

Working Party A

**MULTILATERAL AND BILATERAL TRADE & INVESTMENT AND
REGULATORY COOPERATION**

DRAFT

A.1. FORMATION OF A COMMON ECONOMIC INSTITUTIONAL ENVIRONMENT (A-EJ-1)

A.1.1 Summary of recommendation

The BRT recommends continued discussions between the EU and Japan on an ambitious bilateral trade agenda with a view to taking the relationship to a new level. Discussions should be pursued through respective administrations from the highest political level in order to ensure that they translate into concrete and measurable solutions for business.

A.1.2. Action taken and state of play

The European Commission attaches the greatest importance to the need to address barriers hindering trade and investment and remains committed to the objective of strengthening its bilateral trade relationship with Japan to bring it to a higher level.

At the May 2009 EU-Japan Summit, the EU and Japan subscribed to the goal of better exploiting the full potential of their economic relationship, and decided to focus on a very limited number of Non Tariff Barriers (NTBs) with a view to bringing positive solution for business within a short period of time. The overall objective is to prove in the short term that fruitful cooperation can take place between the EU and Japan on regulatory barriers which are hampering the development of trade and investment flows.

The process brought about the identification of 7 non tariff measure issues, 3 on the EU side and 4 on the Japanese side. These issues have been regularly discussed since July 2009 at the governmental level notably through existing bilateral dialogues (EU-Japan Regulatory Reform Dialogue (RRD) and High Level Trade Dialogue Consultations) and in ad hoc expert meetings. Progress was quickly achieved on the three Japanese requests but has proved much slower on the non tariff measures identified by the EU.

Concrete results on these issues would help build mutual confidence between the parties and could pave the way for enhanced cooperation between the EU and Japan and for a more ambitious program of removal of barriers to trade and investment. The April 2010 Summit will assess progress achieved on these issues.

A.2 SUPPORT OF WTO DOHA DEVELOPMENT AGENDA FOR FIGHT AGAINST PROTECTIONISM (A-EJ-2)

A.2.1 Summary of recommendation

The authorities of the EU and Japan should jointly advocate strict respect of WTO disciplines such as the TRIPs to counter unhelpful protectionist tendencies.

The two authorities should step up efforts in concluding ambitious negotiations of the WTO Doha Development Agenda (DDA) by the end of the year. They should in particular press emerging countries including China to commit to more ambitious reductions on industrial tariffs and to participate in specific sector agreements.

A.2.2. Action taken and state of play

Since these recommendations were issued, the EU has continued to make every effort to conclude the Doha Round. After the failure to agree on the so-called "modalities" in July 2008 – and then again in December 2008 - in July 2009, the G20 Leaders committed to conclude the Doha Round by the end of 2010. In September 2009, a Ministerial meeting was convened by the Indian Minister for Trade (Anand Sharma) into which more than 30 delegations took part in order to put the Doha Round back on track. This meeting set up an ambitious work program for the negotiations - at both bilateral and multilateral level. Some were hoping that this would have already led to some progress by the 7th Ministerial Conference of the WTO that took place in December 2009 in Geneva. Unfortunately, this was not the case – mainly due to the inability by major players to agree on the quantum (in terms of additional ambition) that was needed in order to find domestic political support to the deal.

Ministers could only agree that a stock-taking of the DDA should have taken place early in 2010. This took place in the week of 22 March at senior officials' level, but little progress in identifying and filling the gaps between the negotiating positions could be made on this occasion. The EU considers that the vast bulk of the Doha modalities are duly addressed in the package currently on the table (i.e. the Chairs' texts circulated in December 2008).

In this regard, while the EU shares the BRT 'opinion that some additional efforts could be asked from emerging economies, this should not amount to a total reopening of the negotiating package. This would take a long time and risk having dangerous consequences. The EU continues making the strong case to its trading partners that concluding Doha is part of the global exit strategy from current economic crisis, as it would give both a boost to the world economy and reinforce the role of the WTO as insurance policy against trade protectionism.

The EU therefore remains firmly committed to achieving an ambitious, balanced and comprehensive outcome to the Doha Round as swiftly as possible on the basis of the progress already made.

A.3. APPLYING INTERNATIONAL STANDARDS AND ENHANCED COOPERATION IN THE PROMOTION OF GLOBAL STANDARDS (A-EJ-3)

A.3.1.1. Summary of recommendation

EU and Japan should adopt international products standards where applicable and in the meantime, mutually recognize products certified under similar or equivalent product standards in sectors such as Medical devices, Construction materials and organic products.

A.3.1.2. Action taken and state of play

This recommendation is based on a rather ambitious assumption, in particular when referring to the "harmonisation of regulatory processes, mutual acceptance of product standards and certifications ...". It should be noted that international regulatory harmonisation is being pursued in given sectors, such as automotive, medical devices and pharmaceuticals. The mutual acceptance of "product standards

and certification" is rather difficult to achieve. With regard to standards it is important that their application remains voluntary. In such case, they have a less trade restrictive effect. If standards remain of a voluntary nature, there is no need to mutually accept their application. Rather than to invest into the mutual acceptance by governments of standards, it is by far preferable that, as far as possible, standards are being harmonised internationally and that regulators are committed to rely on international standards.

With regard to the mutual acceptance of certificates, it should be noted that the existing mutual recognition agreement with Japan has a rather limited scope. Its implementation requires huge resources; the instrument of Mutual Recognition Agreement (MRA) is currently not considered as a priority for other sectors than those where it is already in force.

A.3.2.1 Summary of recommendation

The authorities of EU and Japan should take the lead of efforts towards a global patent harmonization and a streamlining of the patent system.

A.3.2.2 Action taken and state of play

The European Commission supports global discussions and a future International Treaty aiming to streamline the global patent system, and considers it important to move forward within the informal "Alexandria process" (Group B+). However, practically all competence for substantive patent law matters rests with EU Member States. The main role of the European Commission is to work in order to coordinate position among EU Member States to facilitate progress within the Group B+. Talks on international patent law in WIPO, going beyond patent law harmonisation, restarted in June 2008, and are still on-going.

A.3.3.1 Summary of recommendation

Counterfeiting and piracy are major issues on which Japan and the EU should cooperate closely to establish a common international legal framework for IPR enforcement.

A.3.3.2. Action taken and state of play

Regarding international activities on Enforcement of IPR, negotiations on a multilateral Anti-Counterfeiting Trade Agreement (ACTA) are on-going. The seventh round of negotiations took place in Guadalajara, Mexico, in January 2010. Participants reaffirmed their objective to combat global infringements of intellectual property rights by increasing international cooperation, strengthening the framework of practices that contribute to effective enforcement and relevant IPR enforcement measures. Limited progress was made. The next round will be held in Wellington, New Zealand, in April 2010. A third stakeholders meeting should take place in Europe in the near future. The European Commission is actively committed to finalise this agreement as soon as possible.

A.3.4.1 Summary of recommendation

Given the importance for business as well as for society, EU and Japan should make efforts to harmonise the regulations for energy conservation and relevant labelling rules.

A.3.4.2. Action taken and state of play

The European Commission fully agree with this recommendation. In 2010-2011, Directorate General Enterprise and Industry will work on developing regulations setting environmental requirements on 6 product groups, under the Ecodesign Directive 2005/32/EC:

- non household refrigerating equipment
- distribution transformers
- sound and audio equipment such as DVD players and game consoles
- industrial and laboratory ovens and furnaces
- machine tools
- air conditioning and ventilation systems

On each of these product families, the Directorate General Enterprise and Industry would be interested in getting contact details of desk officers in relevant Japanese Ministries, in order to identify existing test procedures or regulations. Such coordination work is already ongoing with the United States (Department of Energy and Environmental Protection Agency).

Directorate General Enterprise and Industry's general objective is to promote convergence of regional test procedures and standards, by promoting new or existing global standards. For globalised products such as game consoles, information on products and markets could also be usefully mutualised.

A.3.5.1 Summary of recommendation

The EU and Japan should introduce regulatory cooperation through which, once an economic operator is approved as an AEO (Authorized Economic Operator) in Japan, its status should be recognized without additional formalities in the EU, and vice versa.

A.3.5.2. Action taken and state of play

A.4. SUPPORTING TIMELY DEVELOPMENT OF BUSINESS (A-EJ-4)

A.4.1 Social security contributions

A.4.1 Summary of recommendation

Japan and the Member States of the EU should make further efforts to expand the network of Social Security Agreements. In addition, they should introduce interim measures, by which workers should be either exempted from contributing to pension funds by the host country or should get a refund in full when returning home.

A.4.2. Action taken and state of play

The problem of double-contributions can only be addressed by concluding bilateral social security agreements with all Member States.

It is the exclusive competence of Member States to conclude social security agreements with third countries. In this context, the Commission appreciates the fact that a growing number of bilateral social security agreements between Japan and some EU Member States have been concluded, or are being negotiated at present.

Following the agreements between Japan and Belgium and France in 2007, the social security agreements between Japan and the Netherlands and Czech Republic have entered into effect, and those between Japan and Spain and Italy have been signed. Furthermore, negotiation is underway between Japan and Ireland, and at preparatory stage between Japan and Hungary and Sweden.

Foreign employees are obliged to pay into the Japanese pension system but in many cases will not receive benefits or a full refund at the time of their departure from Japan. In the absence of bilateral social security agreements, benefits for departing foreign workers are calculated according to the length of their stay. It is to be expected that still considerable time will be needed at the current pace of progress before the problem of dual pension membership and wasted premium payments will be solved for all EU citizens. In this context, the Commission calls for rapid progress and reiterates its suggestion that departing expatriates not yet covered by a bilateral agreement should receive a full refund of all mandatory pension contributions paid to date, or at least the period and the amount for the refund should be extended from 3 to 5 years. The Commission would like to point out that some additional unilateral measures on pension schemes would help to offer more flexibility to personnel management.

Prospect for implementation

At the occasion of the EU-Japan Regulatory Reform Dialogue, the Commission, together with the EU, has repeatedly stressed again the importance of concluding bilateral social security agreements with all EU Member States as soon as possible.

Given the competencies in this area, the conclusion of social security treaties between Member States and Japan has to be discussed on a bilateral basis. The Commission welcomes the efforts on exchange of information to launch negotiations with other EU countries and notes that Japan gives it a high priority.

A.4.2. Smoother and swifter movement of intra-corporate transferees (ICTs)

A.4.2.1 Summary of recommendation

The Japanese and EU authorities should realize far-reaching liberalisation of the movement of intra-corporate transferees (ICTs).

A.4.2.2. Action taken and state of play

The EU is well aware of the Japanese concerns in the area of movement of intra – corporate transferee. As announced in the Stockholm Programme, which constitutes the framework for EU migration policy for the period 2010–2014, the Commission and the Council will continue to implement the Policy Plan on legal migration. This

implies setting up a specific scheme dedicated to ICTs which could provide for a fast-track procedure to enter into and stay in the territory of the EU Member States and facilitate the relocation of international companies' key personnel within Europe. A proposal in this regard has been announced.

The proposal of the BRT raises the following comments:

- The future scheme must be in line with the Stockholm Programme which mentions the creation of flexible admission systems that are responsive to the priorities, needs, numbers and volumes determined by each Member State. Therefore, without prejudice to trade agreements, Member States should have discretion to determine the number of migrants and be able to check that these admissions are in accordance with their economic needs.
- The future scheme will build on a common definition of ICTs based on objective criteria. Within the future scheme, Member States should be able to verify that the persons benefiting from it fit within this scope.
- The specific scheme on ICTs should also be as simple as possible to implement and not represent an excessive burden for Member States.

A.4.3.1. Summary of recommendation

The Working Party believes that the ultimate objective of personal data protection for individual business is to adopt and implement a reliable and cost-effective personal data protection system at a level of a corporate group, within which the flow of data should be free across national borders. In order to achieve this, the national legislation of each country should promote such a system rather than impede by creating different requirements.

A.4.3.2 Action taken and state of play

"The European Commission intends to improve the co-operation in the field of the protection of personal data and data transfers and to work towards the free movement of personal data between the EU and Japan according to the highest international standards.

Existence of appropriate data protection rules and administrative capacity in Japan is an important prerequisite for success in a number of EU policy areas. Several data protection events focusing on EU and Japanese data protection laws took place in 2009 with the support of the European Commission, for instance: a conference Privacy and Personal Data Protection between EU and Japan, Brussels, 23 April 2009; International Workshop on Information Systems for Social Innovation 2009, Tokyo, Japan, 30 September 2009.

The Commission is considering carrying out an in-depth analysis in order to have a complete picture of Japanese data protection laws and possibly launch an adequacy finding procedure. Nevertheless, this initiative should be supported by the Japanese side. In order to initiate an adequacy finding procedure, an official request should be presented to the European Commission."

A.5. EU POLICY ON COMPANY LAW (A-E-1)

A.5.1 Summary of recommendation

The European Commission adopted a proposal for a Council Regulation on the status for European Private Company in June 2008. According to the proposal, it is to be applicable from 1 July 2010. The Council should adopt it without a delay, and the statute should realize the following points.

Widely accessible, easy to set up and inexpensive to run

Allowing a great deal of flexibility to founders and shareholders to organise themselves in a way that is best suited to their activities, and

As uniform throughout EU as possible

A.5.2 Action taken and state of play

The proposal on the Statute for a European Private Company (“the SPE”) was indeed adopted by the European Commission on 25 June 2008.

This new company form would enable small- and medium-sized enterprises (SMEs) to do business throughout the EU, with the aim of cutting costs and encouraging growth in this area. The SPE aims at offering SMEs a very flexible yet transparent company form.

The SPE has been designed to address the current onerous obligations on SMEs operating across borders, which need to set up subsidiaries in different company forms in every Member State in which they want to do business. In practical terms, the SPE would mean that SMEs can set up their company in the same form, no matter if they do business in their own Member State or in another. Opting for the SPE will save entrepreneurs time and money on legal advice, management and administration.

The proposed SPE Regulation has to be adopted by a unanimous decision of the Member States in the Council of Ministers of the European Union. The European Parliament is also required to approve the proposal. The European Parliament adopted its report on the proposal in March 2009.

Technical discussions have been completed during the Swedish Presidency (second semester 2009), however Member States failed to reach a political agreement on the file in December 2009. The proposal is currently blocked in the Council. The Spanish Presidency (first semester 2010) is exploring possibilities to re-launch discussion to unblock the file.

A.6. JAPANESE EXPATRIATES (A-E-2)

A.6.1.1. Summary of recommendation

The working party proposes to include a number of elements related to the procedure, intra-EU mobility and rights for the family members, in the future

proposal on ICTs. It also enquires about the report on the implementation of Directive 2003/109 on long-term residents.

A.6.1.2 Action taken and state of play

As said in response to recommendation A-EJ-4, the EU is well aware of the Japanese concerns in the area of movement of intra –corporate transferee. As announced in the Stockholm Programme, which constitutes the framework for EU migration policy for the period 2010–2014, the Commission and the Council will continue to implement the Policy Plan on legal migration. This implies setting up a specific scheme dedicated to ICTs which could provide for a fast-track procedure to enter into and stay in the territory of the EU Member States and facilitate the relocation of international companies' key personnel within Europe. A proposal in this regard has been announced which would contain:

- As regards the application, a single application (residence and work permit) could be provided for in line with the proposal on a Directive on a single application procedure for a single permit for third-country nationals, currently discussed between the co-legislators.
- Provisions aiming at facilitating intra-EU mobility would be included in the future proposal.
- Attractive measures regarding family reunification should also be part of the proposal. However, such measures should be compliant with the principle of Union preference, as recalled in the Stockholm Programme. Such a legal requirement prevents from granting rights to ICTs' spouses that would not be already granted to EU-citizens' spouses. The future scheme will have due consideration for this principle.
- The first report on the implementation of the Directive 2003/109/EC on long-term residence status will be presented in January 2011, as foreseen in Article 24 of the Directive.

A.7. COMMUNITY PATENT AND PATENT PROSECUTION HIGHWAY (A-E-3)

A.7.1.1 Summary of recommendation

The working party urges the EU and its Member States to adopt and implement a Community Patent as soon as possible.

A.7.1.2 Action taken and state of play

Europe's current patent system is considerably more expensive than the US and Japanese systems. The existing system of patent litigation in the EU leads to unnecessary costs for all the parties involved and causes lack of legal certainty. These factors leave no doubt on the urgent need for action to provide a simple, cost-effective and high-quality patent system in Europe. The European Commission believes that a truly competitive and attractive Community patent can be achieved provided there is political will to do so.

A breakthrough in the EU's endeavour to reform the patent system in Europe was achieved at the Competitiveness Council in December 2009 where the Ministers adopted Conclusions on an enhanced patent system in Europe and a general approach on the proposed EU Patent Regulation.

The package agreed covers major elements to bring about a single EU patent and establish a new patent court in the EU (e.g. composition of panels, jurisdiction of the court, transitional provisions). A unified court will mean that parties do not have to litigate in parallel in different countries incurring high costs. The court will include local and central chambers under a common appeal court. In the initial stages, parties will be able to continue to use national courts, allowing confidence to build up gradually in the new system. The central division will deal with claims for revocation of patents, and the local/regional divisions will hear infringement cases with flexibilities to handle cases involving both revocation and infringement.

Ministers have also agreed an approach on an EU Patent Regulation. The Conclusions on the EU patent cover the level and distribution of renewal fees and how the European Patent Office (EPO) can work together in enhanced partnerships with national patent offices. Renewal fees will be set at a level to facilitate European innovation and foster competitiveness. Furthermore, the EU patent will involve partnerships between patent offices in Europe to allow synergies to be created to bring about more rapid delivery of patents and increase speed of access to market for innovative products and services. The EPO would remain responsible for the granting of the EU patent. The European Parliament will now have the opportunity to debate the EU Patent Regulation.

However, the creation of the EU patent will depend on a solution to be found for the translation arrangements which will be subject of a separate Regulation. The Conclusions do not reach a decision on the translation arrangements, but instead refer to a separate Regulation to be adopted by unanimity under Article 118(2) TFEU which would come into force at the same time as the EU Patent Regulation. The European Commission will need to adopt a proposal for a Regulation on the translation arrangements.

In addition, the European Commission is conducting two studies, one on patent fees and the other on the financing of the Court. Adoption by the Council of the negotiating mandate to conclude an agreement on the patent court will depend on the opinion of the European Court of Justice on the compatibility of this agreement with the treaties, due around summer 2010. The European Commission will work closely with the Council and the Parliament towards achieving a final package that will meet the trust and confidence of users.

A.7.2.1 Summary of recommendation

The Patent Prosecution Highway (PPH) aims to facilitate, and enhance the quality of patent examination at a participating IP office, by utilizing and sharing the result of examination at another participating IP office. The working party would like to urge patent offices of other EU member states as well as the EPO to participate in the PPH, for the benefit of patent applicants both in the EU and in Japan.

A.7.2.2. Action taken and state of play

The European Commission is concerned about the situation of the patent offices worldwide and their performance. The European Commission thus welcomes initiatives aiming at improving the efficiency and speed of the patent granting process, such as the Patent Prosecution Highway (PPH). However, the PPH and

other utilisation schemes would be considerably more efficient if there were more "global" substantive patent law harmonization and the same "claims' patterns" for the patent applications worldwide.

The European Commission notes that Austrian, Danish, Finnish, German, Hungarian and UK national patent offices have joined the PPH pilot project. In addition, the European Patent Office (EPO) and the Japan Patent Office (JPO) announced on 13 November 2009 their intention to launch a bilateral Patent Prosecution Highway pilot programme, which started in January 2010 for a trial period of two years.

The European Commission is concerned about the very moderate industry participation in the PPH network and continues to believe that efforts should be invested in rectifying the deficiencies inherent in the Patent Cooperation Treaty (PCT) framework. The European Commission would mainly support proposals that will not undermine the current PCT system or will not hamper its future development.

A.8. FIGHT AGAINST COUNTERFEITED, PIRATED AND CONTRABAND GOODS (A-E-4)

A.8.1. Summary of recommendation

Regarding the fight against counterfeiting and piracy, the working party would like to see further necessary steps such as possible proposals for modification of the Enforcement Directive with a view to step up efforts of all the EU member states to fight against counterfeited, pirated and contraband goods, both inside and outside of the EU.

A.8.2. Action taken and state of play

The European Commission aims to ensure a highly efficient, proportionate and predictable system of enforcement of intellectual property rights, both within and outside the internal market. The current legal framework provides the tools to enforce intellectual property rights in a fair, effective and proportionate way. The European Commission remains committed to fighting counterfeiting and piracy by employing a balance between education and enforcement.

The European Commission adopted in September 2009 a Communication on "enhancing the enforcement of intellectual property rights in the internal market" (COM (2009) 467 final). The Communication sets out a series of practical initiatives. The European Commission proposed to complement the existing legal framework by more focused enforcement through greater collaboration between the private sector, national authorities and consumers.

The European Commission has proposed to put in place non-legislative measures to support enforcement, including fostering administrative cooperation throughout the Internal Market, setting up a network of National Coordinators, and facilitating voluntary arrangements between stakeholders. As for the latter, such agreements can easily be extended beyond the EU and become the foundation for best practice at global level with a focus on concrete problems, such as the sale of counterfeit goods over the internet.

At the second high level conference on counterfeiting and piracy held in April 2009, the European Commission launched a European Observatory on Counterfeiting and Piracy. The Observatory brings together national representatives, private sector experts and consumers to work to collect data on and analyse the scope and scale of the problem, share information, promote best practices and strategies, raise awareness and propose solutions to key problem. It will play a central delivery role by strengthening our knowledge base and promoting greater cooperation between national authorities involved in enforcement.

The European Commission is also developing structured stakeholder dialogues to identify and implement practical solutions that will tackle IPR infringements. The first meeting of the private stakeholders took place in September 2009. The main goal of the meeting was to exchange views about the overall mission, objectives, governance and future structure of the Observatory. The second meeting is planned in early 2010.

Regarding the Enforcement Directive, the European Commission shall draw up a report on its application, pursuant to article 8 of the Directive. The report should be published by end 2010 on the basis of each Member State's report on the implementation of the Directive. It should include an assessment of the effectiveness of the measures taken, as well as an evaluation of its impact on innovation and the development of the information society.

Regarding the fight against IPR infringements outside of the EU, the basic approach was set out by the European Commission at the end of 2004, in the *Strategy for the Enforcement of IPR in Third Countries* and re-enforced in the 2006 Communication *Global Europe*. Since then, the EU has substantially increased its work in this field, creating specific dialogues with some of the key partners, such as China, Russia and Ukraine, introducing the issue at the WTO TRIPS Council, shifting technical assistance resources to enforcement and establishing reinforced co-operation with countries sharing our concerns, such as the Japan and the US. Apart from the WTO, we have also been active in other international fora (World Intellectual Property Organisation, World Health Organisation, G8, Organisation for Economic Cooperation and Development, etc.) and paid great attention to emerging debates likely to have an impact on IPR like climate change.

A.9. COMPETITIVENESS OF THE EU ECONOMY (A-E-5)

A.9.1. Customs Classification

A.9.1.1. Summary of recommendation

A.9.1.2 Action taken and state of play

A.9.2 Taxation

A.9.2.1 Consolidated Corporate tax base

A.9.2.1.1 Summary of recommendation

A.9.2.1.2 Action taken and state of play

A.9.2.2 Merger Directive

A.9.2.2.1 Summary of recommendation

A.9.2.2.2 Action taken and state of play

A.9.2.3 EU TPD

A.9.2.3.1 Summary of recommendation

A.9.2.3.2 Action taken and state of play

A.9.3 Competition Policy

A.9.3.1 Summary of recommendation

There are guidelines in the determination of the amount of penalties in case of an infringement of the competition rules. We would like to see more clarity in the determination of the amount of penalties so that businesses will not be unduly deterred and that the ‘Lisbon Strategy’ will be achieved.

A.9.3.2. Action taken and state of play

EU Competition Policy is crucial for delivering competitiveness of European industry which is key for the achievement of the goals of the Lisbon Strategy. A proactive competition policy and enforcement contributes to more competitive markets with increased innovation and greater productivity.

Fines are one of the means available to the European Commission in ensuring that companies do not engage in anticompetitive behaviour. To that end, fines must be set at a level that ensures sufficient deterrence dissuading undertakings from infringing the EU rules that outlaw cartels and other restrictive business practices (Article 101 TFEU¹) and abuses of dominant position (Article 102 TFEU).

The European Commission considers that the current guidelines are sufficiently clear for a company to understand the scope of the possible fines that it may incur if it engages in illegal behaviour.

¹ TFEU: Treaty on the Functioning of the European Union

A.9.4 Integrated approach for CO2 reduction

A.9.4.1 Summary of recommendation

The working party is supportive of the integrated approach for CO2 reduction proposed by the European Commission i.e. combining efforts from all parties (auto industry, fuel sector, policy makers and drivers) in order to achieve the EU's objective of 120g/km in 2012.

A.9.4.2 Action taken and state of play

The European Commission is in the process of implementing a series of regulations in relation to the objective of CO2 reduction from passenger cars that shall complement the relevant legislation e.g. the adoption of a procedure to approve the use of innovative technologies (eco-innovation). Moreover, the Commission is working on measures that will reduce the fuel consumption, and hence, the emissions of pollutants, like the development of efficiency test procedure on mobile air conditioning systems or the implementation of tyre pressure monitoring systems in vehicles. The European Commission is committed to develop some of these measures through the UN-ECE instruments.

In addition, the Commission has drawn up a proposal of regulation for CO2 emissions reduction of Light Commercial Vehicles, seeking for a long term target (2020) of 135 gCO2/km which is currently being discussed at the Council.

A.9.5 Better regulation

A.9.5.1 Summary of recommendation

In order to support the competitiveness of the economy and industry, the European Commission should continue to put the emphasis on Better Regulation and, in particular, implement the procedures agreed concerning stakeholder consultations and impact assessments

A.9.5.2 Action taken and state of play

The Commission continues to give high priority to simplifying and improving the regulatory environment in Europe. It consults stakeholders in different ways, through consultation papers (Green and White Papers), communications, advisory committees, expert groups, workshops, hearings and forums, and often in several phases during the preparation of a policy proposal.

In addition, the Commission carries out impact assessments on all initiatives which are likely to have a significant impact. It further strengthened the impact assessment system by revising the Impact Assessment Guidelines in January 2009 (better guidance for example on specific impacts on SMEs and potential impacts in terms of administrative burdens). The new guidelines also reinforce the role of stakeholder consultation

A.9.6 REACH

A.9.6.1 Summary of recommendation

The European commission should take further actions for education and capacity building in developing countries for compliance with REACH.

A.9.6.2 Action taken and state of play

The European Commission takes note of the working party's suggestions and would like to recall the following:

Technical assistance - The first contact points for specific requests are the EC Delegations in the respective countries. The possibilities for technical assistance do exist, but specific requests must be made to the EC Delegations.

Developing countries - With regard to lead-times or grace periods for developing countries, this would be discriminatory, and contrary to the application of the REACH Regulation as well as the WTO TBT agreement.

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