring i Regnskabsrådet og Specialudvalget for Konkurrenceevne og Vækst blandt ministerier og organisationer.

Vedlagt fremsender jeg listen med de 30 danske forslag til regelforenkling i EU til udvalgets orientering.

Forslagene sendes til kommissær for erhvervs- og industripolitik, Günter Verheugen. Herefter er det op til Kommissionen at undersøge mulighederne for forenkling nærmere og fremsætte de konkrete forslag. Eventuelle regelforenklinger forventes at foregå i de ansvarlige rådsformationer, hvor medlemslandene som vanligt vil blive inddraget.

Jeg fremsender desuden mit brev til kommissæren, hvor jeg lægger vægt på, at forslagene skal indrettes ud fra en balanceret og integreret tilgang, der ikke går på kompromis med det oprindelige formål med lovgivningen.

Med venlig hilsen

  
Lene Espersen

## 30 Danish proposals for EU simplification

Area of the proposal	No of proposals
Environment	4
Company Law	5
Company Law – accountancy	2
Food safety	2
Fisheries	3
Agriculture	3
Statistics	4
Financial	5
Maritime	2
<b>Total</b>	<b>30</b>

1	Environment
European Waste Shipment Regulation 1013/2006 EC.	
<b>Description of simplification proposal</b>	
Digitalisation – to develop a standardised interface for exchange of information and documents listed in article 26 of the Regulation for all Member States instead of the current paper based administrative procedures.	
<b>Reason for simplification</b>	
DK proposes that a joint electronic interface for the exchange of data for electronic transposition between European Member States is developed. This could reduce the administrative burdens for both companies and authorities in the Member States.	
2	Environment
Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the Incineration of Waste.	
<b>Description of simplification proposal</b>	
DK wish to put forward two proposals regarding the directive on waste incineration:	
<ol style="list-style-type: none"> <li>1) Exemption from the requirements of continuous measurements on waste incineration plants and waste co-incineration plants with a nominal capacity of less than 6 tonnes per hour. The authority may decide not to require continuous measurements for NO<sub>x</sub>, total dust, TOC, HCl, HF and SO<sub>2</sub> and require periodic measurements or no measurements when the waste fractions are homogenous and well defined – typically arising in the industry.</li> <li>2) DK proposes the sampling time for dioxins and furans is proposed to be 30 minutes to 8 hours like for heavy metals. This will make the measurement of dioxin a lot more cost effective and will not have a negative effect on quality.</li> </ol>	
This will require a revision of the WI directive (Article 11, para 4 and annex II, para II 2.2 and annex V, para (d))	
The revisions are preferred to be accomplished through an independent fast track procedure in relation to the waste incineration directive or alternatively in connection to the current revision of the IPPC-directive. The last option will require a revision of the recast of the IPPC (Annex VI, part 6, para 2 and annex VI, part 3, para 1.4 and annex VI, part 4, para 4.2).	
<b>Reason for simplification</b>	
Today the authority can decide not to require continuous measurements for HCl, HF and SO <sub>2</sub> .	

In the proposal of the directive on industrial emissions (IPPC recast) it is proposed that the authority can decide not to require continuous measurements on NO<sub>x</sub> on waste incineration plants and waste co-incineration plants with a nominal capacity of less than 6 tonnes per hour. DK wish to propose that the authority also can decide not to require continuous measurements on total dust and TOC on waste incineration plants and waste co-incineration plants with a nominal capacity of less than 6 tonnes per hour as well as the continuous measurements of related waste gas parameters such as O<sub>2</sub>, pressure and temperature. The competent authority may require periodic measurements or no measurements.

The proposal will reduce the costs for these plants with a nominal capacity of less than 6 tonnes per hour considerably. They will save costs for measurements as well as time and costs for operating the continuous measurement systems.

In the waste incineration directive dioxin average values shall be measured over a sample period of minimum of 6 hours and a maximum of 8 hours. Developments in analytical techniques means that such a long sampling time only occasional are needed.

At the same time, most waste-incineration plants runs with such a steady operation on the dioxin cleansing, that the inclusions of variations cannot justify such a long timescale for the measuring.

The proposal will save time and costs on measurements of dioxin and furans.

### **3 | Environment**

Regulation on pesticides (Common Position adopted by the Council no. 11119/08) and regulation on ozone (2037/2000).

#### **Description of simplification proposal**

Both regulations constitutes approaching revisions of existing legislation. Danish priorities as regards to both regulations are to focus on predictability in the permission scheme and focus on effectiveness in order to avoid duplication of work for the companies.

Mutual recognition of pesticides in order to minimise duplication of work in the Member States and introduction of simplified procedures for some active substances/ product types (low risk substances and basic substances).

#### **Reason for simplification**

Avoidance of duplication of work for companies and Member States

### **4 | Environment**

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

#### **Description of simplification proposal**

Fewer categories of electronic equipment. Currently there are 10 categories in the directive on which there is a reporting/information obligation. DK proposes five categories. The categories should also be more applicable in connection to the actual preparation of the collection of waste. In this case it would not be necessary for companies and WEEE-system to convert in relation to the collected amount.

#### **Reason for simplification**

Fewer categories means less paper work for the companies. Furthermore more coherent categories are assumed to give companies less frustration.

### **5 | Company Law**

2nd Council Directive 77/91/EEC of 13 <sup>th</sup> December 1976	
<b>Description of simplification proposal</b>	
<p>Article 17 of the 2nd Directive requires the calling of a general meeting whenever a company has suffered a serious loss of subscribed capital. The main purpose of this provision is to inform shareholders of the alarming financial situation of the company on a general meeting and to decide on the most appropriate measures to be taken.</p> <p>Micro and small companies could be exempted - or the obligation to call a general meeting could be replaced by an information obligation at the shareholders' meeting, thereby leaving it to the management body to define adequate measures in the meantime.</p>	
<b>Reason for simplification</b>	
Especially in micro and small companies, which have a limited number of external stakeholders and in which owners and managers often are the same, this requirement appears of relatively low value.	
<b>6</b>	<b>Company Law</b>
2nd Council Directive 77/91/EEC of 13 <sup>th</sup> December 1976	
<b>Description of simplification proposal</b>	
<p>When the laws of a Member State allow the payment of interim dividends, Article 15 (2) of the 2nd Directive requires that certain conditions are met, among these that interim accounts shall be drawn up showing that the funds available for distribution are sufficient.</p> <p>This requirement shall be repealed.</p>	
<b>Reason for simplification</b>	
In any case the management body is responsible, if the funds available for distribution are not sufficient.	
<b>7</b>	<b>Company Law</b>
2nd Council Directive 77/91/EEC of 13 <sup>th</sup> December 1976	
<b>Description of simplification proposal</b>	
<p>If a company, within a time limit laid down by national law of at least two years from the time the company is incorporated or is authorized to commence business, acquires any asset belonging to a founder of the company etc. for a consideration of not less than one-tenth of the subscribed capital, Art. 11 of the 2nd Directive requires, that the acquisition shall be examined and details of it published and it shall be submitted for the approval of the general meeting.</p> <p>The paragraph shall be repealed.</p>	
<b>Reason for simplification</b>	
<p>The paragraph creates administrative burdens which are not sufficiently justifiable compared to the low degree of protection offered by the paragraph (to creditors and minority shareholders).</p> <p>Anyone who can control a company's acquisition of an asset on terms that are not fair for the company can do so regardless of the protection offered by the paragraph. For example they could make arrangements so to acquire the asset from a person or company or firm different from those referred to in Article 3 (i), or they could make the acquisition through a shell company older than two years.</p> <p>Moreover, in any case the board of directors and others involved in the transaction will be responsible, if the company incur losses due to the terms of the acquisition. The degree of protection added by the obligations in the paragraph is doubtful.</p>	

<p>Finally, surprisingly few examinations are received by the authority for publication. It is assumed that some companies, who generally want to comply with the law, do not comply with this provision, because it is complicated to understand the obligations in the provision.</p>	
<b>8</b>	<b>Company Law</b>
<p>3rd Council Directive 78/855/EEC of 9<sup>th</sup> October 1978 and 6<sup>th</sup> Council Directive 82/891/EEC of 17<sup>th</sup> December 1982.</p>	
<b>Description of simplification proposal</b>	
<p>The UK believes that both directives should be repealed and if the directives cannot be repealed, they should be simplified further in order to reduce the information obligations that remain following the Commission's existing proposal. According to the UK these directives regulate purely domestic mergers or divisions taking place between companies within the same Member State and it is therefore unlikely that they would meet the principle of subsidiarity, if the directives were proposed today. (HM Government, 25 ideas for simplifying EU law, p. 10 <a href="http://www.berr.gov.uk/files/file47148.pdf">http://www.berr.gov.uk/files/file47148.pdf</a> )</p>	
<b>Reason for simplification</b>	
<p>Denmark does not support that the directives shall be repealed, <u>but supports additional simplifications to these directives</u>. Harmonisation of this area to a certain level, increases transparency and is thereby facilitating companies' decision making process.</p>	
<b>9</b>	<b>Company Law</b>
<p>12th Council Company Law Directive 89/667/EEC of 21st December 1989</p>	
<b>Description of simplification proposal</b>	
<p>The UK believes there is merit in retaining this directive rather than repealing it completely, as the Commission's Communication of 10 July 2007 suggested. However, the UK does agree that the requirements for the internal operations of one-member companies, including some other information obligations, are unnecessary and should be repealed. This approach would mean that the short directive would only include the basic, deregulatory requirement that companies setting up subsidiaries in another Member State do not have to find a second, local nominee member and may have only one member or shareholder. (HM Government, 25 ideas for simplifying EU law, p. 10 <a href="http://www.berr.gov.uk/files/file47148.pdf">http://www.berr.gov.uk/files/file47148.pdf</a> )</p>	
<b>Reason for simplification</b>	
<p>Denmark does support that the directive is simplified, i.e. the requirements for the internal operations in Art. 4 (2) and Art. 5 should be repealed, as they involve administrative burdens which are not sufficiently justifiable compared to the low degree of protection offered by these paragraphs in one-member companies.</p>	
<b>10</b>	<b>Company law – accountancy</b>
<p>Fourth Council Directive 78/660/EEC and Seventh Council Directive 83/349/EEC</p>	
<b>Description of simplification proposal</b>	
<p>The Communication on a simplified business environment for companies in the areas of company law, accounting and auditing (from July 2007) included proposals of exempting micro entities from the accounting directives.</p> <p>Subsequently the Commissioner for Internal Market and Services Charlie McCreevy, has in September 2008 announced that he will ask the Commission to present a proposal on exempting micro entities from the accounting directives.</p>	
<b>Reason for simplification</b>	
<p>The proposal to exempt micro entities from the directive entails that it will possible for the</p>	

<p>Member States to decide on which accountancy rules should apply to micro entities, including refrain from demanding accountancy information from these entities. This does not mean that Denmark cannot regulate micro entities. On the other hand this means that we will have extended degrees of freedom in relation to how we will regulate these entities. It is the opinion of the Danish Commerce and Companies Agency that we should engage in a constructive dialogue on the proposal on exempting micro entities from the accounting directives. The discussions should also include considerations on the definition and scope of micro entities.</p>	
<b>11</b>	<b>Company law – accountancy</b>
<p>Fourth Council Directive 78/660/EEC and Seventh Council Directive 83/349/EEC – modernising the accounting directives</p>	
<b>Description of simplification proposal</b>	
<p>The Commissioner for Internal Market and Services Charlie McCreevy, has in September 2008 announced that he will ask the Commission to present a proposal on modernising the accounting directives.</p>	
<b>Reason for simplification</b>	
<p>The Danish Commerce and Companies' Agency believes that Denmark should support a modernising of the directives. Moreover it is the perception of the Agency that a discussion of a number of the proposals from the Communication on a simplified business environment for companies in the areas of company law, accounting and auditing should be included in the work for the upcoming modernising of the accounting directives.</p>	
<b>12</b>	<b>Food safety</b>
<p>Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council regulation (EC) No 820/97, title II, Section II: Voluntary beef labelling system</p>	
<b>Description of simplification proposal</b>	
<p>Repealing of the provisions in the above mentioned legislative act regarding the voluntary beef labelling system.</p>	
<b>Reason for simplification</b>	
<p>The voluntary beef labelling system causes considerable administrative burdens for the industry, because they have to send a specification for approval to the competent authority, if they want to use other labelling indications than those, which are compulsory for beef. This burden seems to be unnecessary, because the traceability of the meat is ensured by the compulsory labelling elements (the reference number). Furthermore, the horizontal provisions on labelling, presentation and advertising of foodstuffs should be able to cover voluntary indications on beef meat.</p>	
<b>13</b>	<b>Food safety</b>
<p>Council regulation (EC) No 361/2008 of 14 April 2008 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), article 113b and annex XIa; Marketing of the meat of bovine animals aged 12 months or less.</p>	
<b>Description of simplification proposal</b>	
<p>The system for marketing of the meat of bovine animals aged 12 months or less should be a voluntary and not compulsory system.</p>	
<b>Reason for simplification</b>	
<p>The system causes heavy burdens for the industry, because there are two kinds of veal meat, which have to be kept separate. In Denmark, we do not have a traditional use of "light veal meat", which means meat from animals aged 8 months or less. Thus, it seems pointless to have</p>	

<p>two categories of veal meat in Denmark.</p> <p>Furthermore, the recording demands in point VI of annex XIa are too comprehensive. The general provisions on traceability should be enough to ensure food safety.</p> <p>The operators should be able to choose if they want to use this system for meat from bovine animals aged 12 months or less or if they want to market the meat as beef in accordance with the provisions for beef labelling.</p>	
<b>14</b>	<b>Fisheries</b>
<p>Council Regulation (EEC) No 2347/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy – and recovery plans within the Common Fisheries Policy which contains specific control benchmarks.</p>	
<b>Description of simplification proposal</b>	
<p>More control should be based on risk analyses.</p>	
<b>Reason for simplification</b>	
<p>Instead of fixing very specific benchmarks and minimum standards to the number of inspections the rules should to a higher degree leave it to Member States to document a relevant and effective control based on risk analyses.</p>	
<b>15</b>	<b>Fisheries</b>
<p>Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks and Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97.</p>	
<b>Description of simplification proposal</b>	
<p>Harmonisation of messages, for example fishing effort messages and prior notification in Regulation No 423/2004, Article 9 and 11 and Regulation No 1098/2007, Article 13 and 17.</p>	
<b>Reason for simplification</b>	
<p>Rules about information from fishermen about for example fishing effort messages and prior notification are different in different management areas. A fisherman fishing in both the Baltic Sea and in Kattegat must send different notifications pending on where he fish. It would ease administrative burdens if the rules in different areas were harmonized.</p>	
<b>16</b>	<b>Fisheries</b>
<p>Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish, Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks, Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea – and other multiannual plans.</p>	
<b>Description of simplification proposal</b>	
<p>Harmonisation of rules about margin of tolerance in the logbook, for example Article 5(2) in Commission Regulation, Article 11, in Council Regulation 676/2007 etc.</p>	
<b>Reason for simplification</b>	
<p>It would ease administrative burdens, if the same rule about margin of tolerance applied in all situations, and it would be easier to control one single rule than many different rules.</p>	
<b>17</b>	<b>Agriculture</b>
<p>Article 24,2 in Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and es-</p>	

establishing certain support schemes for farmers.	
<b>Description of simplification proposal</b>	
Introduction of a triviality limit regarding deviation between the agricultural parcels as declared in the single application and the reference parcels as contained in the identification system for agricultural parcels.	
<b>Reason for simplification</b>	
In 2008 approximately 4000 cases were reopened due to a lacking correspondence on 0,1 ha.	
<b>18</b>	<b>Agriculture</b>
Article 70 in Commission Regulation (EC) No 796/2004 of 21 april 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.	
<b>Description of simplification proposal</b>	
Introduction of a de-minimis threshold (triviality limit) on area regarding application for SFP. Today Member States may decide not to grant any aid if the amount per aid application does not exceed EUR 100. In the future member states should be able to decide not to grant any aid if the area related to the payment is fewer than 5 ha.	
<b>Reason for simplification</b>	
The proposal will make it possible to grant support only to professional farmers.	
<b>19</b>	<b>Agriculture</b>
Article 3 in Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001.	
<b>Description of simplification proposal</b>	
Member states should have the option to make lists of Statuary Management Requirements and GAEC standards available to farmers by electronic means and restrict the obligation to provide paper copies to cases where the farmer ask for this.	
<b>Reason for simplification</b>	
The proposal will make it easier to use e-government /digitalisation.	
<b>20</b>	<b>Statistics</b>
Council regulation (EEC) No 530/1999 of 9th marts 1999	
<b>Description of simplification proposal</b>	
The proposal is to cut back on the analysis of coherence to a much more aggregated level. There is definitely a need to control coherence between statistics produced in different domains. A number of the differences are due to the definitions and concepts of the statistical products. It is burdensome for Member States to explain these differences, which occur in each country and in many cases they are similar. When analysis of coherence is needed, our proposal is that Eurostat conducts it and Member States only comment on substantial differences not related to definitions or concepts.	
<b>Reason for simplification</b>	
The quality reports are based on a common template with six quality dimensions where one of the quality dimensions is coherence with other statistical areas with identical or similar variables. Documentation regarding Structural Statistics on Earnings and Labour Costs for coherence in data related to: The Labour Force Survey (LFS), Structure of Business Statistics (SBS), Labour Cost Index (LCI) and National Accounts (NA) have to be delivered on NACE sections	

and reasons have to be indicated if differences occur.	
<b>21</b>	<b>Statistics</b>
Council regulation (EEC) No 3924/91 of 19th December 1991	
<b>Description of simplification proposal</b>	
<p>Two different production concepts are used in the PRODCOM Regulation. Statistics suggests that the same production concept should be used for all commodity groups, namely production sold during the survey period. The two different production concepts are:</p> <ol style="list-style-type: none"> <li>1) Data concerning 82% of the 5,600 detailed industrial commodity groups in the Regulation is collected on the basis of production sold during the survey period.</li> <li>2) The remaining 18% must be collected on the basis of produced industrial commodities in the reference period, including the production of intermediaries used as a production input in the enterprise itself.</li> </ol>	
<b>Reason for simplification</b>	
<p>Maintaining the two existing production concepts is contrary to the present efforts of simplifying the collection of data in order to:</p> <ol style="list-style-type: none"> <li>1) reduce the response burden,</li> <li>2) reduce the administrative statistical work and</li> <li>3) increase the quality of the data (as many enterprises are not aware of the distinction between the existences of different production concepts).</li> </ol>	
<b>22</b>	<b>Statistics</b>
Council Regulation (EEC) No 3330/91 and Commission Regulation (EC) No 1901/2000 laying down certain provisions for the implementation of Council Regulation (EEC) No 3330/91	
<b>Description of simplification proposal</b>	
<p>Denmark supports the work that has been done to introduce a single-flow system, but several conditions have to be fulfilled:</p> <ul style="list-style-type: none"> <li>- The quality of the resulting statistics for each individual Member State (i.e. both flows) must be maintained.</li> <li>- Timeliness in connection with the collection and dissemination of data has to be guaranteed and for some Member States must be improved significantly compared with the situation today.</li> <li>- The inclusion of new Member States in the European Union must be taken into account in respect of the above-mentioned conditions.</li> </ul>	
<b>Reason for simplification</b>	
<p>Danish studies have revealed that Intrastat statistics accounts for 3/4 of the total statistical burden on companies (AMVAB, sep. 2004). The total burden caused by Intrastat on Danish companies has been estimated to 17 mill. Euro/year. Especially Intrastat Import is burdensome, accounting for totally 2/3 of the total statistic burdens in Denmark.</p>	
<b>23</b>	<b>Statistics</b>
Directive 95/64	
<b>Description of simplification proposal</b>	
Denmark proposes to discontinue the compilation of the statistics.	
<b>Reason for simplification</b>	
<p>The Council Directive on statistical returns in respect of carriage of goods and passengers by sea was adopted in 1995. These statistics account for the smallest user requirements among the statistics on transport, and from a Danish point of view the compilation of the statistics can be discontinued.</p>	
<b>24</b>	<b>Financial</b>
Insurance directives – notably directive 92/49	

<b>Description of simplification proposal and reason for it</b>	
The existing procedures when notifying cross-border activities and the setting up of branches should be simplified. The present system based on letters from the supervisory authorities to the companies containing information on the content of the "general good" rules may be replaced with a reference to the homepage of the supervisory authorities.	
<b>25</b>	<b>Financial</b>
Directive 2003/71/EC of 4 November 2003	
<b>Description of simplification proposal</b>	
Proposal for simplification Simplify the rules, notably article 10 which could possibly be abolished.	
<b>Reason for simplification</b>	
Under Article 10 companies are required on an annual basis to publish a summary of all information given to the public during the year. This arrangement seems rather superfluous and should be abolished. The annual report is supposed to cover all important events of the year.	
<b>26</b>	<b>Financial</b>
Directive 2002/92/EC of the European Parliament and the Council of 9 December 2002 on insurance mediation.	
<b>Description of simplification proposal</b>	
Abolish the demand in article 3 for registration of intermediaries who act under the full responsibility of one or more insurance companies.	
<b>Reason for simplification</b>	
The directive should be simplified regarding the registration requirements and the use of criminal records.	
For instance, when a bank – being an insurance mediation – is registered with the cooperating insurance company, art 3, it seems administratively burdensome and too excessive that also the persons within the management who are responsible for the mediation business. The requirement in art 4 according to which the management and any staff directly involved in insurance mediation shall provide a clean police record and be subject to current surveillance on this issue is also administratively burdensome. The fulfilment of the principle of “good repute” should be left to the banks and should not be based on a general requirement of providing a clean police record, unless where there is reason for that.	
<b>27</b>	<b>Financial</b>
Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance.	
<b>Description of simplification proposal</b>	
Art. 36, 1. - " Before the assurance contract is concluded, at least the information listed in Annex III(A) shall be communicated to the policy holder"	
The directive requires that the company communicate a number of information to the policy holder before conclusion of the insurance contract.	
The requirement for information <u>before</u> conclusion of the contract should be replaced by a requirement for information <u>in connection with</u> the conclusion of the contract. The important thing is to make sure that the information is communicated to the policy holder at the time when he needs the information, at the latest, for example when the policy holder is to make certain choices or back off from the contract. Furthermore, in certain insurance schemes, not least schemes where membership of the scheme is made mandatory by another contract, it is often not possible to fulfil the requirement for communication of the information before conclusion of the contract as the policy holder is enrolled in the scheme before the insurance com-	

pany obtains knowledge of the policy holder's identity. The insurance company may for example not be informed on the policy holder's enrolment until the first premium payment.

*Art 36, stk. 2 - " The policy-holder shall be kept informed throughout the term of the contract of any change concerning the information listed in Annex III(B)"*

The directive should be amended so that the required time for notification of the policy holder of changes is determined by the importance of the change for the policy holder. In cases of less important changes, for example changes not concerning essential parts of the contract, the company should be allowed to postpone the communication of the information and include it in a broader publishing at a later point in time.

*Annex III - demand for written information*

The companies should be entitled to fulfil the demand for written information by making the information available electronically. A company should be able to assume that communication from company to customer has a digital form even if there is no specific agreement on this. However, the customer should be able to, on request, have the information in paper (active request), unless the information concerns pure web-based products. The company's digital communication must live up to certain basic principles. Among other things, confidentiality of personal information must be secured and it must be assured that the company has not subsequently changed the information.

#### **Reason for simplification**

In a number of areas it would be possible to simplify the rules so that the information required, to a higher degree than today, reflects the needs of the customer. This also implies the possibility of applying means of digital communication, for example presenting information relevant to the customers at the internet. Besides simplification along these lines would considerably reduce the administrative burden for the companies.

#### **28 | Financial**

Directive 2006/48/EC relating to the taking up and pursuit of the business of credit institutions.

#### **Description of simplification proposal**

Revise the rule in art. 57 (1) point (l) and (m).

#### **Reason for simplification**

The definition of financial institutions in Art 4 (5) also includes Undertakings for Collective Investments in Transferable Securities (UCITS).

It is felt unreasonable especially with regard to the deduction rules in art. 57 (1) point (l) and (m) that investments in UCITS made by credit institutions exceeding some thresholds of ten pct. always have weight 100 although the underlying investments have a lower weight.

#### **29 | Maritime**

Regulation No 725/2004 of 31 March 2004 on enhancing ship and port facility security.

#### **Description of simplification proposal**

The Commission is encouraged to consider the above mentioned ISPS inspections on board ships as sufficient and consider participating with Member States on the regular inspections. Thus, article 9 regulation 4 must be adapted accordingly to include a coordination of EU and national ISPS inspections.

#### **Reason for simplification**

Article 9 regulation 4 states:

*"Six months after the date of application of the relevant measures referred to in Article 3, the Commission, in cooperation with the focal point referred to in paragraph 2, shall start a series of inspections, including inspections of a suitable sample of port facilities and relevant compa-*

*nies, to monitor the application by member States of this Regulation.”*

The fact is that vessels are very often inspected by a number of different authorities who perform inspections of the very same objects such as for example the efficiency of the vessel's access control, the presence of the vessel's certificates and to various degrees also the crew's ability to cope with the requirements in the vessel's Ship Security Plan:

- All vessels to which Regulation 725/2004 applies were ISPS certified in 2004 by the Contracting Government
- These vessels are being audited in the future by the Contracting Government on a regular basis
- These vessels are being monitored closely by the Contracting Government as required in the ISPS Code reg. A 4.4
- These vessels are being inspected (incl. ISPS) by the Port State Control regime on a regular basis

Further ISPS inspections will increase the administrative burdens on board the vessels.

### **30 | Maritime**

Council Directive 97/70/EC of 11 December 1997 setting up a harmonized safety regime for fishing vessels of 24 meters in length and over.

#### **Description of simplification proposal**

The need for harmonisation to a system as in the SOLAS convention (surveys within 5 years) is very much needed.

#### **Reason for simplification**

Article 3 of the directive General requirements states: *“Member States shall ensure that the provisions of the Annex to the Torremolinos Protocol are applied to the fishing vessels concerned flying their flag, unless Annex I to this Directive provides otherwise.”*

Article 6 point 2 of the directive and regulation 6 of chapter I to the Annex to the Torremolinos Convention states in (1) (b) that surveys regarding the structure including the outside of the hull shall be carried out with intervals of four years. This requirement is in contradiction to the requirements adopted by the recognised organisations mentioned in Article 5 of the directive these organisations are carrying out surveys with intervals of five years.

This means that a fishing vessel according to the rules of the recognised organisations have to carry out surveys within intervals of 5 years and according to the flag State rules within intervals of 4 years, which is a unnecessary burden.