Bilag 1. Høringssvar fra organisationer og myndigheder i hhv. første (A) og anden (B) høringsrunde

A. Høringssvar i første runde (frist d. 9. maj 2005)

I den første høringsrunde blev organisationer og myndigheder bedt om at indse konkrete forslag til forenkling af EU-regulering, jf. høringssvarene nedenfor. Der blev desuden modtaget enkelte høringssvar med mere generelle kommentarer til forenklingsarbejdet.

Dansk Arbejdsgiverforening:

Direktivet om skærmterminalarbejde 90/290/EF er et oplagt emne til en gennemgribende forenkling, modernisering og præcisering, f.eks. vedrørende undtagelserne. I bilaget bør f.eks. henvisningen om strålingsfare og afsnittet om "samspil datamat/menneske" udgå. Disse bestemmelser er karakteriseret ved at være unødvendige og uklare forpligtelser.

Finansrådets og Børsmæglerforeningens forslag til ny EU-regelforenkling:

SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	European Parliament and Council Directive 2004/39/EC Directive on Markets in Financial Instruments (MiFID) and the upcoming Commission proposals for level 2 directives and regulations.
Summary	MiFID and especially the current CESR advice and Commission document regarding technical implementing measures should be simplified. The rule on pretrade information for systematic internalisers in article 27 is too detailed and should be subject to a cost/benefit analysis. Other issues that the Commission currently is working at as regards level 2 measures leads to unnecessary administrative burdens and cost for instance the question of voice recording of telephone order.
Need for simplification	Level 2 measures should recognise and distinguish between different market structures and business models. Consideration should be taken to differences in scale, nature and complexity of business. The level of detail in the advice/proposals for level 2-measures is too extensive. We fear that the amount of information that CESR advice to be provided to clients would damage the clients' ability to form a general view of how the market functions and how to invest rather than provide the necessary transparency and general view. It should be ensured that information provided to clients could be standardised.
Proposal for simplification	It should be possible to standardise information provided to clients Only telephone lines dedicated to the receipt of orders should be voice recorded Article 27 should be less detailed. It should be reviewed whether the purpose of pre-trade transparency is really obtained by article 27 and the current proposals for technical implementing measures.
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs, Danish Financial Supervisory Authority
Legislation	Proposal for a regulation on payer's information accompanying credit transfers and transfers sent by money remitters
Summary	Adopting of different thresholds for incoming and outgoing transfers and thresholds, which furthermore are not worldwide, but differs depending on the country of origin.
Need for simplification	
Proposal for simplification	Adopting of a worldwide threshold is strongly recommended in order to avoid that the banks must register and update the thresholds adopted in all the different countries of the world.
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs, Danish Financial Supervisory Authority
Legislation	Proposal for a directive on A New Legal Framework for Payments in the Internal

	Market
Summary	The proposal constitutes unnecessary detailed regulation in areas of different payment instruments.
Need for simplification	
Proposal for simplification	1) Rules concerning transparency (information relating to a payment service contract or a payment transaction) are redundant as the information requirements are already stated in Directive on cross border transactions (97/5/EF). 2) The proposed rules on the execution of a payment transaction differ from the existing market-practice in Danish payment transactions. It will lead to increased costs of complying with the requirements without any benefits.
SECTOR	**Finance**
Ministry responsible	Ministry of Taxation
Legislation	Sixth Council Directive (77/388/EEC) of 17 May 1977
Summary	The VAT legislation concerning the financial sector needed to be updated and revise to achieve a more simple system with more legal certainty and VAT-neutrality.
Need for simplification	Concerning the financial sector the application of VAT across the EU is inconsistent. There is a need for revise and update the definition of VAT exempted services and transaction (art. 13(B)(d)). When it comes to financial groups operating in more than one EU-country VAT very often prevent their opportunity to cooperate, integrate and centralize their functions – concerning the financial sector there is a need for a more VAT neutral system. Any attempt to achieve synergies and improve efficiency is blocked due to the cascading effect of VAT.
Proposal for simplification	The European Banking Federation has made a proposal for updating the directive (enclosed)
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Proposal for a Directive on money laundering, including terrorist financing – 5556/05 rev 1.
Summary	The proposal for a directive should be reviewed with regard to simplification. It imposes quite many requirements on banks, which generally speaking are too burdensome and costly to comply with in proportion to the purpose of the directive.
Need for simplification	The provisions of customer due diligence are comprehensive and burdensome and could be simplified without compromising with the overall purpose of the directive. The provisions concerning identification of beneficial owners are unclear and burdensome for the employees to manage. The provisions of politically exposed persons are unclear with regard to the definition of such persons and complicated to manage in term of identifying the persons in question. Politically exposed persons should be limited to a (predefined) specific group of people leaving as little judgement as possible on the employees.
Proposal for simplification	
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2002/92/EC on insurance mediation
Summary	The directive should be reviewed with regard to simplification, especially regarding the registration requirements and the use of criminal records.
Need for simplification	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.
Proposal for simplification	
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2000/12/EC on credit institutions
Summary	
Need for simplification	
Proposal for simplification	Art 16 on supervisory approval process concerning qualifying holdings in credit institutions should be subject to mutual recognition between member States.
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2000/12/EC on credit institutions
Summary	
Need for simplification	The definition of financial institutions in Art 1 (5) also includes Undertakings for Collective Investments in Transferable Securities (UCITS). This has as a consequence that investments made by credit institutions in UCITS are weighted 100 pct (solvency ratio) according to art. 43 without regard to the underlying investments made by the UCITS. These investments may for instance consist of government bonds with weight 0. It is felt unreasonable especially with regard to

	the deduction rules in art. 34 (12) and (13) 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.
Proposal for simplification	
SECTOR	**Finance**
Ministry responsible	Ministery of Economic and Business Affairs
Legislation	Proposal for a Directive on Capital Adequacy of investment firms and credit institutions (COM(2004) 486
Summary	Reporting for banks
Need for simplification	Regarding the drafts regarding accounting and Capital adequacy from CEBS: FINREP and COREP needs a fundamental change. The amount of information need to be reduced and harmonized, so internationally operating banks don't need to report different information to different supervisions.
Proposal for simplification	
SECTOR	**Finance**
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Proposal for a Directive on Capital Adequacy of investment firms and credit institutions (COM(2004) 486
Summary	Reporting for banks
Need for simplification	National discretion in Capital Adequacy regulation should be avoided, and further attention to this is a must.
Proposal for simplification	
SECTOR	**Finance**
Ministry responsible	Ministry of Justice
Legislation	Directive 2002/65EF of 23 September 2002 concerning the distance marketing of consumer financial services.
Summary	The directive on distance marketing of consumer financial services has been implemented in Denmark since 1 October 2004. Therefore Danish banks have already experienced that the rules concerning information requirements to the consumer in the case of voice telephony communications are very burdensome.
Need for simplification	The rules in article 3, section 3 in the case of voice telephone communications are all too complicated. The supplier (the bank) has to give the following information: - the identity of the supplier - the commercial purpose of the call - the identity of the person in contact with the consumer - a description of the main characteristics of the financial service - the total price to be paid by the consumer to the supplier for the financial service including all taxes paid via the supplier - notice of the possibility that other taxes and/or costs may exist that are not paid via the supplier or imposed by him - the existence or absence of a right of withdrawal It is not possible in practice to give all that information when using voice telephone communication and these rules should therefore be simplified.
Proposal for simplification	The rules concerning voice telephone communication when offering consumers financial services could be simplified with due respect that the supplier in every case shall provide the full information (all the information mentioned in article 3, section 1, 2 and 3) if a contract has been concluded using voice telephony communication (see article 3, section 3 in fine referring to article 5) and that the consumer has a right of withdrawal from the contract. On these grounds it should be enough that the supplier is obliged at the beginning of any conversation with the consumer to mention the identity of the supplier.

Forsikring & Pension:

SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance
Summary	The directive imposes, among other things, several information obligations on the companies.
Need 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.
Proposal for simplification	**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 Danish Insurance Association proposes that the requirement for information before conclusion of the contract is replaced by a requirement for information in connection with 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 company 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 Danish Insurance Association proposes that the directive is 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 Danish Insurance Association finds that the companies should be entitled to fulfil the demand for written information by making the information available at the company's website. 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. *Bilag III.A.a.16 - information on law applicable to the contract* The Danish Insurance Association only sees a need for informing the policy holder on law if other regulation than Danish law applies. ***Annex III.B. - during the term of the contract*** The Danish Insurance Association is of the opinion that there should be no obligation for the company to inform the policy holder on both changes in relation to the assurance undertaking and changes in the insurance commitment. If digital communication is used it should be sufficient to present such information at the company's website (that is, no requirement for actively forwarding the information to the customer). Furthermore, information on insurance undertakings is not pivotal to the insurance contract and thus this information should only be made available when the customer is in need of this information. ***Bilag III.B.3. - yearly information on the state of bonus*** The Danish Insurance Association finds that it should be sufficient continuously to make information on the state of bonus available at the internet. There is no need also to forward the information to the policy holder annually.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services
Summary	The directive imposes very detailed information obligations which the companies must fulfil when performing distance marketing of consumer financial services (telephone sales etc.). The directive is implemented in Danish law by amendments to the consumer contracts law and the insurance contracts law.
Need for simplification	In order to fulfil the rules the companies must give the consumers a lot of different information regardless of whether the consumers have any use of these information. Furthermore, the rules do not render possible targeting relevant information to the individual consumer's needs.
Proposal for simplification	The Danish Insurance Association proposes that the rules are reconsidered so that the companies may fulfil the information requirements by making the information available for the customers at the company's website. Hence, each customer may seek the information he desires. Perhaps, the company must be obliged to, when marketing its products, inform the customer that he may find relevant information at the website.
SECTOR	
Ministry responsible	The Ministry of Justice
Legislation	Directive on the protection of individuals with regard to the processing of personal

	data and on the free movement of such data (95/46/EC)
Summary	
Need for simplification	
Proposal for simplification	The Danish Insurance Association proposes that the directive shall be re-examined. In the light of the development of the technology, the general exchange of information in the society of today and the costumer's general opinion on what data can be processed, stored and exchanged, the directive in general appears to be too restrictive.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2002/92/EC of the European Parliament and the Council of 9 December 2002 on insurance mediation.
Summary	Intermediaries (Tied agents) who only carry on the activity of insurance mediation under the full responsibility of one or more insurance companies should not be subject to registration requirements like independent intermediaries who act on their own behalf and under their own full responsibility.
Need for simplification	When intermediaries act under the full responsibility of one or more insurance companies there is no need for consumer protection in the form of a registration system. Insurance companies, which are fully responsible and to which consumers can refer if an intermediaries do not act correctly, will not allow their products to be sold by intermediaries who do not act in a proper way. In Denmark insurance companies must register their agents name e.g., and the name of a person responsible for intermediation at the agent. They must update the register 4 times a year at least and every year they must send a declaration to the supervisory authorities on the updating. The agent must send a declaration to the insurance company with the same information as in the register but also on education on clean police records and declare that no one is declared bankrupt.
Proposal for simplification	Intermediaries (Tied agents) who only carry on the activity of insurance mediation under the full responsibility of one or more insurance companies should not be subject to registration requirements like independent intermediaries who act on their own behalf and under their own full responsibility.
SECTOR	
Ministry responsible	
Legislation	Increasing levels of information required in the accounts
Summary	
Need for simplification	There is an ongoing pressure for releasing more and more information in the statutory accounts. Information - for policyholders, the public, investors and other interested parties - is, of course, considered useful, but any marginal additional information does not neccessarily add value. Increasing the level of information, the details of information and demanding more frequent release of information does not always increase transparency. On the contrary, in the context of the often long term nature of the underlying insurance business, releasing more and more information might not be meaningful and might actually leave the end user more confused than enlightened.
Proposal for simplification	Therefore, there is scope for reducing the administrative burdens of producing more information to the statutory accounts while actually yielding a benefit to end users of insurance company accounts.
SECTOR	
Ministry responsible	
Legislation	EU procedures for approval of IFRS
Summary	Quoted companies are required by EU regulation to apply International Financial

	Reporting Standards, IFRS (issued by the International Accounting Standards Board, IASB) to their consolidated accounts. However, only those IFRS's which have been approved by the EU Commission, fall under the scope of this regulation.
Need for simplification	The abovementioned procedure is burdensome as revealed by the problems encountered with the revised IAS 39. This standard - like most IFRS's - is being revised in a time consuming and complex process. However, once finalised by the IASB, it was only partially approved by the EU Commission. Therefore, it had to be adjusted again by the IASB in very short time before it became applicable under the EU regulation. As a matter of fact, companies were for a time being not in a position to decide which version of IAS 39 was to be followed. This creates tension and administrartive burdens is put upon companies. The rules to be followed must be known well in advance before the rules become applicable. So the procedure for the EU Commission to adopt IFRS must be improved.
Proposal for simplification	
SECTOR	
Ministry responsible	
Legislation	The deposit floor in the life directives
Summary	As is probably well known, the Danish life insurance accounting rules are based upon market valuation of both assets and liabilities. On the liability side, this implies that the portfolio of commitments must be valued taking into account that policyholders might make use of any surrender options. The key word is portfolio. Companies estimate the probability of contracts being terminated at a portfolio basis, consistent with a market value approach. However, the Danish supervisor recently has claimed that the use of a portfolio approach contradicts the rules and stipulations of the life insurance directives. The supervisor claims that a deposit floor must be applied to each contract. However, insurance is different from banking and the deposit floor approach on a contract by contract basis is not consistent with the market value approach which in many other cases is considered worth trying to establish.
Need for simplification	If the portfolio approach is in fact deemed in conflict with existing EU regulation this will force administrative burdens upon life insurance companies which must change their accounting practices - and, more importantly, burdens will arise because the Danish market value accounting principles, which are considered a key example for others to follow, might be impossible to withhold.
Proposal for simplification	Therefore, in case the Danish supervisor is right in its interpretation of the relevant directive, then this must be changed, allowing for a portfolio consideration when considering the effect of surrender options in the accounting rules.
SECTOR	
Ministry responsible	
Legislation	Non-discounting of deferred taxes according to IAS 12
Summary	The Danish local accounting rules have recently been changed in order to become compatible with IFRS. However, because IAS 12 on Income Taxes (as approved by the EU Commission, hence part of EU regulation) does not allow for the discounting of deferred taxes, there is a need to make an exemption from IAS 12 on this issue in the local accounting rules for insurance.

Need for simplification	The abovementioned exemption from IAS 12 will be administrative burdensome for companies which must apply IFRS to their consolidated accounts. Different rules might have to be followed on company and consolidated level.
Proposal for simplification	Thus, there is an urgent need to update IAS 12 to allow for the discounting of deferred taxes, not least in the context of the principle of market valuation gaining ground in the international accounting standards.

Dansks Industri:

Ministry responsible	The Ministry of Economic and Business Affairs
Legislation	Regulation concerning antidumping
Summary	The objective of the antidumping rules is to protect against price dumping, which means that a country's exporters deliberately sell their goods on another country's market at a price that is lower than on the home market. Thus, the purpose of antidumping duty is to maintain fair competition in trade.
Need for simplification	Antidumping is one of the most generally used tools among legal and protective measures. The number of antidumping investigations has increased significantly since the 1990s. The rules must be changed so that antidumping measures are limited only to cases where it is an established fact that dumping takes place.
Proposal for simplification	Antidumping measures should be limited to cases where it is an established fact that dumping takes place with a view to achieving market power, i.e. in cases where the dumping enterprise already has a dominant position. It could be done in antidumping cases by making use of a number of the conditions that are used in competition cases. In addition, it must be a precondition that analyses of the costs and gains of introducing antidumping duty are carried out, in order to ensure that the measures are not exclusively in favour of the producers. The measures must also take the consumers and the enterprises utilising the products into consideration.
For further information please contact:	Mr Peter Thagesen, DI International. E-mail: pth@di.dk or phone: +45 3377 3752.
SECTOR	
Ministry responsible	The Ministry of Economic and Business Affairs The National Agency for Enterprise and Construction
Legislation	1334/2000/EC Control of exports of dual-use items and technology.
Summary	The revision is enforced by UN 15-45. The objective of the control of dual-use items and technology is to ensure that the products are not used for military or terrorist purposes.
Need for simplification	Control list is too long and outdated (controls massmarketed technologies, whilst other strategically relevant technologies remain uncontrolled).
Proposal for simplification	In implementing the convention the EU should not interpret it in a stricter sense than other countries. Further the Commission should pay much attention to what is actually possible to control and implement the controlsystem in a fashion there is less bureaucratic for the private businesses. One should bear in mind that controlling EU import in many respects will be futile, as the products already exists within the EU. The Commission should be cautious about implementing a control system of transport of dual-use products as such a system would be very costly and bureaucratic. At the same time the system will not be very effective in controlling the actual transport.
For further information please contact:	Ms Marianne Castenskiold, DI International. E-mail: mca@di.dk or phone: +45 3377 3764.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs Statistics Denmark
Legislation	Commission Regulation (EC) No 1901/2000, Council Regulation (EEC) No 3330/91 and Commission Regulation (EEC) No. 2256/92 Intrastat
Summary	EU trade statistics covering all goods (in details) crossing national borders within the Internal Market.
Need for simplification	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 mio. euro/year. Especially Intrastat **Import** is burdensome, accounting for totally 2/3 of the total statistic burdens in Denmark.
Proposal for simplification	When a company in one country exports to another company in another EU country the export is reported to Intrastat Export, and the import is reported to Intrastat Import. Thus the same transaction is reported to the statistical bureaus twice, so called Mirror Statistics. Therefore one of the reports should be abolished and instead for control reason substituted by reports from the exporting country's statistical bureau. For each individual European company the reporting of sales/exports of the company's own product(s) self evidently is much easier than reporting of the wide

	range of raw materials, intermediary products and other inputs, which the company acquires/imports and with which the company has no specialized knowledge of. The main part of the problem stem from information gathering when the invoice does not contain or is unclear about the required information. Therefore the reporting of imports is especially burdensome for companies. In each EU country statistics on exports are considered more precise than statistics on imports. Exchange of export statistics among statistical bureaus could improve the quality of trade statistics, avoid asymmetries between exports and imports and reduce the administrative burden of companies dramatically. Export statistics are superior to import statistics with respect to reliability and administrative burden on companies. Thus the best way to proceed would be to drop statistics based on imports and 'recycle' export statistics among member states.
For further information please contact:	Mr Klaus Rasmussen, DI's Department for Business Economy. E-mail: kr@di.dk or phone: +45 3377 3908.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs Statistics Denmark
Legislation	Council Regulation (EEC) No 3330/91 on the statistics relating to the trading of goods between Member States.
Summary	Concerning the statistics relating to the trading of goods between Member States.
Need for simplification	The nomenclatures in Intrastat, Extrastat and Prodcom are not similar, two measures of quantity (net mass in kg, and secondary measure like litres or pieces) are required for trading information on some goods, the observation percentage and frequency is too high as well as the numbers of categories. This causes too high administrative burdens for companies. The number of categories should be reduced considerably. There should not be more than 10 categories each, so that it is easy for the enterprises to cope with.
Proposal for simplification	It is of the greatest importance that the nomenclature in Intrastat, Extrastat and Prodcom are standardized. The measures of quantity should be made meaningful, and as far as possible it should repealed since measuring the weight often cause big difficulties to the companies. Furthermore it is of greatest importance that the measures of quantity are made similar in Intrastat, Extrastat and Prodcom. The observation percentage and frequency of the reporting should be reduced.
For further information please contact:	Mr Klaus Rasmussen, DI's Department for Business Economy. E-mail: kr@di.dk or phone: +45 3377 3908.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs Statistics Denmark
Legislation	Council Regulation (EC, Euratom) No 58/97 concerning structural business statistics
Summary	All enterprises contribute information toward the structural business statistics.
Need for simplification	Many of the small enterprises have a minimal effect on the content of the overall statistics. There is required too many and partially overlapping statistics.
Proposal for simplification	Member states should have the option to make small enterprises (with less than 20 employees) exempt from statistical information requirements, since the small enterprises have a minimal effect on the content of the overall statistics. Some of the statistics should be dropped, and the rest should be reorganised to cover the necessary data. This reorganisation should also include Intrastat and the structural statistics statutory instrument.
For further information please contact:	Mr Klaus Rasmussen, DI's Department for Business Economy. E-mail: kr@di.dk or phone: +45 3377 3908.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	1997/0356/COD Harmonization of legal protection of patents.
Summary	Harmonization of legal protection of patents.
Need for simplification	The current system is expensive and inadequate. A patent in the EU is three times as costly as a patent in Japan- and five times the price of a patent in the USA. The high costs are largely a result of translation demands.
Proposal for simplification	DI suggests: - That it should be possible to attain a patent in the EU by one application.

	- That the demands of translation is reduced as much as possible. - A central European court of patents is established. This will ensure a common practice and will mean a concentration of the best qualifications.
For further information please contact:	Ms Tine Roed, DI's Department of Tax and Legal Affairs. E-mail: tmr@di.dk or phone: +45 3377 3561.
SECTOR	
Ministry responsible	The Ministry of Economic and Business Affairs
Legislation	87/404/EEC Laws of the Member States relating to simple pressure vessels.
Summary	Harmonization of the laws of the Member States relating to simple pressure vessels.
Need for simplification	According to the Commission the process of conformity assessment is too complicated compared to 97/23/EC. Approach of existing legislation (87/404) is not corresponding.
Proposal for simplification	The Commission proposes to incorporate 87/404/EC into 97/23/EC. DI can not support the proposal. 87/404 is working quite well for the companies. 97/23 on the other hand is very complicated to understand and has posed more demanding burdens on the private companies. After a long procedure of adaptation the directives work well today and to integrate the two directives would create more problems and administrative burden for the industry and increase costs. At the same time 97/23 is not fully implemented, officials are still working on interpretations and the companies are still in a process of learning. The practical experiences for commencing a revision are for these reasons not present.
For further information please contact:	Ms Annette Dragsdahl, DI's European Affairs. E-mail: ad@di.dk or phone: +45 3377 3844.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	78/855/EEC, 89/667/EEC, 2000/46/EC, 95/46EC and 2001/107/EC
Summary	Regulation concerning company law
Need for simplification	Contradictions in directives and too many administrative burdens for the private enterprises.
Proposal for simplification	DI supports the proposals for simplification
For further information please contact:	Mr Jens Valdemar Krenchel, DI's Department of Tax and Legal Affairs. E-mail: jvk@di.dk or phone: +45 3377 3407.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Council Directive 89/106 of 21 December 1988 Construction Product Directive (CPD)
Summary	The Directive needs an amendment to speed up its effective application and to resolve application problems or misuses which have been noted
Need for simplification	See "Summary" above.
Proposal for simplification	CE-marking should be compulsory for those construction products under the scope of a harmonised European Norm and for which the CE-marking transitional period has ended. A transparent procedure to designate the notified bodies (NB) and approval bodies (EOTA) and evaluate their competence (e.g. by using accreditation) on a common basis. EOTA should only address regulatory aspects. The application for an (ETAG) and a CUAP should not force other manufacturers of the same product family to start using CE-marking for their products. The systems of attestation of conformity should be simplified. The main basic terms used in the Directive should be clearly defined. "Construction product", "non-series product", "kit", "market", etc.
For further information please contact	Mr. Jens Nørgaard. E-mail: jn@di.dk or phone +45 3377 3376.
SECTOR	
Ministry responsible	Ministry of Employment
Legislation	Directive 90/394/EEC Protection of workers from the risk related to exposure to carcinogens at work and extending it to mutagens
Summary	Regards the protection of workers from the risk related to exposure to carcinogens at work and extending it to mutagens
Need for simplification	The directive leaves its mark on the fact that it was prepared at a time where the focus was based on the toxicity class of the drugs and not on the evaluation of the

	risks, and where the thoughts were aiming towards an establishment of protection-strategies/preparations, towards the "traditionally" very dangerous chemical drugs. Due to the fact that wooden dust from the hard woods was subjugated the directive, a need for efficient interpretations of the directives decisions to avoid the unintentional substitutions from the hard woods. Similar situations can be expected to appear in the future.
Proposal for simplification	The assessment is, that there is a well-marked need for a radical revision of the directive. As a model for the prospective regulation, the principles of the current Danish regulation can be recommended. In Denmark the regulations are based on fundamental decisions which are existing for the entire area supplied by a number of special demands which in variation of extents can be used towards single drugs or groups of drugs.
For further information please contact:	Mr Anders Just Pedersen, DI's Department for Work Environment. E-mail: ajp@di.dk or phone: +45 3377 3686.
SECTOR	
Ministry responsible	Ministry of the Environment
Legislation	Council Directive 75/442/EEC of 15. July 1975 on waste
Summary	The directive on waste contains an unclear distinction between recycling and waste. Inconsistent use of terminology and annex does not include all reuse and disposal methods.
Need for simplification	The unclear definition and distinction between different waste handling options lead to bureaucratic handling of waste related questions at local and governmental level. This is especially true for the area import/export of waste. For methods not mentioned in the annexes to the directive it is extremely time consuming for the industries to obtain permission or approval from the municipalities and the EPA.
Proposal for simplification	It should be clearly underlined that the waste hierarchy is only advisory, and that in specific cases other handling options may be the best solution from as well an environmental as a cost-benefit analytical point of view. The annex II A and B should be rewritten, so they are not closed lists, but rather broad conditions for the treatment technologies in the various categories. The effect of this will be a must smoother administration for industries and municipalities, and the possibility to direct waste for the optimal treatment environmentally. E.g. incineration with heat and power production may be more optimal than recycling with long transports and limited benefits for the environment.
For further information please contact:	Mr Jens Ulrik Jensen, DI's Environmental Department. E-mail: ajp@di.dk or phone: +45 3377 3686.
SECTOR	
Ministry responsible	Ministry of the Environment
Legislation	Council Directive 96/61/EC of 24. September 1996 concerning Integrated Pollution Prevention and Control (IPPC).
Summary	The directive on ICCP has caused bureaucracy to a degree that is out of proportion with the environmental benefits.
Need for simplification	The implementation of the IPPC scheme has become overly bureaucratic in a number of areas. Overlaps between IPPC, EIA, EMAS as well as a number off sector-specific directives result in unnecessary bureaucracy. Extensive measurement programmes are required under the current legislation. Environmentally insignificant changes to installations often require a formal application to the environmental authorities. Though this has no environmental benefit, it still entails significant bureaucracy. The list of installations in annex is partially unclear and covers installations with environmental impacts that are insignificant or do not require an integrated approach. This causes unnecessary administration and too large differences in the implementation of the directive among member states. Companies with an environmental certification in accordance with ISO14001 find little acknowledgement of this voluntary effort in the regulation. IPPC should hold incentives for companies to seek environmental certification.
Proposal for simplification	The relationship of IPPC with EIA, EMAS as well as a number off sector-specific directives needs to be resolved. Principles for assessing the needed amount of measuring should be included in the directive. The revised directive should also envisage a possibility for replacing direct measurements of emissions with verified calculations based on operating parameters such as load, temperature etc.

	The directive needs to define clearly a lower threshold limit for when changes to installations require an application to the environmental authorities. The list of installations in annex needs to be revised and clarified. Requirements in IPPC should be reduced for EMAS or ISO14001 certified installations.
For further information please contact:	Mr Jens Ulrik Jensen, DI's Environmental Department. E-mail: ajp@di.dk or phone: +45 3377 3686.
SECTOR	
Ministry responsible	Ministry of the Food, Agriculture and Fisheries
Legislation	200/13/EC The laws of the Member States relating to the labelling, presentation and advertising of foodstuffs
Summary	In the field of food legislation 90% of the legislation originates from the European Union. In his conclusions to the Round Tables on Agriculture and Food, former Commissioner Byrne announced that the Commission would launch a process of evaluation of the labelling legislation with a view to its simplification and modernisation. The Community's current legal basis for food labelling is defined in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. This Directive codified the earlier Directive 79/112/EC that established general requirements for food labelling, applicable to all foodstuffs and pre-packaged food.
Need for simplification	The challenge is how to diminish burdens on industry while maintaining the high level of information and protection of the consumer. European industry and consumers' organization both call the current label into question; it appears that it bears too much information. Since the introduction of the labelling directive, the amount of information on the label has increased considerably. For those consumers that need specific information, it may be more convenient if they could find more information in an easy way. It does not seem realistic to expect that the need for information about food is reducing in the future. In relation to the increased knowledge about food and individualisation of the consumer, the demand for specific information by consumers is increasing. However, any discussion of a review of the EU labelling legislation being relevant in a Europe of 25, soon 27, has to take into account three core elements of all food labelling legislation, namely **consumer information**, **consumer education** and **user needs** with regard to practicability/feasibility. Those core elements of the discussion are interlinked and should be regarded in conjunction.
Proposal for simplification	**Consumer information** The food industry is committed to providing responsible consumer information. Labelling is the most important way of communicating with the consumer. More recently other means of consumer information have been promoted to offer more detailed information off pack and DI considers this should be recognised in the review process given the complexity of the legislative provisions and limited label space. Labelling, especially mandatory labelling is only one of many ways of ensuring consumer information. Offpack consumer information has throughout the last years become an essential tool for consumer information and needs to be respected as such by legislators. Consumer information interests can accordingly be served on and off pack and the food industry urges stakeholders to respect all routes of consumer information when reviewing mandatory labelling legislation – all consumer interests can certainly not be satisfied through mandatory labelling. **Consumer education** Consumer education is essential to make best use of the information provided by manufacturers. A joint effort is needed in partnership between public authorities and food manufacturers to ensure information about food is respected, however experience shows that a lot of the information provided is not used, because consumer education on essential food information is missing. What is needed, is not ever more information on the labels, but a joint initiative on consumer education in which industry, consumer organisations and government organisations provide the necessary consumer education.

	Respecting "user needs" There is an urgent need for better consultation of and co-operation with "users" when drafting EU labelling legislation. Shared interests concern amongst others • Accessibility: Labelling legislation must be easy to find , clearly drafted etc • practicability: Avoid frequent label changes, and multiple implementation dates, it is extremely costly to the European food industry • partnership in regulatory process to ensure compliance • feasibility, • readability and • understandability. Other points of concern are regularly consolidation of legislation, synchronised labelling implementation dates every two or three years where no safety issues are concerned, recognition of a common market (multi-lingual packs, the use of IT systems applicable for consumer information on essential items to be discussed and decided, space needed for cooking instructions and other pieces of consumer information and education).
For further information please contact:	Mr Henrik Schramm Rasmussen, The Danish Food and Drink Federation in DI. E-mail: hsr@di.dk or phone: +45 3377 3009.
SECTOR	
Ministry responsible	Ministry of Science, Technology and Innovation
Legislation	COM(2005)119 final Seventh framework programme of the European Community for research, technological development and demonstration activities.
Summary	Proposal for a decision of the European Parliament and of the Council concerning the seventh framework programme of the European Community for research, technological development and demonstration activities.
Need for simplification	There is a great need to introduce new flexible instruments in order to make the seventh framework programme successful.
Proposal for simplification	**New instruments** In that regard the Confederation of the Danish Industries proposes a new funding instrument - a 1-1 cooperation - which allows for a company to engage in a cooperation with another company or research institution under the condition that the companies or research institutions origins in at least two different countries. **Reducing bureaucracy** There are three specific areas in particular in which reforms of the current procedures will contribute to a reduction of the bureaucracy of the framework program: - Reducing the cost of applying - A changed funding model (flat rate system or grant based) - Fewer participants in each project
For further information please contact:	Mr Mikkel Bülow Skovborg, Educational Research Department. E-mail: mbs@di.dk or phone: +45 3377 3918.
SECTOR	
Ministry responsible	Ministry of Science, Technology and Innovation
Legislation	1999/5/EC Telecom
Summary	Article 6.4 states that manufacturers of radio equipment should notify the authorities about the product.
Need for simplification	The main part of the businesses does not comply with the regulation, which is a leftover from the days of strict regulation of radiobroadcast. The regulation is obsolete with the present level of technology, where other means can be used to prevent "noise" on the broadcast bands for radioproducts.
Proposal for simplification	DI agrees with the Commissions proposal to abolish the regulation
For further information please contact:	Ms Susanne Andersen, DI - ITEK. E-mail: san@di.dk or phone: +45 3377 3345.
SECTOR	

Ministry responsible	Ministry of Science, Technology and Innovation
Legislation	2000/31/EC E-commerce
Summary	Regulation of electronic commerce.
Need for simplification	To make sure that there is no contradictions in the different directives regulating E-commerce.
Proposal for simplification	DI agrees with the Commissions proposal to bring the directive in accordance with other directives regulating E-commerce.
For further information please contact:	Ms Susanne Andersen, DI - ITEK. E-mail: san@di.dk or phone: +45 3377 3345.
SECTOR	
Ministry responsible	Ministry of Science, Technology and Innovation
Legislation	New Regulatory framework. Directives: 2002/19EC, 2002/20/EC, 2002/21/EC, 2002/21/EC, 2002/58/EC, 2002/77/EC and regulative: 2887/2000
Summary	Regulation of the market of communication and its 18 submarkets.
Need for simplification	The regulation of the market in different sectors is not up to date with reality. New technology makes it possible to offer different services from the same platform. For example internet-, television- and telephoneservices can now be distributed by the same cables and thereby offered by the same operators. This means that regulation should view the market as unified and not as different submarkets.
Proposal for simplification	DI proposes to speed up the process of revision of the regulation. There is a need for a new unifying framework which focuses on innovation and growth in the business.
For further information please contact:	Ms Susanne Andersen, DI - ITEK. E-mail: san@di.dk or phone: +45 3377 3345.
SECTOR	
Ministry responsible	Ministry of Taxation
Legislation	Commission proposal for simplifying value added tax obligations, COM(2004) 728 final
Summary	In 1998 the Commission put forward a proposal for a directive that included a review of the refund procedure of value added tax, COM(1998) 377 (the so-called deduction directive). Taxable persons would, under the proposed system, be able to recover VAT directly through VAT declarations filed in the Member State of establishment, in stead of being forced through a difficult procedure to claim the VAT-refund from the authorities in the import country. This system would, as the Commission pointed our, greatly simplify matters for traders.
Need for simplification	VAT obligations are an obstacle to the Internal Market and as such also to the Lisbon process. The compliant costs for traders are huge. The trader is already burdened with interpreting the law and following other VAT obligations, and should be relieved as much as possible of his present-day obligations for handling the consumer's tax. Thus the burden of handling the payment should as far as possible be borne by the Member States.
Proposal for simplification	**One-stop scheme** The Commission proposal of implementing an one-stop system, where businesses can choose to file all VAT declarations for trade with other EU-countries in their homestate is a substantial improvement.. The businesses will now have the choice of getting a VAT registration in the country of consumption or use the one-stop shop. It is important however that the possibility to file joint VAT declarations applies both for trade with consumers and other businesses. Also it should be the activity in the country of consumption that determines the compensation and not the businesses payment of VAT in the homecountry. DI supports the proposal but has following suggestions for improvement: - Companies often have production units in several Member States, i.e. the production is integrated within the Internal market. A cross-border VAT grouping system would be the single most effective simplification and integration friendly change. - The period for filing, 20 days, is too short. The period of credit is greatly reduced compared to domestic transactions. DI proposes a longer period to ameliorate the businesses' liquidity and to create balance between the filing periods for businesses and the authorities. **Exclusions from the right to deduct** The proposal introduces a list of the areas where special rules are in effect. This creates opportunities for businesses to predict in advances when they should be

	attentive of special circumstances. In principle all input VAT for business costs should be deductible. Naturally it would be ideal for traders to have the same rules for deduction in all Member States, however DI acknowledges that such a harmonisation is not possible at this time. **Extension of reverse charge** The Commissions proposal will extend the use of the reverse charge mechanism for trade between enterprises (B2B). This way, the obligations for traders are simplified and the risk for tax evasion is minimised. It is important that the system is clear about who is responsible for the payment. Even the current system can be unclear about this issue. DI also recommends that businesses can chose between using the reverse charge system and the one-stop-shop, so the system is as flexible as possible. **SMEs** The Commission proposes a new threshold at a turnover of 100 000 Euro for granting an exemption to tax. DI has no remarks, since a lower threshold can be set by the national governments. **Distance selling** The proposal sets a new community threshold at 150.000 Euro to replace the national threshold between 35.000 Euro and a 100.000 Euro. DI can not support this change. The present rules for distance selling are cumbersome. The system is however necessary, since the VAT rates differ so much. Traders in Member States with high standard rates are however already today put at a disadvantage. That disadvantage would be aggravated with an increase in the threshold which would distort competition further.
For further information contact:	Mr Kristian Koktvedgaard, DI's Department of Tax and Legal Affairs. E-mail: kko@di.dk or phone: +45 3377 3577.
SECTOR	
Ministry responsible	Ministry of Taxation
Legislation	New proposal
Summary	A new common EU tax-database.
Need for simplification	At the moment the enterprises operating in the EU have to take 25 different taxregulations into consideration. A unified system would significantly reduce the administrative and economic burdens on private enterprises.
Proposal for simplification	The commission is working on a common tax-database but it is a long term project. DI proposes to speed-up the process. At the same time DI suggests that the new database does not contain minimum and maximum taxrates, since the EU-countries needs to maintain a healthy competition on taxrates. In addition the Commissions pilotproject on Home State Taxation (HST) of small and mediumsized companies should be implemented. With HST a company operating in more than one memberstate is taxed only by the taxsystem in the homecountry.
For further information contact:	Ms Lene Nielsen, DI's Department of Tax and Legal Affairs. E-mail: kko@di.dk or phone: +45 3377 3577.

Danmarks Rederiforening:

SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority
Legislation	Directive 95/21EU On Port State Control
Summary	Tankers, bulk carriers and Passenger vessels reporting 72 to 24 hours prior to call at a port within the community article 7 and Annex 5
Need for simplification	Since it is only for the Port State to consider whether a mandatory inspection need to be performed, it should be possible to check with a database in stead of reporting from the vessels
Proposal for simplification	No reporting or simple reporting to be performed e.g. IMO no. and ETA should be sufficient
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority
Legislation	2002/59EU establishing a Community vessel traffic monitoring and information system
Summary	Article 4 and 5 Notification prior to entry into ports of the Member States 1. The operator, agent or master of a ship bound for a port of a Member State shall notify the information in Annex I(1) to the port authority: (a) at least twenty-four hours in advance; or (b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours; or (c) if the port of call is not known or it is changed during the voyage, as soon as this information is available. 2. Ships coming from a port outside the Community and bound for a port of a Member State carrying dangerous or polluting goods, shall comply with the notification obligations of Article 13. Article 5 Monitoring of ships entering the area of mandatory ship reporting systems 1. The Member State concerned shall monitor and take all necessary and appropriate measures to ensure that all ships entering the area of a mandatory ship reporting system, adopted by the IMO according to Regulation 11 Chapter V of the SOLAS Convention and operated by one or more States, of which at least one is a Member State, in accordance with the relevant guidelines and criteria developed by the IMO, comply with that system in reporting the information required without prejudice to additional information required by a Member State in accordance with IMO Resolution A.851(20).
Need for simplification	Excessive effort from shippers and shipowners to identify sustances transported
Proposal for simplification	Creation of an international database with relevant data on substances for reference
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority
Legislation	COUNCIL DIRECTIVE 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community
Summary	Article 4 1. All persons on board any passenger ship which departs from a port located in a Member State shall be counted before that passenger ship departs. 2. Before the passenger ship departs the number of persons on board shall be communicated to the master of the passenger ship and to the company's passenger registrar or to a shore-based company system that performs the same function. Article 5 1. The following information shall be recorded regarding every passenger ship that departs from a port located in a Member State to undertake a voyage of more than twenty miles from the point of departure: - the family names of the persons on board, - their forenames or initials,

	- their sex, - an indication of the category of age (adult, child or infant) to which each person belongs, or the age, or the year of birth, - when volunteered by a passenger, information concerning the need for special care or assistance in emergency situations. 2. That information shall be collected before departure and communicated not later than thirty minutes after the passenger ship's departure to the company's passenger registrar or to a shore-based company system that performs the same function.
Need for simplification	Very bulky demand on info, even on short routes
Proposal for simplification	Any information other than number of pax. Irrelevant on routes transiting less than 18 hrs.
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority
Legislation	Directive 2000/59/EC of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues
Summary	Article 6 Notification 1. The master of a ship, other than a fishing vessel or recreational craft authorised to carry no more than 12 passengers, bound for a port located in the Community shall complete truly and accurately the form in Annex II and notify that information to the authority or body designated for this purpose by the Member State in which that port is located: (a) at least 24 hours prior to arrival, if the port of call is known; or (b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or (c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours. Member States may decide that the information will be notified to the operator of the port reception facility, who will forward it to the relevant authority. 2. The information referred to in paragraph 1 shall be kept on board at least until the next port of call and shall upon request be made available to the Member States' authorities. Article 7 Delivery of ship-generated waste 1. The master of a ship calling at a Community port shall, before leaving the port, deliver all ship-generated waste to a port reception facility. 2. Notwithstanding paragraph 1, a ship may proceed to the next port of call without delivering the ship-generated waste, if it follows from the information given in accordance with Article 6 and Annex II, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery. If there are good reasons to believe that adequate facilities are not available at the intended port of delivery, or if this port is unknown, and that there is therefore a risk that the waste will be discharged at sea, the Member State shall take all necessary measures to prevent marine pollution, if necessary by requiring the ship to deliver its waste before departure from the port. 3. Paragraph 2 shall apply without prejudice to more stringent delivery requirements for ships adopted in accordance with international law. Article 8 Fees for ship-generated waste 1. Member States shall ensure that the costs of port reception facilities for ship-generated waste, including the treatment and disposal of the waste, shall be covered through the collection of a fee from ships. 2. The cost recovery systems for using port reception facilities shall provide no incentive for ships to discharge their waste into the sea. To this end the following principles shall apply to ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers: (a) all ships calling at a port of a Member State shall contribute significantly to the costs referred to in paragraph 1, irrespective of actual use of the facilities. Arrangements to this effect may include incorporation of the fee in the port dues or a separate standard waste fee. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship; (b) the part of the costs which is not covered by the fee referred to in subparagraph

	(a), if any, shall be covered on the basis of the types and quantities of ship-generated waste actually delivered by the ship; (c) fees may be reduced if the ship's environmental management, design, equipment and operation are such that the master of the ship can demonstrate that it produces reduced quantities of ship-generated waste. 3. In order to ensure that the fees are fair, transparent, non-discriminatory and reflect the costs of the facilities and services made available and, where appropriate, used, the amount of the fees and the basis on which they have been calculated should be made clear for the port users.
Need for simplification	The captain must keep a very detailed record of waste at all times, simply to satisfy the directive
Proposal for simplification	Directive to be discontinued.
SECTOR	**Maritime**
Ministry responsible	Ministry of the Environment
Legislation	Directive 2004/35/EC of 21 April 2004
Summary	Environmental liability with regard to the prevention and restoration of environmental damage.
Need for simplification	Some exceptions have been included in the Directive as far as liability for environmental damage for ships is concerned. However, a more clear cut solution creating greater certainty would be to exclude ships entirely from the scope of the Directive. The liability for environmental damage caused by ships is already regulated in a very detailed way by IMO conventions and there is no need to introduce on an EU-level further regulation as far as shipping is concerned. It creates great uncertainty and thereby also a number of administrative problems etc. where the EU attempts to improve on, modify or add to conventions already agreed within IMO and acceded to by a large majority, if not all Member States of the EU.
Proposal for simplification	The Directive should be modified so as completely to exclude ships from the scope of the Directive.
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority
Legislation	Regulation No 3577/92/EEC of 7 December 1992
Summary	Cabotage-regulation
Need for simplification	Remaining restriction on access to the cabotage markets in certain member states hampers the efficiency of maritime and intermodal transport.
Proposal for simplification	Liberalise the market by removing the restrictions on market access.
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority and Ministry of Transport and Energy
Legislation	Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic
Summary	The regulation will phase out the use of 45 feet containers by the end of 2006
Need for simplification	The ban on the use of 45 feet containers will lead to the use of more traditional containers with more congestion on the European roads as the result.
Proposal for simplification	Allow the continued use of 45 feet containers after 2006
SECTOR	**Maritime**
Ministry responsible	Ministry of Economic and Business Affairs, Maritime Authority and Competition Authority
Legislation	Regulation 4056/86
Summary	The regulation applying the general competition rules to maritime transport is under review.
Need for simplification	If this review does not lead to a situation where the industry clearly knows which forms of cooperation are allowed and under which conditions it will hamper maritime transport.
Proposal for simplification	The result of the review must be accompanied by clear guidance from the Commission to the industry.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Directive 2004/109/EC of 15 December 2004 on transparency requirements
Summary	Harmonization of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market.
Need for simplification	Interim management statements are often misleading for the market and not necessary, because companies are always under an obligation to inform whenever

	important events take place. They clearly constitute an administrative burden.
Proposal for simplification	Abolish Article 6.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Directive 2003/71/EC of 4 November 2003
Summary	Regulates the prospectus to be published when securities are offered to the public or admitted to trading.
Need for simplification	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.
Proposal for simplification	Abolish Article 10.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Commission Regulation (EC) No. 809/2004 of 29 April 2004 on implementation of Directive 2003/71/EC
Summary	Information to be contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements.
Need for simplification	The Annex to the Directive seems rather detailed and cumbersome and a number of simplifications may be achieved.
Proposal for simplification	Simplify the Annex to the Regulation.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Directive 2004/25/EC of 21 April 2004
Summary	Directive on takeover bids.
Need for simplification	The Directive should only cover the procedural aspects in connection with takeover bids. It should not contain rules which somehow influence the possible success of takeover bids. The market alone should decide whether a takeover bid should succeed or not.
Proposal for simplification	Abolish Articles 9 and 11 of the Takeover Directive and make the necessary adjustments of the Directive.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Directive 2004/25/EC of 21 April 2004
Summary	Directive on takeover bids.
Need for simplification	Article 10 of the Directive requires companies to publish a number of detailed information. This article has to a large extent a bureaucratic character.
Proposal for simplification	Modify Article 10. In particular point (j) should be abolished.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	CESR recommendations etc.
Summary	CESR has published a large number of recommendations implementing EU financial directives.
Need for simplification	There is a tendency in most of the recommendations to overregulation and certainly a large number of simplifications can be achieved.
Proposal for simplification	Abolish or simplify a number of CESR recommendations.
SECTOR	**Financial information from companies**
Ministry responsible	Ministry of Economic and Business Affairs, Financial Supervisory Authority
Legislation	Directive 2003/6/EC of 28 January 2003
Summary	Directive on insider dealing and market manipulation
Need for simplification	The rule in Article 6, paragraph 4 requires persons employed etc. by an issuer to notify to the competent authority the existence of transactions conducted on their own account relating to shares etc. of the issuer where such persons are discharging certain responsibilities within the issuer. There is also a follow-up directive from the Commission: Directive 2004/72/EC of 29 April 2004. These rules are of no practical importance. By and large they only serve to satisfy the curiosity of certain analysts etc. If such transactions are performed as part of an insider trading we must fear they will be kept secret. Thus the warning flag-purpose of these rules - which are their primary purpose - has no effect. To companies the rules create a lot of administrative burdens and problems.
Proposal for simplification	Article 6, paragraph 4 of Directive 2003/6/EC and the follow-up rules in the Commission Directive should be abolished.
SECTOR	**Social affairs**

Ministry responsible	Ministry of Employment
Legislation	Directive 2002/14/EC of 11 March 2002
Summary	Establishing a general framework for informing and consulting employees in the European Community.
Need for simplification	The issues dealt with by this Directive should be left to be regulated by national law. In Denmark we have collective agreements dealing with information and consultation and the Directive does not take into account the fact that in Denmark we also have a system with employee representation in the boards of limited companies who are informed and consulted as board members. The Danish situation illustrates that it is difficult, if not impossible, to adopt directives in this area. There are probably a number of different systems in Member States dealing with information and consultation. Such systems are not abolished as a consequence of the Directive, but the Directive simply adds to what is already established on a national level. Thus to a large extent the Directive constitutes overregulation at least in some countries. Furthermore, the issues dealt with by the Directive should not be regulated on EU-level, but should be left to the Member States to regulate. The various national rules are tailor-made to the national circumstances, the different traditions etc. and we very much doubt that in this area it is appropriate to have EU-regulation.
Proposal for simplification	The Directive should be modified or entirely abolished.

Danmarks Statistik:

SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	COUNCIL REGULATION (EEC) No 530/1999 of 9th marts 1999
Summary	
Need for simplification	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.
Proposal for simplification	Our 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.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	Council and European Parliament Regulation No 808/2004 concerning Community statistics on the information society (draft implementing regulation)
Summary	
Need for simplification	The comments refer to the measurement of enterprises use of ICT 2006. <u>I Ordinary questionnaire</u> Denmark finds that the proposed set of indicators now has reached its maximum measured both in quantitative and qualitative terms. The questionnaire is markedly longer compared to the 2003 model questionnaire that was known under the negotiation of the IS regulation. The ISS regulation states that the Implementing measures should take into consideration Member States' resources and the burden on respondents. <u>II Financial sector questionnaire</u> The special questions on the financial sector go beyond what is necessary to include this sector in the survey and has more or less developed into an independent survey with its own questionnaire. This was not foreseen in the ISS regulation.
Proposal for simplification	<u>I Ordinary questionnaire</u> Denmark welcomes further reductions, by applying the principles on flexibility from the ISS regulation. This is done by having modules with a fixed duration. Moreover, flexibility is ensured as not all variables should be surveyed every year. At the same time we would like to emphasize that we welcome new indicators. In order to avoid increasing burden on businesses, Denmark will show maximum flexibility concerning negative priorities. <u>II Financial sector questionnaire</u> Denmark suggests that the sector is included in the survey, but with module c+d as voluntary to ease burden on businesses. The coverage of the financial sector should only be developed in conformity with the ordinary questionnaire in the future.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	COUNCIL REGULATION (EEC) No 3924/91 of 19th December 1991
Summary	
Need for simplification	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:

	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. 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.
Proposal for simplification	Maintaining the two existing production concepts is contrary to the present efforts of simplifying the collection of data in order to: 1) reduce the response burden, 2) reduce the administrative statistical work and 3) increase the quality of the data (as many enterprises are not aware of the distinction between the existences of different production concepts).
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	European Parliament of the Council amending Council Regulation (EC) No. 1165/98 concerning short-term statistics
Summary	
Need for simplification	
Proposal for simplification	Denmark welcomes in general the proposal, which adds new variables, makes some statistics more frequent and shortens the transmission deadlines to develop Short Term Statistics. However, to balance this increased burden, other variables in the present Regulation have to be left out. Especially, we think that the variable "New orders in Con-struction and Civil Engineering" should be removed. In the amendment Regulation, the focus in the construction annex is on a change from a quarterly to a monthly production variable. This indicator, which is on the PEEI-list, will be a core variable for the construction sector. This variable together with information on building permits and business opinion surveys render the New order variables superfluous. Furthermore, the New order variables are considered to be of doubtful quality, and a great number of countries have problems with delivering data.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	Council Regulation (EC, EURATOM) No 58/97 of 20 December 1996 concerning structural business statistics
Summary	
Need for simplification	This Regulation consists of an important general annex covering all economic activities and some annexes covering specific activities. The specific annexes demand very specific statistics for enterprises within manufacturing, construction and trade.
Proposal for simplification	Some of these specific statistics should to be abandoned. This applies, e.g. to: 20 21 0 – 20 31 0, purchases of energy products (values) divided by types of energy, which should be reported for the industry (annex 2) and for the construction sector (annex 4). 21 11 0, investment in equipment and plant for pollution control, and special anti-pollution accessories (mainly end-of-pipe equipment), which should be reported for the industry (annex 2) 21 12 0, investment in equipment and plant linked to cleaner technology ("integrated technology"), which should be reported for the industry (annex 2) 21 14 0, total current expenditure on environmental protection, which should be reported for the industry (annex 2) 23 12 0, income from subcontracting, which should be reported for the construction sector (annex 4) 17 33 0, category of sales space for retail stores engaged in retail trade, which should be reported for the distributive trade sector (annex 3) 17 34 0, number of fixed market stands and/or stalls, which should be reported for

	the distributive trade sector (annex 3) 16 15 0, number of hours worked by employees, which should be reported for the construction sector (annex 4) 15 31 0, value of tangible goods acquired through financial leasing, which should be reported for the construction sector (annex 4) If the variable 15 31 0 is removed, the definition of capital formation in the variables 15 12 0 - 15 15 0 should to changed to cover assets acquired through financial leasing. This would reduce the response burden on business enterprises, as the definition corresponds to the applied accounting principles (Danish and international principles) for compiling assets.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	Commission Regulation (EC) No 642/2004 of 6 April 2004 on precision requirements for data collected in accordance with Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road
Summary	
Need for simplification	
Proposal for simplification	Denmark proposes that the statistics should be changed from quarterly to annual. Furthermore, we propose that the working party should discuss: 1) the frequency of the survey (from quarterly to yearly), 2) the list of variables, for the purpose of lowering the response burden and 3) the threshold of conducting the survey as well as the precision level.
SECTOR	
Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
Legislation	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
Summary	
Need for simplification	The Combined Nomenclature (concerning commodities) defines the data to be reported for each commodity, including data on the quantity being traded. For many commodities two units must be reported; the main unit being net mass in kilograms and a supplementary unit (e.g. litre, pieces, etc.). As a result of earlier SLIM-studies, a simplification was introduced in Intrastat. A list of commodities was established. For the commodities included in the list, only a supplementary unit of quan-tity is to be reported and not the main unit being net mass in kilograms.
Proposal for simplification	We propose that there should be carried out a study in order to assess further needs for excluding quantity information, but only for commodities where both units of quantity data are to be reported today.

Skatteministeriet:

SECTOR	**Customs**
Ministry responsible	Ministry of Taxation (Central Customs and Tax Administration)
Legislation	Community legislation re customs in general – e.g. Community Customs Code – regulation (EC) 2913/92 and implementing regulations – Commission Regulation 2454/93
Summary	A critical analysis on the functioning and efficiency of the customs procedures etc is needed in order to modernize and simplify the Customs rules of EC
Need for simplification	Many of the present rules and procedures in the Customs area are no longer "up-to-date" – procedures originally designed to ease the burden of customs duties for EC Companies are - due to the decreasing customs tariffs in general – no longer economical efficient (the costs of maintaining and using them exceeds or are close to exceed the advantage of the procedures them self).
Proposal for simplification	An – if possible – independent critical analysis of costs and benefits of the existing customs rules should be conducted to identify areas that should be modernized (or even abandoned!).
SECTOR	**Trade policy**
Ministry responsible	Ministry of Foreign Affairs
Legislation	All regulations etc that include tariffs
Summary	Abandoning of low customs tariffs
Need for simplification	Many resources are used in relation to collect and control duties paid – especially resources used to collect and control declarations relating to low tariffs are not in proportion with the duties collected.
Proposal for simplification	Tariffs under a certain level could be abandoned (e.g. 2 or 5 percent).
SECTOR	**Trade policy/customs**
Ministry responsible	Ministry of Foreign Affairs and Ministry of Taxation – Central Customs and Tax Administration
Legislation	Preferential Rules of origin (PRO) – GSP and agreements between EU and 3. countries – Commission regulation 2454/93 and the individual agreements
Summary	
Need for simplification	Present rules are very complex and difficult to understand. The usage of the systems with tariff preferences is therefore not used as widely as intended.
Proposal for simplification	Clear, simple and transparent PRO that meets today's criteria for EC-policies - e.g. development. Simple list rules.

SECTOR	Trade policy/customs
Ministry responsible	Ministry of Foreign Affairs and Ministry of Taxation (Central Customs and Tax Administration)
Legislation	Non-preferential rules of origin – Regulation (EC) 2913/92 and Commission Regulation (EC) 2454/93
Summary	Simplify non-preferential rules of origin
Need for simplification	The set of Non-preferential rules of origin is at present very complex. The rules are used in relation to mainly statistics etc, and have only little tariff implication. Within WTO a standardisation exercise have been going on for ages – only creating the rules more and more complex. At EC level the Customs Code only contains few rules in this area - but interpretation of the rules include the work conducted by WTO (and WCO), which makes things very complex.
Proposal for simplification	From the EC side work for real simplification of these rules – and thereby minimise the use of "special rules"
SECTOR	**Trade Policy/Customs**
Ministry responsible	Ministry of Foreign Affairs and Ministry of Taxation (Central Customs and Tax Administration)
Legislation	Customs Tariff - Regulation (EC) 2658/87
Summary	A simpler Customs Tariff (with fewer positions) could be achieved by only letting the Customs Tariff include tariff positions that are actually being used and which are necessary and justifiable.
Need for simplification	The Customs tariff includes many positions that have no use – or have no customs use. This makes the tariff very comprehensive and very complex to use.
Proposal for simplification	Simple "cleaning out" of positions that are not used would be a beginning. A more comprehensive and ambitious proposal is to join together positions that is no longer necessary and justifiable to keep apart (e.g. because they have approximately the same tariff rate etc).
SECTOR	**Customs/Trade Policy**
Ministry responsible	Ministry of Taxation (Central Customs and Tax Administration) and Ministry of Foreign Affairs
Legislation	Regulations on temporally tariff suspensions and autonomous quotas - Regulation (EC) No 2505/96 and Regulation (EC) No 1255/96
Summary	Tariff positions with low tariff rates could be automatically suspended and instead of quotas tariffs could be lowered.
Need for simplification	In general costs exceed benefits in relation to the system of suspensions/quotas in relation to tariff positions with low tariff rates.
Proposal for simplification	Tariff positions with low tariff rates (e.g. 5 %) covered by a suspension or quotas, could be automatically replaced by a tariff rate of 0 %.
SECTOR	**Trade policy/Customs**
Ministry responsible	Ministry of Foreign Affairs, Ministry of Economic and Business Affairs Ministry of Ministry of Taxation – Central Customs and Tax Administration
Legislation	Quotas (regulations in general)
Summary	Abolish quotas in areas where customs tariffs are low.
Need for simplification	In general costs exceed benefits in relation to maintaining a system of quotas in rel ation to tariff positions with low tariff rates.
Proposal for simplification	Quotas could automatically be abolished for tariff positions with low tariff rates (e.g. 5 %) and be replaced by at tariff rate of 0 %.

SECTOR	Customs
Ministry responsible	Ministry of Taxation (Central Customs and Tax Administration)
Legislation	Community Customs Code – Regulation (EC) 2913/92
Summary	Security payment relating to Customs could be abandoned
Need for simplification	National VAT are – at least in Denmark – not covered by rules on security payment – and accounts for a much higher value that customs duties. Many resources are used – both by administrations and economic operators in relation to security payments relating to customs duties. With decreasing customs duties costs to set up security payments become even more and more out of proportion.
Proposal for simplification	Abandon rules on security payment in relation to Customs duties.

Erhvervs- og Byggestyrelsen:

SECTOR	
Ministry responsible	The Ministry of Economic and Business Affairs
Legislation	Construction Products Directive (CPD) (89/106/EEC)
Summary	The CPD was agreed on by the Member States in 1988 and is the most complicated of the new method directives. According to the CPD products have to be in conformity with a harmonised standard or a European Technical Approval. The essential requirements in the CPD relate to the finished construction work and not directly to the products. Until now less than half of the expected harmonised standards have been finished and the technical approval system has not been used as foreseen.
Need for simplification	Yes.
Proposal for simplification	▪ **Explicit formulation of the rules regarding mandatory CE-marking**. Four Member States consider the CE-mark as voluntary, which compromise the credibility and the idea of the CE-mark. An explicit formulation of the rules concerning CE-marking would strengthen the Directive, the implementation of the CE-mark in the Member States and the realisation of free competition for construction products on the European market. ▪ **Voluntary ETA's based upon guidelines** European Technical Approvals based on ETAG's are today mandatory. Making all ETA's voluntary would therefore constitute an administrative simplification of the Directive. o If voluntary ETA's is not pursued it is absolutely essential that EOTA only operate within narrow scopes. ▪ **New article on system standards.** Many Member States use references to system standards in their national regulations and only to a limited extend references to product standards. To remove barriers to trade the preparation and maintaining of these standards should therefore be added to the Directive. ▪ **New article on rules of transition.** Addition of an article in the Directive that can regulate the period of time between the finishing of a harmonised standard and the removal of possible conflicting national regulations. The Directive has a general fault in this area, which compromise the realisation of free competition for construction products on the European market. ▪ **Change of terminology for attestation of conformity (AoC).** Simplification and harmonisation of the current terminology in annex 3 in the Directive ('i', 'a' and '1') is not the same as the used terminology today in the Commission decisions and the mandates (1, 1+, 2, 2+, 3 and 4). ▪ **Notified Bodies** The notified bodies should only deal with regulatory aspects, as well as transparency in the work of the notified bodies should be pursued in a simplification process of the directive.

Beskeæftigelsesministeriet (inkl. Arbejdstilsynet):

SECTOR	
Ministry responsible	Ministry of Employment
Legislation	Directive 91/533/ EEC of 14 October 1991 on an employer´s obligation to inform employees of the conditions applicable to the contract or employment relationship
Summary	The directive prescribes that the employer has an obligation to inform employees of the conditions applicable to the contract. However, ECJ jurisprudence has made it less obvious to fullfil the obligations of the legislation because the employer has to consider each employment relationship and asses if special circumstances apply instead of just fullfilling the 10 item of article 2
Need for simplification	The Danish government proposes an amendment of the directive in order to simplify the administrative burden for the employer
Proposal for simplification	Amendment of the directive in order to secure that the list regarding the employer´s obligations is exhaustive as originally intended. Transfer of enterprises: Accepting that information about the new employer can be given to the employees without changing the document concerning their employment or being certain that the amendment is stapled to the document. The employer is liable for the methods used to inform the employees about the new situation. Changes in an existing employment relationship: Only an obligation to bring the document up to-date if the employee requires an update.
SECTOR	**Health and Safety at work**
Ministry responsible	The Danish Ministry of Employment
Legislation	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment
Summary	According to the directive there are some minium requirements for ▪ The equipment such as display screen, keyboard, work desk, work chair ▪ The environment such as space, lightening, reflection and glare, noise, heat, radiation and humidity ▪ Operator/computer interface
Need for simplification	The requirements in the directive are very detailed and have their roots in a somewhat outdated technology. The detailed requirements are inexpedient compared to the technological progress that has been and will come in the field of computers The technology has improved so much that technological solutions which do not fulfill the requirements of the directive, should be accepted because they are no danger to the safety and health of the employee. Eg. it should be allowed to work at a lab top. A lab top does not fulfill the requirements from directive 90/270/EEC
Proposal for simplification	The annex of the directive should be simplyfied and the requirements should not be as detailed as they are now.

Færdselsstyrelsen:

Ministry responsible: Ministry of Transport and Energy

Legislation: Council Regulation 11/98 of 11 December 1997 amending Regulation (EEC) No.684/92 on common rules for the international carriage of passengers by coach and bus

Need for simplification: Experiences from the practical work issuing authorizations for regular services have shown that the procedure of submitting the applications to the Member States whose territories are crossed without passengers being picked up or set down is unnecessary and time demanding. The proposed amendment will make the application procedure more flexible and involve less Member States in the consulting procedure.

Proposal for simplification: According Regulation 11/98 amending regulation 684/92 authorizations for regular services shall be issued in agreement with the authorities of all Member States in whose territories passengers are being picked up or set down. The authorities shall forward to such authorities – as well as to the competent authorities of Member States whose territories are crossed without passengers being picked up or set down – a copy of the application, together with copies of any relevant documentation and its assessment. Denmark proposes that the procedure is simplified so that *the member states whose territories are crossed without passengers being picked up or set down* will not receive information about the application and assessment of the authority. Since no passengers are being picking up or set down in these member states territories, we see no need for the member states to be involved in the process at this stage. We find that it would be sufficient if the member states whose territory is crossed without passengers being picked up or set down are getting a copy of the authorization for their information only.

Ministry responsible: Ministry of Transport and Energy

Legislation: Council Regulation (EEC) no. 881/92 of 26th March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or mere Member States.

Need for simplification: Many road haulage operators established in Denmark are performing international road haulage as well as national road haulage. From the authorities point of view it would be easier if the weight limit were the same both for national and international road haulage.

Proposal for simplification: Council Directive 98/76 of 1st October 1998 amended Directive 96/26 on admission to the occupation of road haulage operator and road passenger transport operator etc., so that the directive now applies for undertakings engaged in the occupation of road haulage operator by means of motor vehicles or combinations of vehicles with the maximum authorised weight of 3,5 tonnes or more. According to Council Regulation 881/92 carriage of goods in international transport within the Community is exempted from a community licence when the carriage of goods are performed in motor vehicles were the permissible laden weight, including that of trailers, does not exceed 6 tonnes or the permissible payload including that of trailers, does not exceed 3,5 tonnes. It is suggested that Council

Regulation 881/92 is amended so that the weight limits are similar to the ones in national transport of goods according to Council Directive 98/76.

Ministry responsible:	Ministry of Transport and Energy
Legislation:	Council Regulation 881/92of 26th March 1992 on access to the market in the carriage of goods by road within the Community to
or	from the territory of a Member State or passing across the
territory of	one or mere Member States,
	Council Regulation (EEC) no. 684/92 of 16th March 1992 on
common	
	rules for the international carriage of passengers by coach and bus
(as	amended in Regulation (EC) no. 11/98 of 11 December 1997)

Need for simplification: When planning checks regarding undertakings and issuing permits/licences it would be easier for the authorities if the validity period of the permits/licences are the same as well as the requirements regarding checks.

Proposal for simplification: It is proposed that the Council Regulation 881/92 and Council Regulation 684/94 (as amended in Regulation 11/98) is amended so that the wording is the same as in Council Directive 98/76 amending Council Directive 96/26 regarding the period in which a licence is valid and when the requirements for obtaining a licence/permit shall be checked.

Finanstilsynet:

SECTOR	
Ministry responsible	Economic and Business Affairs
Legislation	A codification of directive 85/611 EC, 88/220 EC, 95/26 EC, 107/2003, 108/2203 (Securities / UCITS)
Summary	A codification is needed in order to make the text comprehensive to the business society. The increased cooperation across financial sectors makes it highly necessary to be able to find and to compare directives.
Need for simplification	Yes – a codification
Proposal for simplification	Work is going on in CESR – The Committee for European Securities Supervisors
SECTOR	
Ministry responsible	Economic and Business Affairs
Legislation	Establishment of a best practice on impact assessments (level of details, microeconomic analysis, etc.)
Summary	It is important that the consequences of adopting directives are clear and based on the same systems
Need for simplification	Yes, and clarification as well
Proposal for simplification	Establishment of a best practice on impact assessments (level of details, microeconomic analysis, etc.)
SECTOR	
Ministry responsible	Economic and Business Affairs
Legislation	Insurance directives (non life insurance) – The following list may not be exhaustive: 220/87, 2002/65, 2001/17, 98/78, 92/49, 91/674, 90/618, 88/618, 88/357, 84/641, 78/473, 73/473
Summary	Need for adoption of consolidating directive
Need for simplification	A codification is needed in order to make the text comprehensive to the business society. The increased cooperation across financial sectors makes it highly necessary to be able to find and to compare directives.
Proposal for simplification	The Commission is looking at the scope of a consolidation.
SECTOR	
Ministry responsible	Economic and Business Affairs
Legislation	Insurance directives – notably directive 92/49
Summary	Notification procedures
Need for simplification	The existing procedures when notifying cross-border activities and the setting up of branches may be simplified.
Proposal for simplification	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.
SECTOR	
Ministry responsible	Economic and Business Affairs
Legislation	Directives on financial services + e-commerce directive
Summary	The financial industry request less and more coherent rules on information to be provided for the customers
Need for simplification	The provisions on information requirements when offering a financial product are located in separate directives. The provisions are coordinated in some directives but far from in all directives.
Proposal for simplification	Make an impact assessment of the present rules in order to replace the present requirements with a number of basic information requirements

Erhvervs- og Selskabsstyrelsen:

SECTOR	**Company law**
Ministry responsible	Ministry of Economic and Business Affairs, Denmark
Legislation	Third Council Directive 78/855/EEC of 9 October 1978 based on Article 54 (3) (g) of the Treaty, concerning mergers of public limited liability companies
Summary	According to the directive the member states are obligated to provide detailed rules on merger between national public limited companies. The purpose of these rules is to protect the interest of creditors, employees and shareholders of the companies involved in a merger.
Need for simplification	The directive needs to be simplified in order to ensure the conformity with related directives and to ensure that the directive is not unnecessarily administratively burdensome.
Proposal for simplification	A general review of the directive.
SECTOR	**Company law**
Ministry responsible	Ministry of Economic and Business Affairs, Denmark
Legislation	Sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54 (3) (g) of the Treaty, concerning the division of public limited liability companies
Summary	The directive leaves it as an option for the member states to provide rules on division of companies. If member states do so, the provisions of the directive are to be followed. The purpose of the directive is to protect the interest of creditors, employees and shareholders of the companies involved in a division.
Need for simplification	The directive needs to be simplified in order to ensure the conformity with related directives and to ensure that the directive is not unnecessarily administratively burdensome.
Proposal for simplification	A general review of the directive.
SECTOR	**Company law**
Ministry responsible	Ministry of Economic and Business Affairs, Denmark
Legislation	Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State
Summary	The directive provides rules where a company of one member state establishes a branch in another member state. The directive is a technical implementation of the right of establishment and lays down principles concerning disclosure requirements in respect of branches
Need for simplification	The establishment of a branch can be administratively burdensome for companies and leads to requirements of making the same information public in more than one member state at the same time.
Proposal for simplification	A general review of the directive in light of the recent development of disclosure of company information in the EU.

Københavns Kommunes Bygge- og Teknikforvaltning:

SECTOR	Housing and Construction
Ministry responsible	Ministry of Economic and Business Affairs
Legislation	Directive 2004/18/EC – 31. March 2004 on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts (public procurement)
Summary	Public or publicly supported construction activitees with costs totalling more than appr. 46 mill. Dkr. are to be put in public EU-tender.
Need for simplification	Modern industrialized housing construction entails considerable advantages in terms of quality and cost. A precondition to achieve this is however that the end product is regarded as turn-key entity and not as a highly regulated process with tenders for the various elements. In recent years a need to mix various kinds of ownerships in one building scheme has arisen. This kind of development is next to impossible to carry out because this only can be done economically end efficiently if the total scheme is seen as one. If this is done today a privet developer can carry out the construction of the whole scheme and then sell part of it to a public supported building association. The present regulation of this requires that the private developer complies with regulations concerning public supported construction and EU-tender. This requirement is not conducive to effective and cost efficient construction. The process shall have more emphasis on effectiveness than on process.
Proposal for simplification	As an alternative to public tendering of individual elements there should be an option for public tendering of the turn-key housing incl. a publicly supported part. In short, we should by houses like we buy cars.

Kommentarer til forenklingsforslagene fra 2004:

I forbindelse med den første høringsrunde var der desuden mulighed for at tilkendegive, hvorvidt de danske forenklingsforslag fra 2004 skulle genfremsendes til Kommissionen. Tre myndigheder havde i den henseende følgende kommentarer:

Danmarks Statistik:

Indspilles på ny (J/N)	**SECTOR**	**Agricultural Statistics**
NEJ	Ministry responsible	Ministry of Economic and Business Affairs, Statistics Denmark
	Legislation	Council Regulation (EEC) No 571/88 of 29 February 1988
	Need for simplification	
	Proposal for simplification	According to the Regulation farm structure surveys are to be conducted in 2003, 2005 and 2007. However, for almost all users it would be sufficient to describe the structure of the agricultural sector every third year, and for this reason it is proposed to conduct two surveys only in the years 2003 and 2006.

Skatteministeriet:

Indspilles på ny (J/N)	**SECTOR**	**Assessment of VAT**
Nej	Ministry responsible	The Danish Ministry of Taxation
	Legislation	Directive 77/388
	Need for simplification	
	Proposal for simplification	Simplification needed

Arbejdstilsynet:

I listen over danske forenklingsforslag fra november 2004 er angivet APV. Arbejdstilsynet skal hertil bemærke, at man ved brev af 29. juni 2004 til departementet tilkendegav, at Arbejdstilsynet fandt, under hensyn til at det ikke længere er regeringens politik at arbejde for at fritage små virksomheder fra APV-kravet, at Rammedirektivet 89/391 burde fjernes fra listen over danske forslag til regelforenkling.

B. Høringssvar i anden runde (frist d. 10. juni 2005)

I den anden høringsrunde blev en liste med 73 forenklingsforslag cirkuleret (Bilag 2). Organisationer og myndigheder havde i den forbindelse følgende bemærkninger:

Danmarks Naturfredsningsforening:

Danmarks Naturfredningsforening er uenig i nedenstående forenklingsforslag 54, da vil gå ud over miljøbeskyttelsesniveauet.

Argumentationen for forslaget betyder i yderste konsekvens at al EU-miljølovgivning skal regelforenkles ned til laveste globale fællesnævner, og det er naturligvis uacceptabelt. Vi finder det helt legitimt og nødvendigt, at EU agerer frontrunner i IMO-sammenhæng med mere håndfaste krav ift. erstatningskrav for miljøskader forårsaget af skibsfarten.

Finansrådet og Børsmæglerforeningen:

Finansrådet og Børsmæglerforeningen har ikke yderligere bemærkninger til listen over forslag til forenkling af EU-reguleringen. Vi ser frem til at modtage den endelige liste over danske forslag til forenkling, som I sender til Kommissionen

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Realkreditrådet:

Realkreditrådet har den 7. juni 2005 modtaget listen over de af myndigheder og organisationer fremsatte forslag til EU-regelforenkling i høring fra Erhvervs- og Selskabsstyrelsen.

Realkreditrådet har ingen bemærkninger til ovennævnte høring.

Dansk Byggeri.

Dansk Byggeri har følgende kommentarer (det er kun vedr. nr. 39, at vi har en reel indvending, da vi simpelthen ikke forstår det skitserede problem) :

ad. 37
Det ville også være nyttigt, hvis den danske indsats på dette område blev intensiveret. Det er ikke blot indsatsen på EU-niveau, der lader noget tilbage at ønske.

ad. 39
Umiddelbart forstår vi ikke det problem, som Københavns Kommune skitserer. Enten er det ikke forklaret godt nok - eller også er der ikke noget problem på det område.

ad. 52
Vi ville være kommet et godt stykke videre, hvis vi blot sørger for, at EUs affaldsregler blev korrekt implementeret i den danske miljøbeskyttelseslovgivning. Ex. kan nævnes affaldsbekendtgørelsen, hvor man i Danmark benytter sig af begrebet "genanvendelse", hvor man i stedet burde bruge det EU-retslige begreb "nyttiggørelse".

Forbrugerrådet:

Erhvervs- og Selskabsstyrelsen har den 7. juni 2005 sendt den samlede liste over forslag til forenkling af EU-reguleringen i høring. På listen er såvel organisationers som myndigheders forslag samlet. Forbrugerrådet skal stærkt beklage den ultrakorte høringsfrist, der har bevirket, at vi ikke har kunnet gå i detaljer med forslagene.

Forbrugerrådet skal indledningsvis udtale, at vi naturligvis kan gå ind for forenkling og forbedring af lovregler, men må også henvise til, at det har været erfaringen fra tidligere runder, at der ofte er stillet forslag om ændringer til berettigede forbrugerbeskyttelsesregler under dække af regelforenkling.

Forslag 21
Directives on financial services + e-commerce directive.
Forbrugerrådet kan støtte forslaget om at koordinere reglerne i de nævnte direktiver, hvilket allerede er forsøgt i forbindelse med implementeringen af direktiverne i den danske forbrugeraftalelov.

Forslag 23
Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance.
Forbrugerrådet deltager i en arbejdsgruppe under Finanstilsynet om målrettet information til forbrugerne i Danmark. Forbrugerrådet finder ikke, at arbejdet på nuværende tidspunkt har nået en fase, eller at arbejdsgruppen har nået en konsensus, som kan berettige, at Danmark kan foreslå direktivet ændret.
Derudover er forslaget til en ændring af art. 36, stk. 1, ikke et udtryk for, at informationen målrettes forbrugeren, men et udtryk for det modsatte, da forbrugeren *netop* har behov for informationer, inden aftalen indgås – ikke ved aftalens indgåelse.

Desuden finder Forbrugerrådet, at væsentlighedsdiskussionen er problematisk. Det skal ikke være pensionsselskaberne, som afgør, hvad forbrugerne finder væsentligt.

Forslag 24
Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services.
Direktivet har kun været implementeret i dansk ret i meget kort tid, og de finansielle brancheorganisationers erfaringsgrundlag må derfor være begrænset.
Forbrugerrådet drøfter ofte forbrugerforhold med de finansielle brancheorganisationer, men er ubekendt med, at direktivet skulle give anledning til problemer for forbrugerne.

Det er derfor Forbrugerrådets opfattelse, at der ikke er belæg for at stille forslag om ændringer.

Forslag 34
Directive 2002/92/EC on insurance mediation.
Forbrugerrådet er forundret over, at regler, som endnu ikke er implementeret, kan volde vanskeligheder! Da systematisk internalisering er et område, hvor forbrugerne nemt kan blive snydt, er der behov for en detaljeret regulering af området, hvilket er afspejlet i CESR's anbefalinger.

Det er ikke et krav i MIFID-direktivet, at de finansielle virksomheder skal tilbyde systematisk internalisering, og kan den finansielle virksomhed ikke leve op til kravene, er der derfor mulighed for ikke at tilbyde systematisk internalisering. Det er Forbrugerrådets opfattelse, at

det er den finansielle virksomhed, som har størst gavn af muligheden for at tilbyde systematisk internalisering. Regelsættet skal sikre, at det foregår under ordentlige forhold.

Forbrugerrådet er derfor imod at ændre disse regler.

Forslag 40

Regulation concerning antidumping.

Det fremgår ikke af forslaget, hvilke ændringer der nærmere sigtes mod. Forbrugerrådet skal derfor angive vores generelle holdning til, hvilke formål sådanne regler bør opfylde:
Det er vigtigt at bevare den europæiske tilgang til anti-dumping-diskussionen, hvor et af kriterierne er eventuel skade på fællesskabets interesser, herunder forbrugerinteresser og hensynet til langsigtede effekter på produktion, forbrug og eksport.
Hvis der er behov for at forenkle regelsættet, er det vigtigt at arbejde hen imod enighed om en sikker beregning af prisdumping og de eventuelle skadevirkninger, der følger med, så man undgår misbrug af reglerne.

Forslag 44

Increasing levels of information required in the accounts.

Det er ikke angivet, hvilket regelsæt det drejer sig om, ligesom det ikke er beskrevet, hvilke informationer der ikke bør gives fremover.

Forslag 55

200/13/EC The laws of the Member States relating to the labelling, presentation and advertising of foodstuffs

Forbrugerrådet kan ikke støtte forslaget til forenkling af EU-reguleringen for mærkning og markedsføring af levnedsmidler. Dette gælder i særdeleshed afsnittet om forbrugerinformation.

Forbrugerrådet mener ikke, at mængden af obligatorisk mærkning skal reduceres. Tværtimod mener Forbrugerrådet, at der er behov for at indføre obligatoriske, standardiserede næringsdeklarationer, der bør gøres mere tydelige, hvad angår skriftstørrelse og kontrast, end det ofte er tilfældet i dag.
Da forbrugernes behov for information er forskellige, er det vigtigt, at alle forbrugere kan finde den information, de har behov for i indkøbssitutationen. Efter Forbrugerrådets opfattelse kan forbrugerne lære at udvælge den information, de har brug for, i en standardiseret mærkning.

For at give forbrugerne et redskab til hurtigt at vurdere næringsdeklarationen ønsker Forbrugerrådet, at der indføres et ernæringsmærke, der omfatter alle fødevarer. Dette skal dog ikke være en erstatning for næringsdeklarationen.

I forhold til frivillige anprisninger mener Forbrugerrådet, at der er behov for regulering, da disse ofte er med til at gøre det mindre gennemskueligt for forbrugere at vurdere for eksempel ernæringsværdien af et produkt.

Supplerende information (off-pack) kan være et glimrende supplement, men det må aldrig blive en erstatning for den information, forbrugeren har brug for for at kunne træffe et valg i indkøbssituationen.

Forbrugerrådet er naturligvis enig i, at der er behov for forbrugeruddannelse, men det kan heller ikke træde i stedet for de krævede oplysninger.

Med hensyn til at respektere brugerbehov mener Forbrugerrådet, at dette skal ske uden at forringe mærkningen, jf. ovenfor. Fx skal nuværende krav om sprog ikke forringes.

Forbrugerrådet kan heller ikke støtte, at der kun kan indføres ændringer hvert andet eller tredje år.

Forbrugerrådet kan derfor ikke støtte dette forslag.

Forslag 57
1999/5/EC Telecom.
Det drejer sig om en bestemmelse om, at producenter af radioudstyr skal anmelde deres produkter til myndighederne – ud fra hensyn om at begrænse "støj" ved broadcastede signaler.

Det er naturligvis altid problematisk, at erhvervslivet ikke overholder gældende lovgivning, og myndighederne må afgøre, om det giver anledning til problemer. Såfremt dette ikke er tilfældet, kan Forbrugerrådet tilslutte sig forslaget om udfasning.

Forslag 58
2000/31/EC E-commerce.
Forbrugerrådet kan naturligvis være enig i, at de enkelte direktiver ikke skal være i modstrid med hinanden, og kan undre sig over, såfremt der ikke allerede har været taget stilling hertil i forbindelse med national implementering. Da Forbrugerrådet ikke er orienteret om enkelthederne i en sådan modstrid, og det heller ikke er angivet i forslaget, ønsker vi ikke, at dette forslag fremmes fra dansk side, da beskyttelsesregler for forbrugerne kan være involveret.

Forslag 59
New Regulatory framework. Directives: 2002/19EC, 2002/20/EC, 2002/21/EC, 2002/21/EC, 2002/58/EC, 2002/77/EC and regulative: 2887/2000.
Det påpeges, at megen sektorspecifik regulering inden for telekommunikation bliver utidssvarende, idet de samme it-platforme (infrastrukturer) benyttes til flere formål: telefoni, internet, tv. Der foreslås en mere overordnet rammelovgivning, der tager højde for konvergensen.

Forbrugerrådet er principielt enig i, at konvergensen stiller nye krav til reglerne, bl.a. hensynet til forbrugerbeskyttelse, modarbejdelse af monopoldannelse og vertikal integration på erhvervssiden.

Omvendt er der i de fleste medlemslande stadig mange problemer inden for mange af delmarkederne, og disse må løses, før de sektorspecifikke regler kan foreslås erstattet af rammeregler.
Forbrugerrådet kan derfor ikke støtte, at forslaget fremmes.

Forslag 72
Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data (95/46/EC).
Forbrugerrådet er uenig i de anførte betragtninger om, at persondatadirektivet er for restriktivt. Vi mener, at det nuværende beskyttelsesniveau er nødvendigt – ikke mindst i takt med, at der sker en øget dataudveksling mellem de erhvervsdrivende. På visse områder burde reglerne tværtimod skærpes, eksempelvis i forbindelse med videregivelse af data, som i visse tilfælde kan ske uden samtykke.

Forslag 73
Directive 2002/65EF of 23 September 2002 concerning the distance marketing of consumer financial services.
Se under forslag 24.

Landsorganisationen i Danmark:

Overordnet set kan LO støtte arbejdet med at forenkle regler og procedure, hvor der måtte være behov.
Dog er LO stærkt forundret over proceduren omkring denne høring. Formelt er denne høring sket på baggrund af EU regelforenkling, men der vil ske ændringer i danske regler og det er den danske regering, der udtaler sig i EU. Den sædvanlige dialog og høring af parterne er dog ikke blevet fulgt. Bl.a. stiller LO sig undrende overfor, at Arbejdsmiljørådet ikke er blevet hørt i forslagene vedrørende skærm- og kræftdirektivet. Hvad angår arbejdstagernes retsstilling er Beskæftigelsesministeriet kommet med nogle vidtrækkende ændringsforslag, hvortil LO tillader sig at bemærke, at Beskæftigelsesministeriet – på trods af, man har haft talrige anledninger hertil – aldrig har nævnt et sådant behov for grundlæggende ændringer overfor LO. På den baggrund vil LO henstille til, at det samlede danske svar – inden det sendes til kommissionen - sendes ud til høring endnu engang, og at det klart fremgår, at der ikke er tale om enighed, hvor parter med vitale interesser har udtrykt reservationer.
Hermed LO's bemærkninger til forenklingsforslag.

Pkt. 10

Det er betænkeligt at udelukke små virksomheder under 20 ansatte fra statistikker med den begrundelse, at de har minimal indflydelse på det samlede resultat, og at der er for mange og overlappende statistikker. Den sidste begrundelse dokumenteres overhovedet ikke, mens det første vil betyde en væsentlig forringelse i Danmark, fordi rigtig mange virksomheder er små under 20 ansatte. De små virksomheder fylder meget i den danske erhvervsstruktur, og samtidig vil forenklingsforslag udelukke muligheden for at analysere på disse små virksomheder.

Pkt. 13

LO støtter kommissionens forslag om at de nævnte oplysninger om personer om bord på fartøjer til eller fra havne i EU, skal være til rådighed.
Generelt er LO imidlertid uforstående overfor Rederiforeningens forslag, som vil være med til at udvande de senere års arbejde med at forbedre sikkerhed og havmiljø. Specielt kan LO ikke støtte forslag nr. 13 fra Rederiforeningen om en "18-timers" regel. Det vil reelt betyde, at mange fartøjer, herunder danske fartøjer såsom Bornholm og Oslo bådene, ikke vil blive underlagt oplysningspligten. En "2 timers" regel ville være mere passende.

Pkt. 21

LO er enig i, at der sandsynligvis er mere behov for at få samlet og koordineret regler og information. Men der er ikke behov for færre regler og mindre information, hvis det svækker forbrugernes sikkerhed i forhold til at handle via internettet.

Pkt. 23

Det er bekymrende når Forsikring & Pension ønsker mere simple regler og information, der afspejler kundernes behov. I art.36,1 ønskes informationskravet skubbet til "i forbindelse med" afslutning af aftalen i stedet for "før" afslutning af aftalen. Det er ikke til kundernes fordel, at tidsperspektivet reduceres. I art.36,2 ønskes kravet om information af ændringer afpasset efter væsentligheden af ændringen. Uvæsentlige ændringer skal kunne skubbes til information via f.eks. en revideret pjece om ordningen, men det er absolut ikke til kundens fordel, fordi det vil være op til virksomheden at definere væsentlig/uvæsentlig.
Samtidig kan ønsket om at begrænse informationskravet til at informationen er tilgængelig på virksomhedens website ikke accepteres, fordi alle aktuelle og potentielle kunder ikke har webadgang. Det er på samme måde ikke acceptabelt, hvis det gælder for den løbende kommunikation i aftaleperioden f.eks. ved at erstatte årlige informationer til kun at være tilgængelige via internettet.

Pkt. 44

LO kan ikke tilslutte sig Forsikring & Pensions ønske om mindre information til kunderne, fordi de ikke skal blive forvirrede. Det må være kunderne, der skal fremsætte dette ønske hvis

det skal være troværdigt, ellers kan man ikke undgå tanken at mindre information ensidigt vil være til virksomhedens fordel.

Pkt. 48

LO er helt uforstående over for det påståede behov for at ændre ansættelsesbevisdirektivet, som alle ubetinget vil medføre en ringere retsstilling for lønmodtagerne. Der er ikke dokumenteret noget behov for denne forringelse af lønmodtagernes retsstilling, som umiddelbart ikke ses at tjene andet formål end at arbejdsgiverne skal kunne spare ressourcer ved at udstede "standarddokumenter", uden at præcisere de relevante forhold.

Det et LO's opfattelse, at forslagene vil give anledning til uklarhed om de faktiske ansættelsesforhold, hvilket igen vil føre til unødige tvister herom.

Herefter bemærkes følgende om de enkelte punkter i forslaget:

Vedr. en udtømmende liste

Direktivets formål vil simpelthen ikke opfyldes, hvis der ikke er en forpligtelse til at oplyse om alle væsentlige forhold.

LO bemærker i den forbindelse, at direktivet omfatter en mangfoldighed af ansættelsesforhold, hvor lønmodtagerne arbejder i vidt forskellige sektorer under vidt forskellige forhold.

Det vil i sagens natur være forskellige forhold som er væsentlige for f.eks. en skifteholdsarbejder på nathold, og en betroet medarbejder i en IT virksomhed.

Derfor giver den foreslåede "forenkling" med éen udtømmende liste ikke mening, da man ikke på forhånd kan identificere en udtømmende liste for samtlige ansættelsesforhold.

Vedr. virksomhedsoverdragelse

LO finder, at det er helt åbenbart, at ansættelsesbeviset må udstedes af den til enhver tid gældende arbejdsgiver. Når arbejdsgiveren skifter, må der i overensstemmelse hermed udstedes nyt ansættelsesbevis.

Det bemærkes i den forbindelse at der netop i denne situation i praksis føres en hel del sager, hvor der er tvivl om, hvem der hæfter for diverse beløb, bl.a. på grund af uklarhed om de faktiske omstændigheder (herunder om der foreligger virksomhedsoverdragelse), og fordi overdrageren undertiden efterfølgende går konkurs. Nyt ansættelsesbevis udstedt af erhverver, er i høj grad med til at både erhverver og lønmodtagere har klarhed over de faktiske forhold.

Det bemærkes yderligere, at det påståede behov for regelforenkling forekommer helt udokumenteret. Såfremt behovet blot grunder i, at lønmodtageren fortsætter på uændrede vilkår, kan erhververen jo blot udstede et ansættelsesbevis på nøjagtig samme vilkår.

Vedr. forandringer i ansættelsesforholdet

Forslaget vil udgøre en undtagelse fra hovedreglen om, at arbejdsgiveren har forpligtelsen til at sørge for udstedelse af ansættelsesbevis. Der er intet behov for en sådan ændring i den foreliggende situation, hvor der er aktuelle ændringer. Netop i den situation opstår der ofte uenighed om ansættelsesvilkårene.

Pkt. 49

LO vil fastholde kravene i direktivet om indretning af arbejdsstedet, f.eks. adskillelse af tastatur og skærm, mulighed for indretning af stole, indretning der er tilpasset den enkelte medarbejder, belysning mv. Arbejdsmiljøforholdene for de ansatte, der arbejder med computer må ikke forringes ved en regelforenkling.

Der kan være behov for enkelte justeringer, der følger af den teknologiske udvikling, f.eks. krav om karakterstørrelse på 4 mm.

Men for at bevare en fleksibel arbejdsplads er det vigtigt at fastholde de arbejdsmiljøforanstaltninger, der sikrer de ansattes sikkerhed og sundhed. LO kan ikke tilslutte sig konkrete forslag til forringelser af arbejdsmiljøet.

Generelt er LO helt uforstående overfor, at de sædvanlige procedurer ikke bliver overholdt i forbindelse med ændringer af direktiver, der medfører ændringer i dansk arbejdsmiljølovgivning. I henhold til Arbejdsmiljølovens § 66, stk. 3 siges: "Arbejdsmiljørådet udtaler sig om og giver forslag til lovændringer og nye regler". Arbejdsmiljørådet er ikke blevet hørt i denne sag.

Formelt er denne høring sket på baggrund af EU-regelforenkling, men der vil ske ændringer i danske regler og det er den danske regering, der udtaler sig i EU. Derfor er LO meget forundret og stærkt utilfreds med at de parter, der direkte er involveret i arbejdsmiljølovgivningen ikke er blevet hørt.
LO vil foreslå, at dette sker formelt.

Pkt. 50

LO støtter fuldt og helt direktivet om information og høring, som i vidt omfang i Danmark er implementeret i eksisterende samarbejdsaftaler.
LO finder ikke i Rederiforeningens begrundelse for forslaget noget behov for - endsige dokumentation for nødvendigheden af – at ophæve eller simplificere direktivet under henvisning til at sådanne forhold bør reguleres nationalt.
Direktivet, som netop er trådt i kraft, har ikke efter det oplyste skabt problemer i praksis.
Der er ligeledes bred enighed – både i Danmark og på europæisk plan – om, at det er nødvendigt at informere og inddrage lønmodtagere vedrørende væsentlige forhold i deres respektive virksomheder.
Samtidig integreres den europæiske økonomi i stadig større omfang. Dette skaber et åbenbart behov for at lønmodtagerne har nogle fælles minimumsstander for retten til at blive informeret og hørt.
Hertil kommer, at direktivet faktisk tager højde for særlige nationale forhold, som kan reguleres ved aftale, jf. art. 5.
LO skal derfor henstille, at Danmark undlader at arbejde for at det netop vedtagne direktiv ophæves eller udvandes.

Pkt. 51

LO er enig i principperne i kræftdirektivet og mener de skal fastholdes. LO finder det positivt, at de mutagene stoffer omfattes og vil foreslå, at de reproduktionsskadende stoffer også omfattes. LO vil advare mod DI's forslag om, at man godt kan bruge farlige stoffer, bare de bruges på den rigtige måde.
Med hensyn til træstøv, der er nævnt i direktivets præambel er LO meget tilfreds og netop den måde at omtale træstøv på, har vist, at forskelligheder kan rummes indenfor direktivet.
Skulle LO ønske sig ændringer, så er det, at flere stoffer omfattes af direktivet.
Direktivet er implementeret i dansk lovgivning, og det har ikke givet problemer i praksis.

Pkt. 56

LO er enig i at der er behov for at introducere nye fleksible instrumenter, i forhold til deltagelse i rammeprogrammet. Der er imidlertid en væsentligt risiko forbundet med DI’s forslag. Forslaget kan betyde, at der i højere grad bliver tale om direkte tilskud til nationale eller bilaterale udviklingsopgaver forankret i enkeltvirksomheder. Det ligger meget tæt på almindelig forretningsudvikling, og derfor nærmer det sig statstilskud (EU-tilskud) til enkeltvirksomheder. Det er ikke til fordel for EU's udvikling og EU-borgeren i almindelighed.
LO kan på den baggrund ikke støtte DI´s forslag.

Pkt. 72

LO er ikke enig med Forsikring & Pension og deres ønsker om mindre restriktive regler for omgang med persondata. Det er naturligvis regler, der er udformet for at være meget restriktiv i.f.t. persondata. Og derfor pr. definition til ulempe for bl.a. Forsikring &Pension. For LO at se må udgangspunktet være meget restriktivt for at beskytte forbrugerne og borgerne. Det skal anbefales at tage udgangspunkt i den danske Persondatalov.

Pkt. 73

LO finder det uacceptabelt at fjerne forbrugerbeskyttelsen i form af dækkende information for indgåelse af aftale allerede i telefonsamtalen, i forbindelse med tele-marketing salg. Netop i denne situation, hvor forbrugeren er i en situation med meget lille viden overfor en sælger med meget stor viden, er det nødvendigt at sikre forbrugeren mest muligt. Igen er det betænkeligt, at forslaget stilles af sælgers organisationer og ikke af kundernes.

Funktionærernes og Tjenestesmændenes Fællesforbund:

Idet vi beklager den sene besvarelse fremsendes hermed FTF's kommentarer til enkelte punkter i den samlede liste over forslag til forenkling af EU-reguleringen.

Punkt 1-10: Statistik

FTF er generelt enig i, at indberetninger til statistik skal gøres så enkelt som muligt, således at byrderne ved indberetningen bliver så små som muligt. Men ønsket om forenklingshensyn må ikke ske på bekostning af behovet for en grundig og retvisende statistik.

Punkt 18-36: Finansområdet

FTF har noteret sig, at en lang række af de 19 forslag, der er vedrørende den finansielle sektor, drejer sig om afgivelse af information til blandt andet brugere. FTF er naturligvis tilhængere af, at EU-reguleringen laves så lidt bureaukratisk som muligt, men behovet for forenklinger må ikke gå ud over det informationsniveau, forbrugere og ansatte skal have. FTF vil derfor pege på, at der bør udvises den største agtpågivenhed i forhold til at mindske informationsforpligtigelsen på disse områder.

Punkt 49: Skærmdirektivet

FTF ønsker at fastholde kravene i direktivet om indretning af arbejdsstedet, f.eks. adskillelse af tastatur og skærm på stationære arbejdspladser, mulighed for indretning af stole, indretning, der er tilpasset den enkelte medarbejder, belysning m.v. af hensyn til de ansattes arbejdsmiljø.

Punkt 51: Kræftdirektivet

FTF er enige i principperne i kræftdirektivet og mener, de skal fastholdes. FTF kan ikke støtte DI's forslag om, at man godt kan bruge farlige stoffer, bare de bruges på den rigtige måde. Det er vores opfattelse, at kræftdirektivet er implementeret i dansk lovgivning, uden at det har givet praktiske problemer.

Punkt 60-68: Skatteområdet

Langt størstedelen af disse forslag drejer sig om at simplificere reglerne på toldområdet. FTF kan naturligvis støtte, at regelsættene udformes så enkelt som muligt. De ressourcer, der eventuelt kan frigøres inden for toldområdet, er der et stort behov for i forhold til at skærpe kontrollen ved grænseovergangene og til f.eks. øget kontrol med svindel på mærkevareområdet m.v.

Patent og Varemærkestyrelsen:

Patent- og Varemærkestyrelsen har følgende bemærkninger til den fremsendte liste.

Vores J.nr. EM 1998 01146

"Dansk industris forslag i tabellens del 42 vil i hovedtræk blive realiseret, såfremt der opnås enighed om etablering af et fællesskabspatent (EF-patent). Forhandlingerne om et fælles EU patent system har dog stået stille det seneste år.

DI's forslag om at reducere sprogomkostningerne til oversættelse mest muligt er relevant og aktuelt. Den mest besparende sprogløsning vil i EF-patent sammenhæng være en et-sprogsløsning (engelsk). Danmark kan imidlertid ikke tilslutte sig en et-sprogsløsning i patentsammenhæng, idet Justitsministeriet har vurderet, at dette er i strid med grundlæggende danske forfatningsretlige principper. DK bør derfor udvise forsigtig med i andre sammenhænge at stille forslag, der i praksis må forstås som en et-sprogsløsning, da DK ikke selv vil kunne tiltræde en sådan løsning. PVS foreslår derfor, at punktet enten udelades eller ændres til - "The demands of translation should be reduced as much as possible while retaining a translation of the patent claims"

Lægemiddelstyrelsen:

Lægemiddelstyrelsen har modtaget nedenstående i høring.

Vi har ingen bemærkninger til det fremsendte.

Skatteministeriet:

Vi har ingen bemærkninger.

Erhvervs- og Byggestyrelsen:

Erhvervs- og Byggestyrelsen har følgende kommentarer til de af forslagene, som vedrører Styrelsens ressortområde:

Forslag 37 og 38:
Ingen kommentarer.

Det skal dog bemærkes, at der er betydeligt sammenfald mellem forslag 37 (foreslået af EBST) og forslag 38 (foreslået af DI).

Forslag 39:
Ingen kommentarer.

Det skal dog bemærkes, at Konkurrencestyrelsen, som er den egentlige ressortmyndighed, også indgår i høringsrunden og derved har mulighed for at fremkomme med kommentarer til forslaget.

Forslag nr. 40:
Ingen kommentarer.

Det skal dog bemærkes, at EU's antidumpingregler er i overensstemmelse med det gældende multilaterale regelsæt for anvendelsen af antidumping. Revision af reglerne som foreslået synes dog ikke umiddelbart at støde mod hindringer i WTOs regelsæt.

Ministeriet for Familie og Forbrugeranliggender:

Erhvervs- og Selskabsstyrelsen har med mail af 7. juni 1005 fremsendt den samlede liste over forslag til forenkling af EU-reguleringen i høring.

Ministeriet for Familie- og Forbrugeranliggender skal hertil bemærke, at forslag nr. 55 hører under Ministeriet for Familie- og Forbrugeranliggender.
Forslag nr. 55 bedes fortsat medtaget på listen over forslag til regelforenkling. Vi har dog et par supplerende linier til teksten i nr. 55. Den supplerende tekst er markeret med fed skrift.

"… There is an urgent need for better consultation of and co-operation with "users" when drafting EU labelling legislation. Shared interests concern amongst others
Accessibility: Labelling legislation must be easy to find , clearly drafted etc
practicability: Avoid frequent label changes, and multiple implementation dates, it is extremely costly to the European food industry partnership in regulatory process to ensure compliance, feasibility, readability and understandability**. It must be a main objective to compile all labelling rules in one piece of horizontal legislation and only to the absolutely necessary extent supplement these requirements in e.g. marketing standards.**
Other points of concern are regularly consolidation of legislation, synchronised labelling implementation dates every two or three years where no safety issues are concerned, recognition of a common market (multi-lingual packs, the use of IT systems applicable for consumer information on essential items to be discussed and decided, space needed for cooking instructions and other pieces of consumer information and education).
Differentiation between big and small companies
It should be considered whether it is necessary that SMEs in all cases are subject to same labelling rules as large companies."

Danmarks Statistik:

Danmarks Statistik har følgende kommentarer til den samlede liste over forslag til EU-regelforenkling.

Ang. forslag 8 og 9:
Danmarks Statistik har tidligere fremsat disse forslag. Det er vores opfattelse, at den formulering, vi da brugte, er mere præcis i forhold til indholdet.

Ang. forslag 10:
Danmarks Statistik kan ikke støtte dette forslag, da det vil fjerne en væsentlig del af grundlaget for at udarbejde retvisende statistik på området.
Danmarks Statistik vil gerne have en skriftlig bekræftelse på, at forslaget fjernes.

Ministeriet for Videnskab, Teknologi og Udvikling:

I fortsættelse af vores telefonsamtale dags dato skal Videnskabsministeriet anmode om, at nr. 56 på listen - under overskriften Research - fjernes. Som det fremgår, drejer det sig om Kommissionens forslag til syvende rammeprogram. Dette program har ikke i sig selv som formål at forenkle regler.

At Videnskabsministeriet, forskersamfundet samt små og mellemstore virksomheder arbejder for at forenkle regler og procedurer i forbindelse med syvende rammeprogram er en anden sag. For god ordens skyld kan det oplyses, at Forskningskommissær Potocnik prioriterer forenkling af procedurer mv. meget højt.

Søfartsstyrelsen:

På baggrund af høringen den 9. maj 2005, har Erhvervs- og Selskabsstyrelsen med mail af den 7. juni 2005 anmodet om Søfartsstyrelsens kommentarer til de indkomne forslag til EU-regelforenkling. I den forbindelse har Søfartsstyrelsen følgende generelle kommentarer.

Det er Søfartsstyrelsens opfattelse, at det i lyset af den meget korte tidsfrist er særdeles vanskeligt at forholde sig konkret til de foreslåede forenklingsforslag, som er beskrevet og konkretiseret i meget varierende grad. Samtidig angår flere af forslagene substantielle ændringer, der går imod danske synspunkter, eller som vedrører politisk følsomme emner, som det ikke nødvendigvis er opportunt at bringe op på nuværende tidspunkt og/eller i denne forbindelse. Søfartsstyrelsen har da også tidligere i mail af den 30. maj 2005 meddelt Erhvervs- og Selskabsstyrelsen, at vi ikke på nuværende tidspunkt har forslag til forenkling af den eksisterende EU-regulering, men at vi i det forestående regelforenklingsarbejde ser nærmere på det og håber at kunne have forslag klar næste år.

Samtidig finder vi det uheldigt, at man i høringen af erhvervet ikke har haft dialog med de relevante styrelser med henblik på at sikre en bred høring af erhvervet. Høringen kunne eksempelvis på søfartsområdet være foregået via den nyoprettede byrdekomité, der repræsenterer søfartserhvervet bredt i modsætning til specialudvalget for vækst og konkurrenceevne, der kun omfatter dele af søfartserhvervet.

Erhvervs- og Selskabsstyrelsen anmoder om kommentarer, såfremt vi er uenige i de indkomne forenklingsforslag. De umiddelbart mest relevante forslag i den forbindelse er forslagene nr. 11-17. To af disse i alt syv forenklingsforslag, har vi imidlertid videresendt til Miljøstyrelsen, idet de vedrører Miljøministeriets ressort. Det drejer sig om forslag nr. 12 og 14. På den baggrund har Søfartsstyrelsen følgende konkrete bemærkninger:

Forenklingsforslag nr. 11 vedrørende Directive 95/21/EU
Søfartsstyrelsen har én bemærkning til dette forenklingsforslag, som er en forudsætning for, at det bør videresendes til EU-kommissionen. Bemærkningen er, at orderne "No reporting or" udgår fra forenklingsformuleringen, hvormed forenklingsforslaget bliver "Simple reporting to be performed e.g. IMO no. and ETA should be sufficient". Baggrunden er, at forenklingsforslaget *ikke* skal afskaffe den eksisterende indberetning, som er en væsentlig forudsætning for at kunne gennemføre obligatoriske syn af skibe men alene forenkle den eksisterende manuelle indberetning i form af at lade en digitaliseret indberetning erstatte den nuværende manuelle indberetning. Med denne justering har Søfartsstyrelsen ingen bemærkninger til forslaget.

Forenklingsforslag nr. 13 vedrørende Council Directive 98/41/EC
Den bestemmelse, der foreslås ændret, har baggrund i flere alvorlige passagerskibsulykker med store tab af menneskeliv inden for en kort årrække, herunder "Scandinavian Star" og "Estonia". Ved disse ulykkestilfælde havde myndighederne vanskeligt ved at underrette de pårørende og gennemføre erstatningssager mv., fordi man ikke havde kendskab til, hvor mange og hvem, som var ombord på skibene. På den baggrund indførte den internationale maritime organisation regler om registrering af passager ombord på passagerskibe i international fart, hvorefter EU med indeværende bestemmelse har indført tilsvarende regler om registrering af passager ombord på passagerskibe i indenrigsfart.

De gældende regler er så lempelige, at danske passagerskibe i indenrigsfart og alle danske passagerskibe i fart fra Danmark til Tyskland og Sverige er fritaget for at registrere passagerernes navne. Det er Søfartsstyrelsens opfattelse, at nugældende internationalt vedtagne regler for optælling og registrering af passagerer i passagerskibe er helt nødvendige og

rimelige. Reglerne svarer i øvrigt til dem, der gælder inden for luftfarten, hvor man også registrerer passagerernes navne.

Forenklingsforslag nr. 17 vedrørende Regulation 4056/86
Denne regulering er under revision, og der er under gennemgangen fra såvel dansk som andre medlemslandes side fremsat anmodning om klare retningslinier for, hvorledes industrien skal forholde sig i forbindelse med de evt. ændringer/udvidelse af forordningen, som revisionen måtte indebære, således at utilsigtede overtrædelser af den reviderede forordning undgås.

På den baggrund kan regelforenklingsforslaget bibeholdes på listen, men forslaget kan med fordel omformuleres i retning af følgende: "*Clear and straightforward guidelines to the shipping industry to be issued by the Commission in close connection with the adoption of any revision of regulation 4056/86"*.

Tilsvarende kan teksten vedrørende behovet for regelforenklingen omformuleres i retning af: "*Denmark, other EU-Member States as well as the European shipping industry have asked for guidelines in connection with the revision of regulation 4056/86 to clarify to the shipping industry what forms of cooperation will be allowed and what would be considered hampering competition.*

Formuleringsforslagene er koordineret med Danmarks Rederiforening.

IT- og Telestyrelsen:

I forlængelse af din mail af 7. juni om høring om EU-regelforenkling, har Ministeriet for Videnskab, Teknologi og Udvikling - VTU – følgende bemærkninger til forslag nr. 59 (teledirektivpakken): VTU - it og tele er enige i DI´s betragtninger om, at der er behov for at se på Kommissionens inddeling af markeder, da den nuværende inddeling giver problemer med konvergens, men vi ser det som en noget tvivlsom løsning, som foreslået af DI, at lave et stort marked. VTU synes, at det er lidt svært at kommentere DI´s forslag, når der endnu ikke er formuleret en VTU-holdning til den kommende opdatering af direktivpakken.

Til forslag nr. 57 har VTU følgende bemærkning: at VTU kan støtte ITEK's forslag til regelforenkling nr. 57, for så vidt angår fjernelse af pligten til at notificere under artikel 6.4 i radio- og teleterminaldirektivet. VTU er dog ikke enige i det argument, som ITEK lægger til grund for forslaget. VTUs argument for at fjerne pligten til at notificere fremgår af vedlagte email af 13. oktober 2004, som er et tidligere høringssvar fra VTU - IT og Telestyrelsen i samme anledning.

Finanstilsynet:

For-slag	Kort præsentation af forslaget	For-slags-stiller	Kommentar
18	Kodificering af direktiverne om investeringsforeninger m.fl. (UCITS)	FT	Enig
19	Kodificering af skadesforsikringsdirektiverne	FT	Enig
20	Forenkling af notifikationsproceduren ved anmeldelse af grænseoverskridende tjenesteydelser – forsikring	FT	Enig
21	Ensartede informationskrav i direktiver om finansielle tjenesteydelser	FT	Enig/Enig
22	Kravene til registrering af uafhængige forsikringsformidlere, skal ikke gælde for forsikringsformidlere, der kun tegner forsikringer for ET selskab.	F&P	Enig
23	Forenkling af oplysningskrav – Som nr. 21	F&P	Enig
24	Forenkling af oplysningskravene i direktivet om fjernsalg af finansielle tjenesteydelser Som nr. 21	F&P	Enig
25	Forslaget går på at ændre IAS 12, således at det tillades at diskontere skatteaktiver og –forpligtelser.	F&P	Uenig (se bem. 1)
26	Ophævelse af art. 6 i "gennemsigtighedsdirektivet" - 2004/19 - oplysninger om udstederen af værdipapirer	DR	Delvis enig (se bem. 2)
27	Ophævelse af art. 10 i "prospektdirektivet" – 2003/71 – oplysningskrav om begivenheder i løbet af året.	DR	Delvis enig (se bem. 2)
28	Forenkling af prospekters indhold - krav til indhold, - opsætning, - offentliggørelse m.m.	DR	Delvis enig. (se bem. 6)
29	Ophævelse af art. 9 og 11 i "take over-direktivet"	DR	Ikke enig (se bem. 2)
30	Ændring af art. 10, særligt litra j). Offentliggørelse af meget detaljerede oplysninger	DR	Ikke enig (se bem. 2)
31	Ophæve eller ændre en række CESR "recommendations"	DR	Ikke enig (se bem. 3)
32	Ophævelse eller lempelse af art. 6, stk. 4 i "insider/markedsmisbrugsdirektivet" om "discharge".	DR	Ikke enig. (Se bem. 2)
33	Reglerne om "pretrade information for systematic internalisers"	BMF + FR	Enig. (Se bem. 4)
34	Lempelse af kravet om "good repute" for ansatte i banker, der rådgiver om/tegner forsikringer	BMF + FR	Enig
35	Reglerne om gensidig anerkendelse bør gælde ved "qualified holdings" – Art. 16 i kreditinstitutdirektivet	BMF + FR	Enig
36	Finansrådet peger på en forskel i den risikomæssige vægtning af investeringer, der foretages i investeringsforeninger. Ved at investere i foreningerne i stedet for direkte i de aktiver, som foreningen ejer, stilles krav om en "højere vægtning".	BMF + FR	Enig. (se bem. 5)

FT = Finanstilsynet

F&P = Forsikring og Pension
DR = Danmarks Rederiforening
BMF = Børsmæglerforeningen
FR = Finansrådet

Bem. 1
Tilsynet er enig i, at det ville være hensigtsmæssigt, om IAS 12 tillod diskontering af skatteaktiver og – forpligtelser, men mener ikke, at dette bør ske i form af en ændring inden for EU af den EU-godkendte IAS 12.
Tilsynet mener principielt, at det ikke er i dansk interesse, at støtte EU-versioner af IAS'erne, som afviger fra de standarder, der er udstedt af IASB. Tilsynet kan støtte forslaget i relation til en ændring af IAS 12 – altså på globalt plan.

Bem. 2:
De pågældende direktiver er blevet færdigforhandlet for kort tid siden og Danmark stemte ja til direktiverne. Desuden er de pågældende ændringsforslag meget vidtgående. De berører i høj grad andre interessenter (herunder investorerne), og der er nok ikke bred støtte til dem. De vil bestemt heller ikke have en nem gang på jorden i EU. Der bør derfor ikke gives formel støtte til dem, før de har været drøftet i en bredere kreds.

Bem. 3:
Det er ikke CESR, der laver reglerne, men Kommissionen. Når CESR´s råd er givet til Kommissionen, kører Kommissionen dem videre i direktiver/forordninger. Kommentaren er derfor ikke helt relevant, idet den skal rettes til direktiverne som sådan. Detaljeringsgraden er i øvrigt en større principiel diskussion, som kan være relevant at tage op.

Bem. 4:
Spørgsmålet er stadig under behandling i EU, og DK arbejder fortsat for forenklinger.

Bem. 5:
Som anført i andre sammenhænge (AMVAB), giver art. 43, stk. 1, litra d, i dir. 2000/12/EF ikke mulighed for at tildele investeringsforeningsandele en lavere solvensmæssig vægt end aktier.

Bem 6:
De regler, som fremgår af prospektforordningen er rigtig nok noget detaljerede, men de svarer godt til det, der gælder for god prospektskik i forvejen. Visse krav kan måske lempes.

Beskæftigelsesministeriet:

Rederiforeningen har foreslået, at direktivet om information og høring modificeres eller helt ophæves (jf. direktiv nr. 2002/14/EF af 11. marts 2002 om indførelse af en generel ramme for information og høring af arbejdstagerne i Det Europæiske Fællesskab).

Beskæftigelsesministeriets arbejdsretscenter kan ikke støtte forslaget fra Rederiforeningen. Direktivet, som netop er blevet gennemført i dansk ret ved lov nr. 303 af 2. maj 2005 om information og høring af arbejdstagerne, har til formål at styrke den sociale dialog på arbejdmarkedet til gavn for både ansatte og virksomheder. Direktivet giver alle ansatte på virksomheder over en vis størrelse ret til at blive informeret og hørt af arbejdsgiveren omkring forhold, som berører eller vil berøre deres arbejdssituation. Information og høring sker via de ansattes repræsentanter.

Gennemførelsen af direktivet i dansk ret betyder, at alle ansatte på virksomheder med mindst 35 ansatte, fremover har ret til at blive informeret og hørt af arbejdsgiveren om forhold, som har eller vil få betydning for deres ansættelse og arbejdsmæssige forhold - fx om virksomhedens økonomiske situation, den forventede beskæftigelsessituation og påtænkte foranstaltninger, som får betydning for beskæftigelsen på virksomheden, fx omstruktureringer og udflytning af dele af produktionen. Loven finder ikke anvendelse, hvis lønmodtagere på en virksomhed er sikret ret til information og høring via en kollektiv overenskomst eller aftale. Dermed sikres det dels, at de indgåede samarbejdsaftaler på såvel det offentlige som det private arbejdsmarked kan opretholdes, og at der i det hele taget kan indgås aftaler, som er tilpasset forholdene i det enkelte land og indenfor den enkelte sektor/branche.

I forhold til søfartsområdet giver direktivet netop medlemsstaterne mulighed for at fravige direktivet ved i stedet at fastsætte særlige bestemmelser for besætningsmedlemmer mht. information og høring. Fravigelsesmuligheden skal ses på baggrund af de særlige forhold, der gør sig gældende i forhold til at arbejde til søs, hvor der kan være nogle praktiske problemer med at gennemføre information og høring af arbejdstagerne. I loven om information og høring har Økonomi- og Erhvervsministeren fået bemyndigelse til at fastsætte særlige regler om den praktiske gennemførelse af information og høring af besætningsmedlemmer.

Såvel direktivet som loven giver dermed mulighed for at indgå aftaler og at fastsætte nærmere regler, hvori man kan tage hensyn til de særlige forhold indenfor søfartsområdet i forbindelse med information og høring af de ansatte. På den baggrund mener Beskæftigelsesministeriet ikke, at der er grundlag for at søge direktivet ændret.

Arbejdstilsynet har ingen bemærkninger til listen.

Miljøministeriet:

I forlængelse af Erhvervs- og Selskabsstyrelsens brev af 7. juni 2005 har Miljøministeriet følgende bemærkninger til regelforenklingsforslagene:

Vedrørende forslag nr. 52 fra Dansk Industri – Miljøansvarsdirektivet

DI giver udtryk for, at der ikke er en klar adskillelse mellem definitionen af affald og genanvendelse. DI mener, at der er en inkonsistent brug af termerne, samt at direktivets anneks ikke omfatter alle genbrugs- og bortskaffelsesmetoder. DI mener, at affaldshierarkiet kun bør være vejledende.

På grund af den administrative byrde foreslår DI, at direktivets anneks omformuleres, således at de ikke er udtømmelige lister, men snarere en bredt formuleret betingelser for behandlingsteknologier for de forskellige kategorier.

Miljøministeriet har følgende kommentarer:

Definition af affald
Det er Miljøministeriets vurdering, at den definition af affald, som er fastlagt i affaldsrammedirektivet, er bred, men også godt dækkende og anvendelig. Miljøministeriet mener ikke, at definitionen af affald skal ændres.

Det er Miljøministeriets indtryk, at affaldsaktører i Danmark ikke har de store problemer med, at "et materiale" defineres som affald og reguleres i henhold til de bestemmelser, der gælder på dette område. Miljøministeriet er opmærksom på, at aktørerne ikke ønsker store administrative byrder i forbindelse med transport og genanvendelse af affald og mener, at dette ønske kan imødekommes uden at ændre affaldsdefinitionen eller "løfte" affaldet ud af affaldsreguleringen.

Miljøministeriet mener, at det er muligt at nedsætte de administrative byrder i forbindelse med bl.a. genanvendelse af udvalgte affaldsfraktioner (f.eks. restprodukter). Miljøministeriet foreslår, at der indføres generelle regler for, hvilket affald der kan genanvendes og til hvilke formål. Der kan eksempelvis være tale om at genanvende slagge fra et affaldsforbrændingsanlæg til indbygning i en støjvold, såfremt slaggen kan overholde visse grænseværdier for tungmetaller. Danmark har sådanne regler i dag, men foreslår, at regelsættet udvides til også at gælde på europæisk niveau.

Miljøministeriet er opmærksom på, at EU-kommissionen arbejder på at indføre kriterier for, hvornår affald ophører med at være affald (**E**nd **o**f **w**aste – criteria).

Dette indebærer, at såfremt affaldet opfylder visse kriterier, skal det ikke længere reguleres i henhold til affaldslovgivningen, men i henhold til en anden lovgivning.

Det er styrelsens opfattelse, at sådanne EOW-kriterier vil medføre en forringelse i myndighedernes mulighed for at kontrollere affaldet samt en meget uheldig retstilstand. Ved indførelse af EOW-kriterierne er der mulighed for at et produkt bliver klassificeres som et produkt i et medlemsland og som affald i et andet medlemsland.

Som udgangspunkt er det Miljøministeriets vurdering, at affald ophører med at være affald, når affaldet indgår i et nyt produkt, som kan anvendes uden risiko for øget miljøbelastning af miljøet. Der kan eksempelvis være tale om, at jernskrot omsmeltes til nyt jern eller avisaffald omdannes til cellulose. Ved at fastholde, at der er tale om affald hele vejen igennem, er det muligt samlet at regulere og nedsætte miljøbelastningen af affaldet - lige fra indsamlingen til den endelige behandling.

Affaldshierarkiet
Hidtil har valg af affaldsløsning taget udgangspunkt i affaldshierarkiet, og Miljøministeriet mener, at der fortsat skal tages afsæt i dette redskab ved valg af nye affaldsløsninger. Miljøministeriet mener, at affaldshierarkiet er et godt og fornuftigt instrument til den første prioritering af, hvilke behandling affaldet skal have. Det er Miljøministeriet vurdering, at der skal foretages en afvejning og mener, at affaldshierarkiet kun skal følges, når det er miljømæssigt velbegrundet og samfundsøkonomisk effektivt.

Definition af genbrug-genanvendelse-nyttiggørelse og bortskaffelse
Miljøministeriet er enig i, at der i dag i affaldsrammedirektivet ikke findes klare definitioner på de anvendte begreber; genbrug, genanvendelse, nyttiggørelse og bortskaffelse, samt at det kunne være nyttigt at tydeliggøre disse begreber.

I affaldsrammedirektivet opereres udelukkende med termerne nyttiggørelse og bortskaffelse.

Begrebet nyttiggørelse er i affaldsrammedirektivet ikke klart defineret. Nyttiggørelse er udelukkende defineret ved en række behandlingsoperationer, der er listet i direktivets bilag.
Miljøministeriet finder, at det er vigtigt at fastlægge en klar og tydelig definition af begrebet nyttiggørelse, idet affald som udgangspunkt til nyttiggørelse kan im- og eksporters frit inden for EU, mens affald til bortskaffelse skal behandles lokalt.

Begrebet genanvendelse optræder ikke i affaldsrammedirektivet, men i en række specialdirektiver, f.eks. emballagedirektivet samt i den danske affaldsbekendtgørelse. Her er begrebet genanvendelse søgt defineret med udgangspunkt i direktivets bilag over forskellige nyttiggørelsesmetoder.

Det er Miljøministeriets vurdering, at i forbindelse med revision af affaldsrammedirektivet vil det være en oplagt mulighed for at få en præcis definition af genanvendelse. Desuden vil det give mulighed for at definere konkrete behandlingsmetoder som bortskaffelse, hvis de udfra en miljømæssig betragtning ikke bør defineres som nyttiggørelse. Dette forudsætter imidlertid, at der er enighed om definitionen af nyttiggørelse.

Samlet konklusion
Miljøministeriet er enig i:

- At affaldshierarkiet er et godt udgangspunkt for valg af affaldsløsninger. Men alene er det ikke tilstrækkeligt til at vælge den bedste behandling af affaldet. I valg af affaldsløsning skal der ske en afvejning af, hvilken miljøbelastning der er ved den aktuelle behandling samt de samfundsøkonomiske omkostninger
- At begreberne genbrug, genanvendelse, nyttiggørelse og bortskaffelse skal tydeliggøres i forbindelse med revision af affaldsrammedirektivet
- At der skal foretages en tydeliggørelse af affaldsrammedirektivet bilag over forskellige behandlingsoperationer
- At det af direktivet fremgår, at der i annekset ikke er tale om en udtømmende liste over behandlingsoperationer
- At mulighederne for at indføre generelle EU-regler for genanvendelse undersøges. Målet skulle være at lette de administrative byrder for erhvervslivet uden at løfte affald ud af affaldslovgivningen

Miljøministeriet er <u>meget</u> uenig i:

- At ændre definitionen af affald
- At indføre kriterier for, hvornår affald ophører med at være affald, og på denne måde indirekte ændre definitionen af affald. Miljøministeriet foreslår i stedet for at indføre kvalitetskriterier til genanvendelse, hvor anvendelsen af disse betyder lempeligere administrative regler i forbindelse med anvendelsen af dette affald til genanvendelse.

Set i lyset af ovenstående foreslår Miljøministeriet følgende formuleringer:

52. Waste

Ministry	Ministry of the Environment
Legislation	Council Directive 75/442/EEC of 15. July 1975 on Waste

Summary	The directive on waste contains an unclear distinction between recovery and disposal. **(Der er tale om en misforståelse her. Affald kan genanvendes og det giver ingen mening at skelne mellem genanvendelse og affald.)** Inconsistent use of the terminology and annex does not include all recovery and disposal methods. Further more, it serves a purpose to introduce a definition of the terms reuse and recycling.
Need for simplification	The unclear definition and distinction between different waste handling options lead to bureaucratic handling of waste related questions at local and governmental level. This is especially true for the area import/export of waste. For methods not mentioned in the annexes to the directive it is extremely time consuming for the industries to obtain permission or approval from the municipalities and the EPA.
Proposal for simplification	It should be clearly underlined that the waste hierarchy is only advisory, but is must be considered as a guiding principle for choosing a new treatment. In specific cases, other handling options may be the best solution from as well an environmental as a cost benefit analytical point of view. The annex II A and B should be rewritten, so they are not closed lists, but rather broad conditions for the treatment technologies in the various categories. It is very unclear what this proposal includes and what the consequences are. The effect of this will be a much smoother administration for industries and municipalities, and the possibility to direct waste for the optimal treatment environmentally. In order to make a smooth administration for recycling of certain waste fraction, Denmark propose that the Waste Framework Directive introduce criteria for waste to be recycled. The criteria must be based on a consideration to the environment.

<u>Vedrørende forslag nr. 53 fra Dansk Industri – om forenkling af IPPC direktivet</u>

Miljøministeriet har generelt svært ved at følge den rejste kritik af IPPC-direktivet i betragtning af, at Danmark er sluppet meget heldigt fra en minimumsimplementering af direktivet, der muliggjorde, at vi kunne opretholde det danske godkendelsessystem med den fleksibilitet, som dette system rummer. Den omstændighed, at andre lande har valgt en mere tung og omstændelig tilgang til direktivet, kan ikke i sig selv begrunde, at Danmark skal rejse et krav om forenkling af direktivet. IPPC-direktivet er netop i sin nuværende form så

rummeligt, at det giver mulighed for de enkelte lande til at gennemføre direktivet med respekt af de enkelte landes kulturelle og strukturelle traditioner. Hvis man på direktivplan vil gå ind i en mere detaljeret regulering, er der overhængende fare for, at systemet bliver mere bureaukratisk set med danske øjne, og det kan Miljøministeriet kun advare mod.

Der rejses følgende forslag:

1. Forholdet mellem IPPC-direktivet og VVM-direktivet og EMAS-forordningen hhv. en række sektor-specifikke direktiver bør afklares.

Miljøministeriet er enig i, at forholdet mellem de enkelte direktiver kan give anledning til fortolkningstvivl i forbindelse med implementeringen af direktiverne, men mener vanskelighederne er opstået ved udformningen af de sektorspecifikke bekendtgørelser, hvor der ikke i tilstrækkelig grad koordineres med f.eks. IPPC-direktivet. Det problem er rejst gennem årene fra flere medlemslandes side, men Miljøministeriet har vanskeligt ved at sige, at det er et særligt problem i forhold til de danske gennemførelsesregler.

2. Principperne for mængden af egenkontrolmålinger bør fastlægges i direktivet.

IPPC-direktivet indeholder ikke i dag nogen krav til mængden af egenkontrolmålinger, men siger blot, at en godkendelse skal indeholde "passende" krav til målinger, målemetoder, målehyppighed mv. I Danmark har vi sammen med Dansk Industri forhandlet os frem til principper for egenkontrol (arten af kontrol, målemetoder, målehyppigheder mv), se f.eks. Luftvejledningen fra 2001. Disse principper lægges til grund ved godkendelse af listevirksomheder, herunder IPPC-virksomheder. Der gælder altså de samme principper uanset om virksomhederne er små eller store. Miljøministeriet må derfor advare mod ØEM's forslag. Al erfaring viser, at EU-krav fører til mere stive og bureaukratiske systemer og i denne situation vil det helt sikkert føre til mere restriktive egenkontrolvilkår end dem vi har i dag i Danmark.

3. Det foreslås, at direktivet skal give mulighed for at erstatte direkte målinger med beregninger baseret på parametre som temperatur, mængder osv.

IPPC-direktivet indeholder allerede i dag en bestemmelse om, at man om nødvendigt kan undlade at fastsætte en grænseværdier for en bestemt emission, hvis man kan styre og kontrollere emissionen på anden vis. Hvis man fastsætter en grænseværdi i en godkendelse, giver det ingen mening ikke at måle den. Målinger kan altså ikke uden videre erstattes af beregninger. Men det er allerede sådan, at hvis emissionen af bestemte stoffer kan styres via de foranstaltninger,

man træffer med henblik på at undgå andre emissioner, så sætter man ikke emissionsgrænser for de pågældende stoffer og kræver dermed heller ikke målinger. Miljøministeriet mener derfor, at direktivet allerede i dag er tilstrækkeligt fleksibelt.

4. Det foreslås, at der indføres en nedre grænse for, hvornår ændringer af en virksomhed kræver en ny godkendelse.

Direktivet taler om "væsentlige" ændringer, men uden at give en nærmere definition heraf. Miljøministeriet er enig i, at dette kan give anledning til problemer i forbindelse med gennemførslen af direktivet, men i Danmark har vi kvalificeret det ved at sige, at enhver ændring, der medfører forøget forurening, skal vurderes af godkendelsesmyndigheden med henblik på en godkendelse. Vi har administreret denne afgrænsning i mindst 20 år, og der har med tiden udviklet sig en praksis, herunder domspraksis, for hvornår ændringer udløser godkendelsespligt.

Miljøministeriet har forståelse for, at andre medlemslande ønsker direktivets afgrænsning præciseret, men vi har ikke selv problemer med det.

5. Dansk Industri ønsker listen over virksomheder omfattet af IPPC-direktivet præciseret.

Miljøministeriet er ikke enig i, at IPPC-listen indeholder virksomhedstyper, som ikke egner sig til godkendelsesordningen. Men vi er enige i, at der er problemer med afgrænsningen af visse affaldsbehandlende virksomheder og kan derfor støtte et forslag om en præcisering af disse listepunkter.

6. Der lægges op til, at IPPC-direktivet bør ændres, således at det tilgodeser virksomheder, der har tilsluttet sig EMAS-ordningen eller andre miljøledelsessystemer.

Miljøministeriet er ikke enig i dette synspunkt. Dels fordi EMAS-systemet ikke er egnet til at træde i stedet for en miljøgodkendelse. Dels fordi Virksomhedsudvalget netop drøftede de mulige forenklingspotentialer for godkendelsespligtige virksomheder og i sin rapport fra oktober 2003 alene pegede på, at der i forbindelse med tilsynet med forurenende virksomheder kunne blive tale om en graduering af tilsynet, der tilgodeså virksomheder med miljøledelsessystemer. Ikke engang for de mindre virksomheder, der overgik til det forenklede godkendelsessystem, kom det på tale at lempe kravene til virksomheder med miljøledelsessystemer, herunder EMAS og ISO.

Vedrørende forslag nr. 54 fra Rederiforeningen – Miljøansvarsdirektivet

Rederiforeningens forslag
Rederiforeningen foreslår, at reguleringen af skibe helt fjernes fra direktivet, således at skibene alene reguleres af de internationale IMO-konventioner herom. Rederiforeningen begrunder sit forslag med, at dette forslag vil gøre reguleringen af skibe mere klar og enkel. Ansvaret for miljøskader er allerede detaljeret reguleret i IMO-konventionerne, hvorfor der ikke er behov for at introducere en regulering af området på EU-niveau. En regulering af området på EU-niveau vil skabe stor uklarhed og administrative problemer, de steder hvor EU forsøger at forbedre, modificere eller tilføje regler til konventioner, der allerede er opnået enighed om i IMO og tiltrådt af en stor majoritet, hvis ikke af alle EU-landene.

Direktivet
Direktivet fastsætter i artikel 4, stk. 2, at miljøskader eller overhængende fare herfor, der via ansvarsregler allerede er reguleret af en række internationale konventioner på søfartsområdet, er undtaget fra direktivets anvendelsesområde, såfremt disse konventioner gælder i den pågældende medlemsstat.
Konventionerne fremgår af et bilag til direktivet. Dette indebærer, at den internationale konvention skal være trådt i kraft i den pågældende medlemsstat, for at direktivet ikke regulerer miljøskaden/den overhængende fare herfor.

Direktivets artikel 4, stk. 3 fastsætter endvidere, at direktivet ikke berører operatørernes ret til at begrænse sit ansvar i overensstemmelse med national gennemførelse af Globalbegrænsningskonventionen, herunder enhver fremtidig ændring heraf.

Konsekvens af Rederiforeningens forslag
Følges Rederiforeningens forsalg, vil direktivet slet ikke regulere skibe og miljøskader/overhængende fare opstået i forbindelse med skibsrelaterede aktiviteter. Sådanne miljøskader/overhængende fare vil derfor alene være reguleret af de internationale konventioner fastlagt i IMO-regi, men kun i det omfang disse er trådt i kraft i de enkelte medlemslande. Forslaget fra Rederiforeningen indebærer altså, at i det omfang de internationale regler ikke er trådt i kraft, vil der være et reguleringsmæssigt tomrum for miljøskader/overhængende fare herfor, der opstår i forbindelse med aktiviteter på søfartsområdet.

Dette er ikke ønskeligt af hensyn til miljøet. I forbindelse med transport af farlige og forurenende stoffer samt skader fra skibenes brændstoftanke, vil der kunne

opstå alvorlige miljøskader, hvor det vil være hensigtsmæssigt at have fastlagt, hvem der bærer ansvaret herfor, og efter hvilke kriterier genopretning/forebyggelse skal foregå.

Dansk holdning under forhandlingerne
I henhold til kommenteret dagsorden for rådsmøde (miljø) den 13. juni 2003 var det dansk holdning, at i det omfang skibe er reguleret af internationale konventioner, herunder fremtidige ændringer heraf, skal direktivet ikke finde anvendelse, dog forudsat at de internationale konventioner er trådt i kraft – med henblik på at undgå et reguleringsmæssigt tomrum.

I det øjeblik de internationale konventioner er trådt i kraft i alle medlemsstater, vil et meget stort antal potentielle skadevoldere være omfattet af en international lovgivning. Det fremgår da også af direktivets artikel 18, stk. 2 og 3, at når Kommissionen skal rapportere til Rådet og Parlamentet om erfaringer med direktivet og evt. forslag til ændringer i 2014, skal Kommissionen vurderer anvendelsen af artikel 4, stk. 2 og 3 og i den forbindelse tage hensyn til, i hvilket omfang disse instrumenter er trådt i kraft og/eller er gennemført i medlemsstaterne og/eller er ændret.

Dette er ganske i tråd med den danske holdning, idet Danmark arbejdede for, at en afrapportering skulle vurdere disse forhold.

Det skal yderligere bemærkes, at ifølge artikel 18, stk. 3 skal Kommissionen i forbindelse med afrapporteringen til Råd og Parlament også tage hensyn til alle relevante tilfælde af miljøskader, forårsaget af disse aktiviteter, til de afhjælpende foranstaltninger, der er blevet truffet, til forskellene mellem ansvarsniveauerne i medlemsstaterne og til forholdet mellem redernes erstatningsansvar og olieaftagernes bidrag under inddragelse af enhver relevant undersøgelse fra Den Internationale Fond for Erstatning af Skader ved Olieforurening.

Konklusion
Der findes ikke grundlag for at imødekomme Rederiforeningens forslag, idet

- der ikke ses at være en miljømæssig begrundelse for at støtte Rederiforeningens forslag,
- der ikke ses at være tale om et reelt forslag om regelforenkling,
- miljøskader/overhængende fare herfor i forbindelse med skibsrelaterede aktiviteter enten reguleres af IMO-konventionerne eller af direktivet (og ikke både og)
- artikel 4, stk. 3 gør det muligt at anvende globalbegrænsningskonventionens regler, og

- artikel 18, stk. 2 og 3 tager højde for en grundig undersøgelse af anvendelsen af artikel 4, stk. 2 og 3, baseret på konkrete og reelle erfaringer.

Miljøstyrelsen:

Ad forslag nr. 12:

The Ministry of the Environment has no problem with creation of a database with relevant data on substances as reference but the aim of Article 12 in the directive 2002/59 is to ensure that the competent authority always have all relevant and accurate information of dangerous or polluting goods being carried on board ships in their area of responsibility.

Furthermore it is important to mention that in case of en emergency, the competent authority should be able to get the information as quickly as possible, and do not have time to search for the information

Ad forslag nr.14:
"The Ministry of Environment finds that there are certain too bureaucratic features in the directive 2000/59. For the time being the implementation of the directive is been scrutinized by a consultant hired by the Commission. On the basis of these findings necessary changes can be made."

Konkurrencestyrelsen:

Vedrørende forslag nr. 39
Forslaget går på at forenkle udbudsreglerne i forbindelse med visse typer af bygge- og anlægsprojekter. Forslaget siger, at reglerne i nogle situationer ikke er fremmende for et effektivt og prisbilligt byggeri. I den forbindelse nævnes, at det burde være muligt at udbyde nøgle-færdige projekter eller at basere sig mere på industrialiseret byggeri.

Konkurrencestyrelsen skal bemærke, at udbudsdirektivet netop har været gennem en revision. Herudover har Kommissionen p.t. fokus på regelgrundlaget for offentligt-privat samarbejde, jf. Kommissionens grønbog om samme emne.

Der er efter Konkurrencestyrelsens opfattelse intet i udbudsreglerne, der forhindrer udbud af nøglefærdige projekter eller "klumper" af ensartede byggerier. Socialministeriet gennemfører p.t. et forsøg på dette område for den almene boligsektor. Hertil kommer, at der allerede er indledt et arbejde omkring hensigtsmæssige udbudsmetoder i forbindelse med offentlig-privat samarbejde.

Konkurrencestyrelsen mener derfor ikke, at forslaget kan sendes til Kommissionen i den nuværende form. For det første er forslaget uklart. For det andet er det ønskede allerede muligt indenfor reglerne så nye, at deres virkning og anvendelse endnu ikke er fuldt kendt. For det tredje er der allerede initiativer i gang på området for offentlig-privat samarbejde.

Vedrørende forslag nr. 40
Forslaget går ud på, at reglerne om antidumping forenkles, således at der kun sættes ind mod dominerende virksomheder.

Vi er enige i, at der bør ses på mulighederne for at forenkle disse regler.

Justitsministeriet:

Ved e-mail af 9. maj 2005 anmodede Erhvervs- og Selskabsstyrelsen på baggrund af en henvendelse fra Kommissionen Justitsministeriet om at fremsende eventuelle forslag til regelforenkling af den eksisterende EU-regulering.

Den 3. juni 2005 meddelte Justitsministeriet, at ministeriet ikke havde forslag hertil.

Ved e-mail af 7. juni 2005 har Erhvervs- og Selskabsstyrelsen efterfølgende anmodet Justitsministeriet om eventuelle bemærkninger til de forslag til forenkling af EU-regulering, der er indkommet fra andre myndigheder, organisationer og virksomheder.

Justitsministeriet skal i den anledning bemærke følgende:

1. Forslag vedrørende regulering på Justitsministeriets område
Punkt 72 (revision af persondatadirektivet)
Forslaget fra Forsikring & Pension om at revidere persondatadirektivet (Europa-Parlamentets og Rådets direktiv 95/46/EF) kan ikke støttes i den form, det står anført i listen.

Skulle der senere fremkomme konkrete forslag om alternative bestemmelser, der varetager de samme hensyn, men er mindre administrativt belastende for virksomheder, vil Justitsministeriet naturligvis være indstillet på at overveje disse.

Forslaget bør på den baggrund slettes.

Punkt 73 (det finansielle fjernsalgsdirektiv)
Artikel 3, stk. 3, i det finansielle fjernsalgsdirektiv (Europa-Parlamentets og Rådets direktiv 2002/65/EF) blev implementeret i dansk ret ved § 13, stk. 2 i lov nr. 451 af 9. juni 2004. Loven finder anvendelse på aftaler indgået efter den 1. oktober 2004.

I artikel 3, stk. 3, opregnes de oplysninger, som den erhvervsdrivende skal meddele forbrugeren ved telefoniske henvendelser. Der er tale om forholdsvis mange og detaljerede oplysninger. Erhvervsorganisationer har peget på, at bestemmelsen er for byrdefuld, og at det i praksis er næsten umuligt at give alle de oplysninger, som kræves i medfør af bestemmelsen. I lyset heraf bør det ved lejlighed overvejes, om det er muligt at ændre artikel 3, stk. 3, så den bliver lettere anvendelig i praksis, uden at der samtidig sker en væsentlig svækkelse af forbrugerbeskyttelsen.

Da loven, der har implementeret artikel 3, stk. 3, imidlertid kun har fundet anvendelse i en meget kort tid, finder Justitsministeriet ikke, at der på nuværende tidspunkt bør ske en revision af direktivet.

Forslaget bør på den baggrund slettes.

Det bemærkes, at det finansielle fjernsalgsdirektiv også er anført under punkt 24, hvilket forslag efter Justitsministeriets opfattelse ligeledes bør slettes.

2. Forslag vedrørende regulering på øvrige ministeriers område
Justitsministeriet har derudover følgende bemærkning til listen:

Punkt 32 (direktiv om insiderhandel og kursmanipulation)
Forslaget om, at artikel 6, stk. 4, i Europaparlamentets og Rådets direktiv 2003/6/EF samt opfølgningsreglerne i Kommissionens direktiv 2004/72/EF skal udgå eller simplificeres, kan ikke støttes i den form, det står i den fremsendte liste.

Skulle der senere fremkomme konkrete forslag om alternative bestemmelser, der varetager de samme hensyn, men er mindre administrativt belastende for virksomheder, vil Justitsministeriet naturligvis være indstillet på at overveje disse.