

SME-RELEVANT ITEMS IN THE 2008 CLWP

A. Key proposals to follow closely (15)

No	Title	Type of Proposal or Act	Description of scope and objectives	Expected date of adoption of the proposal	Lead DG
1.	Annual Progress Report on the Lisbon Strategy	Non-Legislative action/ Other	The annual report sets our progress achieved both at Community and Member States level, whilst identifying a limited number of actions for decision. It is the main document for discussion at the Spring Council. In this context, the importance of education and training will be highlighted.	Dec. 2008	SG
2.	Energy package: a) 2 nd Strategic Energy Review Communication b) Revision of oil stocks legislation (*) c) Recasting of Directive 2002/91/EC of 16 December 2002 on the Energy Performance of Buildings (*) d) Review of the Energy Taxation Directive	a) Non-legislative action/Communication b) Legislative proposal/ Directive Legal Basis: EC Treaty Art. 99; Art. 100(1) c) Legislative proposal/ Directive Legal Basis: EU Treaty, Art. 175(1) d) Legislative	a) The Review will assess the progress towards strategic objectives agreed in March 2007, including how the internal market is taking shape, action to increase the share of renewable energy in the energy mix, trends in greenhouse gas emissions from energy, key energy technology developments and achievements in the EU's external energy policy. It will help in formulating recommendations for future policy development, and in taking forward further work on an EU energy policy for Europe. It will particularly examine how the security of energy supply of the European Union may be enhanced by a fully functioning internal market, by improved and diversified infrastructures and interconnections,	a-c) Nov. 2008 d) 4 th trimester 2008	a-c) TREN d) TAXUD

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		<p>proposal/ Directive Legal Basis: EU Treaty, Art. 93</p>	<p>including storage and LNG terminals, by better stocks management, by solidarity mechanisms, by a more diversified energy mix, through technological development helping the renewables market penetration and helping reducing carbon emissions from energy (eg CCS technologies). It will also examine the international dimension and all the relevant bilateral and multilateral agreements contributing to EU security of supply.</p> <p>b) Proposal of a new Directive on oil stocks for coping with emergency situations in the EU in order to replace existing legislation dating in parts back to 1960s (while codified in 2006 as Directive 2006/67/EC). The objective is to create an effective policy tool for coping with oil supply disruptions affecting the EU in a manner corresponding to actual circumstances.</p> <p>c) The Energy Performance of Buildings Directive makes certificates for the energy performance of buildings mandatory and requests (non-specified) minimum energy performance requirements for new buildings and existing building which undergo major renovation. Furthermore, the Directive requests regular inspections of boilers and air-conditioning systems in order to guarantee an energy efficient operation of these appliances. An updated Directive could strengthen and specify some of these requirements and could add financing aspects to the Directive. An Impact Assessment shall specify and analyse these possible amendments.</p> <p>d) Energy taxation offers the potential for the EU to</p>		

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			<p>combine the incentive role of taxation in favour of more energy-efficient and environment-friendly energy consumption, with the ability to generate revenue. As follow up of the green paper on market-based instruments for environment and related policy purposes (COM(2007)140) the objective of the review is to make Energy Taxation Directive a more supportive and effective instrument of the EU energy and climate change objectives.</p>		
3.	<p>Better Regulation Package:</p> <p>a) Strategic Review b) Second progress report on simplification c) Progress Report on Administrative Burden</p>	<p>a) Non-legislative action/ Communication b) Non-legislative action/ Communication c) Non-legislative action/Other</p>	<p>a) A Communication will present the state of play of the Commission's better regulation agenda (including the first experiences with the Impact Assessment Board) and announce new initiatives within that agenda. b) This initiative includes an overview of the state of play of the simplification rolling programme as well as new proposals for simplification. At inter-institutional level, progress of adoption of simplification proposals will also be reviewed. It will also present a state of play of the indicative codification programme 2006-2008. c) In January 2007, the Commission presented an ambitious Action Programme to reduce by 25% administrative burdens imposed by legislation in the EU. This reduction should be achieved jointly by the EU and Member States by 2012. The Action Programme sets out how to identify, assess and reduce information obligations put on business. It provides a list of approx. 40 pieces of legislation and 13 priority areas believed to account for 80% of administrative costs on businesses.</p>	30 Jan. 2008	<i>ENTR / SG</i>

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			In order to produce concrete results on the short term, the Programme also identifies a first series of ‘fast track actions’. These actions are intended to generate significant benefits through relatively minor changes in the underlying legislation.		

2. PRIORITY INITIATIVES						
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4.	Regulation for a European Private Company Statute	Legislative proposal/ Regulation Legal Basis: EC Treaty Art. 308	The objective of the European Private Company is to enhance the mobility and competitiveness of European SMEs. Providing SMEs with common rules in Member States would make it easier for them to conduct cross-border business by facilitating the formation of new businesses in other Member States and/or the restructuring of existing businesses into simpler structures. Operating across Member States with the same corporate rules could reduce compliance costs, and make the creation and operation of companies in the EU simpler and cheaper.	Sep. 2008	<i>MARKT</i>	<i>E4 / E3</i>
5.	Communication “Small Business Act (SBA) for Europe”	Non-Legislative action/ Communication	The Small Business Act for Europe will combine a mix of general principles (for example, specific treatment for SMEs in legislation according to 'Think Small First' principle, reduce obstacles to go cross border, improved access to EU programmes and increase SMEs access to innovation and growth), legal actions (for example proposal for a European Company Statute) and concrete actions to be taken both by Member States and the Commission (for	June 2008	<i>ENTR</i>	<i>E4</i>

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			example improving SMEs access to public procurement).			
6.	Review of existing legislation on VAT reduced rates	Legislative proposal/ Directive Legal Basis: EC Treaty Art. 93	On the basis of the results of an independent think tank study on the impact of reduced rates notably in terms of job creation, economic growth and the proper functioning of the internal market, the Commission adopted a Communication on other VAT rates than the standard rate (COM (2007) 380) with a view to launch a debate in the Council, the European Parliament and with other stakeholders. All relevant views collected on this very sensitive issue will serve to initiate a sustainable and well balanced proposal in the medium term on VAT reduced rates.	3 rd trimester 2008	TAXUD	E3
7.	Sustainability package: a) Communication and Action Plan on Sustainable Industrial Policy (SIP) b) Sustainable Production	a) Non-legislative action/ Communication b) Non-legislative	The SIP/SCP initiative consists of an integrated strategy to help the EU economy become more environmentally sustainable and competitive. The strategy covers innovation, the internal market and the external dimension, including production and consumption patterns. This initiative will set out the approach, map out	a-b) 1 st term 2008 c-d) 27 Feb. 2008	a-b) ENTR c-d) ENV	E4

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	and Consumption (SPC) Action Plan c) Regulation (EC) No 761/2001 of the European parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (*) d) Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award (*)	action/ Communication c) Legislative proposal/ Regulation Legal Basis: Art. 175 EC Treaty d) Legislative proposal/ Regulation Legal Basis: Art. 175(1) EC Treaty	action plans for delivery and may include legislative proposals. A key element of the initiative will be the launch of a new product policy setting dynamic sustainability requirements, through an extension of the Energy-using products Directive, coupled with voluntary "performance standards". These will be leveraged internationally through international sectoral agreements. There will also be important measures to stimulate innovation (e.g. a European Environmental Technology Verification Scheme), stimulate smarter consumption (including through the revision of the Ecolabel) and measures to help Industry to make production processes more sustainable (including through the revision of the EMAS scheme and through the SME Environmental compliance programme) and initiatives towards more sustainable public and private procurement. c) The revision aims at improving environmental performance of the organisations participating and increasing participation from both industrial and public sector. Legal compliance and			

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			<p>environmental performance improvement of the participating organisations will be facilitated by providing access to advice on environmental legal obligations and guidance on the best environmental management practice. Among other benefits for participating organisations, administrative burden will be reduced for large corporations by allowing corporate registration and for small organisations by cluster registration. Synergies with other environmental management systems will be facilitated. Incentives and regulatory relief for participating organisations by the Member States will be encouraged.</p> <p>d) The revision aims at enhancing effectiveness and market impact by increasing the range of eligible product groups and the number of eco-labelled goods and services actually available to the consumer. The procedure of developing and adopting eco-label criteria will be thoroughly changed and simplified. Economic stakeholders will be involved to a greater extent into the process, thereby increasing ownership and self-</p>			

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			regulatory aspects of the scheme, whereas the administrative burden put on Member States will be reduced. Synergies with existing eco-labels at national level will be facilitated and limits will be put on the costs and fees Member States' authorities may charge on the applicant. Furthermore, the criteria should be defined in such a way that they can be easily used for the purpose of green public procurement.			
8.	Proposal for a Framework Directive on Consumer Contractual Rights	Legislative proposal/ Directive Legal basis: EC Treaty Art. 95	The overall aim of the revision of the acquis, is to simplify and improve the coherence of the consumer regulatory framework and thus enhance legal certainty both for consumers and business. The legal instrument will be a combination of codification and repeal of parts of existing directives and enactment of new rules. The most likely regulatory action, depending on the final outcome of the review, will be a mixed approach to the revision of the acquis. This will consist of a horizontal instrument, underpinned whenever required by vertical solutions.	Dec. 2008	<i>SANCO</i>	<i>E4</i>

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9.	Communication on anticipating and managing change	Non-Legislative action/consultation	The Communication will present a political overview of initiatives undertaken since the adoption of the Communication on Restructuring and employment (COM(2005) 120). The communication will launch a European partnership for the adaptation to change highlighting the role and responsibilities of main actors in change management (Commission, Member States, regions, sectors, enterprises, workers and social partners). The Communication will launch the second phase of consultation of European social partners on anticipating company restructuring.	2 nd semester 2008	<i>EMPL</i>	<i>E3</i>
10.	Commission Regulation on the application of Articles 87 and 88 of the Treaty to regional aid, SME, R&D, environmental aid, employment, training. (General Block Exemption Regulation - final adoption)	Revision	The final objective pursued by the Commission is to group all existing Block Exemption Regulations into one single Regulation for the first time ever. This will bring a qualitative impact in terms of clarity, predictability and transparency of EU rules for business and national and regional authorities. The new GBER will cover areas already covered by block exemptions (training, employment, SME) and new areas (innovation, environment, risk capital,	2 nd trimester 2008	<i>COMP</i>	<i>E4</i>

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			regional aid). Texts on research and capital risk were adopted in 2006, but those applicable to the environment will be adopted in 2007. Finalisation of the draft new GBER is scheduled for 2007 and formal adoption by the Commission in 2008.			
11.	Green transport package: a) Communication on greening the transport sector b) Communication on the internalisation of external costs of transport	Non-Legislative action/Communication	a) This Communication will present the main findings of three initiatives in the area of transport (Internalisation of external costs, Green Propulsion and ITS Action Plan) and will draw possible recommendations for the future. b) This second Communication will provide a generally applicable, transparent and comprehensible model for the assessment of external costs of various modes of transport. It will analyse how internalisation measures can correct a specific type of market failure that is very relevant in the transport field and which consists in the presence of large negative externalities. The Communication will short-list available policy tools to address the issue (ETS, taxes, charges etc. and combinations of individual policy tools) and analyse the likely	a) Jun. 2008 b) Jun. 2008	a) <i>TREN</i> b) <i>TREN</i>	<i>E4</i>

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			economic, social and environmental impacts of each of the short-listed options. It may be accompanied with legislative proposals or announce that they will be presented later in 2008.			
12.	Revision of the company law, accounting and auditing acquis	Recast	Measures to simplify the company law environment for companies in the context of the "Better Regulation" framework.	Jun. 2008	<i>MARKT</i>	<i>E3</i>
13.	Consolidation of accounting standards and interpretations endorsed for use in the EU	Recast	Consolidated version of published Regulations on International Financial Reporting Standards (IFRS) will enable constituents to refer to only one Regulation as it will contain all endorsed IFRS. In this context any translation errors contained in the current Regulations will be corrected.	Oct. 2008	<i>MARKT</i>	<i>E3</i>
14.	Revision of Regulation (EC) No 638/2004 of the EP and of the Council on Community statistics relating to the trading of goods between Member	Revision	Simplification of Intrastat with a view to alleviate the statistical reporting of economic operators, in particular SMEs, taking into account the outcome of the ongoing pilot project of administrative costs and a future feasibility study to analyse workability of a collection	1 st trimester 2008	<i>ESTAT</i>	<i>E3</i>

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	States		system limited to one flow.			
15.	WEEE: revision of Directive 2002/96/EC on Waste Electric and Electronic Equipments	Revision	The revision of the Directive 2002/96/EC will examine possibilities to increase the efficiency and effectiveness of the directive in achieving its environmental goals and eliminate any unnecessary costs to business, consumers, NGOs and public authorities arising from implementation of the directive. The revision will concern the targets, scope, treatment requirement and the operation of the producer responsibility provisions.	Sep. 2008	ENV	E4

B. Additional proposals to follow (10)

No	Title	Type of Proposal or Act	Description of scope and objectives	Expected date of adoption of the proposal	Lead DG	Person/ Unit in charge to follow the SME related issues of the proposal
1.	White Paper on Adaptation to Climate Change	Non-legislative action/White Paper	Policy statement covering measures to ensure adaptation to climate change in a broad range of areas fundamental to the EU way of life (e.g. industry, agriculture, energy, fisheries, forestry, tourism, social policy), reduce their vulnerability, increase their resilience to the inevitable negative impacts of climate change and anticipate and accompany those changes. The objective is to avoid significant effects on human health, biodiversity and habitats, and on EU citizens' quality of life. Measures in the White Paper will also imply changes in existing Community policies.	Nov. 2008	ENV	E4
2.	Proposal for a directive on the conditions of entry and residence of seasonal workers	Legislative proposal/ Directive Legal Basis: EC Treaty, Art. 63(3)	The proposal aims at establishing common entry and residence conditions for seasonal workers from third-countries. It is part of a comprehensive package of measures, proposed in the Policy Plan on Legal Migration of 2005 and further developed in the Communication on circular migration and migration partnerships of	Nov. 2008	JLS	E3

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			2007. Specific objectives are to ensure a secure legal status and a reinforced protection against exploitation to a particularly weak category of third-country workers, such as seasonal workers, and the development of the circular migration policy.			
3.	Green Paper on European territorial cohesion	Non-legislative/ Green paper	<p>The objectives of this action are:</p> <ul style="list-style-type: none"> • to analyse from an institutional, political and operational perspective the way in which Member States understand and apply the concept of territorial cohesion. This work will be mainly based on questionnaires and analysis of operational programmes. • to provide a common definition of the concept and to propose possible tools for a better integration of this territorial dimension in the Structural funds and in some sectoral policies having a territorial impact. • to initiate an in-depth dialogue between Member States and the Commission. 	Sep. 2008	<i>REGIO</i>	<i>E1 / E4</i>
4.	Proposal for a Directive amending Directive 92/85/EEC of 19 October	Legislative proposal/ Directive	Directive 92/85/EEC provides for measures aimed at the improvement of the health and safety at work of pregnant women and women	Sep. 2008	<i>EMPL</i>	<i>E4</i>

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	1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breast-feeding	Legal basis: EC Treaty, Art. 137	who have recently given birth or are breastfeeding; including a minimum of 14 continuous weeks' maternity leave. The objective is to enhance the reconciliation of professional, private and family life by improving existing maternity protection provisions.			
5.	Legislative instrument in the field of successions and wills	Legislative proposal/ Regulation Legal Basis: Art. 67 EC Treaty	The objective is to facilitate European citizens' lives establishing a coherent legal framework concerning law conflict settlements in the area of successions, questions of judicial competence, mutual recognition and execution of decisions, documents and extrajudicial acts necessary for the non contentious settlement of successions (wills, deeds, administrative acts). A European heredity certificate and a mechanism allowing to know precisely if an EU resident has left a testament or last will are also foreseen.	Nov. 2008	<i>JLS</i>	<i>E1</i>
6.	Communication on Multilingualism: Addressing the challenge of European Society	Non-Legislative action/ Communication	The Communication will provide orientations for a better synergy between European and Member States policies to promote multilingualism, notably through the Open Method of Coordination and by making better use of existing European programmes and initiatives.	Sep. 2008	<i>EAC</i>	<i>E3</i>

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			The new strategy should in particular contribute to improving citizens' employability, the competitiveness of European enterprises, intercultural dialogue and social inclusion as well as to creating a European space for dialogue with citizens. This new approach should, therefore, embrace all policy areas of the EU, involve all stakeholders concerned and be conceived and implemented in close co-operation with all Member States.			
7.	Proposal of Directive amending Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses	Revision	Directive 2001/23/EC does not contain any provisions on conflict of laws. As a result, there is a lack of clarity as to how to apply the provisions of the Directive to cross-border transfers. The aim of the proposal - to be made by the Commission following the two phases of consultation of social partners - is therefore to clarify the application of the Directive to cross-border operations. The proposal would increase legal certainty for economic and judicial agents and result in costs savings for undertakings and better protection for workers.	4 th trimester 2008	<i>EMPL</i>	<i>E1</i>
8.	Community initiative on work-related	Recast	The objective of this initiative is to integrate into a single legislative instrument the provisions on	4 th trimester 2008	<i>EMPL</i>	<i>E4</i>

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	musculoskeletal disorders		the protection of the health and safety of workers from the risks of musculo-skeletal disorders at work. These provisions are currently fragmented over different directives, namely Council Directive 90/269/EEC on the minimum health and safety requirements for the manual handling of loads and Council Directive 90/270/EEC on the minimum health and safety requirements for work with display screen equipment. A single legislative instrument would be more comprehensive, clearer and easier to apply. It will benefit employers in terms of legal clarity and workers in terms of providing better protection against the risks of musculo-skeletal disorders.			
9.	Eco-management and audit scheme: revision of the Regulation (EC) No 761/2001 of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)	Revision	The revision aims at improving environmental performance of the organisations participating and increasing participation from both industrial and public sector. Legal compliance and environmental performance improvement of the participating organisations will be facilitated by providing access to advice on environmental legal obligations and guidance on the best environmental management practice. Administrative burden will be reduced for large	27 Feb. 2008	ENV	E4

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			<p>corporations by allowing corporate registration and for small organisations by cluster registration. All participating organisations will benefit from reduced procedural requirements, simplified rules for the use of logo and harmonised rules for accreditation, verification and registration. In addition SMEs and small local authorities will benefit from reduced verification and reporting obligations and lower registration fees. Synergies with other environmental management systems will be facilitated. Incentives and regulatory relief for participating organisations by the member states will be encouraged.</p>			
10.	<p>Eco-label award scheme: revision of Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme</p>	Revision	<p>The revision aims at enhancing effectiveness and market impact by increasing the range of eligible product groups and the number of eco-labelled goods and services actually available to the consumer. For this purpose, the procedure of developing and adopting eco-label criteria will be thoroughly changed and simplified. Economic stakeholders will be involved to a greater extent into the process, thereby increasing ownership and self-regulatory aspects of the scheme, whereas the administrative burden put on</p>	27 Feb. 2008	ENV	E4

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			<p>Member States will be reduced. Once the criteria are adopted, it will be easy for economic operators to apply for the award of the eco-label to their products. Synergies with existing eco-labels at national level will be facilitated and limits will be put on the costs and fees Member States' authorities may charge on the applicant. Furthermore, the criteria should be defined in such a way that they can be easily used for the purpose of green public procurement.</p>			