**Coding of issues in the DEUIII Dataset as backsliding-inhibiting**
Thomas Winzen

This document reproduces the list of legislative proposals and issues as listed in the codebook of the DEUIII dataset.[1] Each legislative proposal includes one or more issues on which governments disagreed. I have highlighted in bold print the specific issues that I coded to belong to the area of backsliding-inhibiting competences for the analysis reported in the following article. My coding is at the issue-level. As a result, it is not necessarily the case that all issues under a legislative proposal are coded in the same way (i.e., all as backsliding-inhibiting or not). The replication materials also allow identifying these issues based on the DEUIII issue numbers listed in parentheses behind each issue below.

Winzen, Thomas. 2023. "How Backsliding Governments Keep the European Union Hospitable for Autocracy: Evidence from Intergovernmental Negotiations." *The Review of International Organizations*.

**List of legislative proposals and issues:**

1
Proposal for a regulation of the European Parliament and of the Council regarding public access to documents of the European Parliament, the Council and the Commission (COD/2000/032)
1. The extent to which each of the three institutions (Commission, Council and EP) can decide to provide access to the documents of other institutions. (1)
    0: Each institution (Commission, EP and Council) decides on public access to its own documents
    40: Each institution decides on public access to its own documents, and has some discretion to give access to documents of other institutions
    100: Each institution has considerable discretion to provide public access not only to its own documents, but also to documents of the other institutions
2. The extent of exceptions to the rule of open public access. (2)
    0: As few as possible
    50: Some
    100: As many as possible
3. Access to confidential documents. (3)
    0: Include provisions the enable as much public access as possible with protections
    60: Intermediate position (a broad group of experts would decide on level of access)
    100: Restrict public access to confidential documents as much as possible (a small group of three or four experts would decide on the classification)

[1] See Arregui, Javier, and Clément Perarnaud. 2022. "A New Dataset on Legislative Decision-Making in the European Union: The DEU III Dataset." *Journal of European Public Policy* 29(1): 12–22. Thomson, Robert et al. 2012. "A New Dataset on Decision-Making in the European Union before and after the 2004 and 2007 Enlargements (DEUII)." *Journal of European Public Policy* 19(4): 604–22. Thomson, Robert, Frans N. Stokman, Christopher H. Achen, and Thomas König. 2006. *The European Union Decides*. Cambridge: Cambridge University Press.

**4. The application of EU rules regarding public access to decisions by national authorities regarding access to EU documents. (4)**

**0: EU rules should not apply to national authorities**

**50: National authorities obliged to consult with relevant EU institution whenever there is uncertainty regarding document classification**

**100: EU rules should apply fully to national authorities**

2

Proposal for a directive of the EP and of the amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (COD/2000/060)

1. The maximum permitted length of rigid motor vehicles on EU territory. (5)
   - 0: As long as possible (up to 15 meters)
   - 50: 13.5 meters
   - 100: Short (12 meters)
2. The manoeuvrability of certain road vehicles. (6)
   - 0: Manoeuvrability requirements as specified in an international agreement in Geneva (somewhat less demanding than the Commission's 1997 directive)
   - 100: Manoeuvrability requirements as specified in the Commission's 1997 directive (somewhat more demanding than the Geneva agreement)

3

Proposal for an EP and Council regulation concerning action against anti-personnel landmines in developing countries (COD/2000/062)

1. The destruction of stockpiles of landmines. (7)
   - 0: Do not destroy stockpiles
   - 90: Destroy stockpiles, but only in combination with mines in the ground
   - 100: Destroy stockpiles, even there are no mines in the ground
2. The level of funds for demining activities. (8)
   - 0: Low level of funding
   - 100: High level of funding
3. The visibility of EU-funded demining activities in developing countries. (9)
   - 0: Visibility should not be defined as an aim of the programme
   - 95: Minor rewording of the article referring to visibility as an aim of the regulation
   - 100: Visibility defined as one of the aims of the regulation

4

Proposal for a regulation of the EP and the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers (COD/2000/067)

1. The speed at which single hull tankers should be phased out. (10)
   - 0: Slower phasing out
   - 50: 2005 and 2010, depending on category of ship
   - 100: Faster phasing out

2. The extent to which the EU's policy should be integrated with the International Maritime Organisation. (11)

0: No integrated approach
100: Integrated approach

5

Proposal for a directive on a common regulatory framework for electronic communications networks and services (COD/2000/184)

1. The autonomy of National Regulatory Authorities (NRAs) from the Commission. (12)

0: NRAs have decisive power
50: NRAs have decisive power, but are required to consult the Commission and other NRAs
60: In the case of a dispute, NRAs are required to justify their position to the Commission
100: Commission has decisive power

2. The definition of significant market power. (13)

0: The Commission's definition based on "dominance"
30: Dominance plus other more precise definitions
60: More precise definition. Dominance alone is insufficient
100: Definition based on market shares

3. The Commission's authority to decide which operators have significant market power. (14)

0: Commission makes a recommendation
100: Commission decides

6

Proposal for a 13th directive on company law concerning takeover bids (COD/1995/341)

1. The definition of an equitable price. (15)

0: Left to member states
100: Based on share price

2. The ability of the management body to take defensive measures to prevent a takeover. (16)

0: Defensive measures are possible with few exceptions
25: Possible, but with the requirement of shareholder approval
100: Only exceptionally

3. The extent to which employees of the target company should be informed and consulted when deciding on a takeover bid. (17)

0: No requirements
50: Employees entitled to some information, but no consultation requirements
75: Employees entitled to extensive information
100: Extensive information and consultation requirements

4.The timing of the implementation of the directive. (18)

0: Indefinite postponement
50: Four years or more
100: Two years

7

Proposal for a directive on the resale right for the benefit of the author of an original work of art (COD/1996/085)

1. The threshold above which the resale right should apply. (19)

0: No threshold (preferably no directive)
9: Very high threshold of Euro 5000 or more
27: Euro 4000
45: Euro 3000
81: Euro 1000
100: Very low threshold of Euro 500
(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

2. The cap on the maximum payment the artist should receive. (20)

0: No mandatory payment (reference point)
9: Euro 2,000
45: Euro 10,000
64: Euro 12,500
100: No cap
(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

3. The degressivity of the payments to artists based on the value of the work of art. (21)

0: No resale right (reference point)
9: Highly degressive
32: Compromise outcome
100: Commission proposal
(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

4. Timing of implementation. (22)

0: Indefinite postponement (reference point)
9: Five plus fifteen or twenty years
41: Four years for most member states, plus four years for other states, plus an additional option of two years
82: Five years after entry into force
100: 18 months after entry into force
(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

8

Proposal for a directive relating to cocoa and chocolate products intended for human consumption (COD/1996/112)

1. The prohibition of fats other than cocoa and butter. (23)

0: All fats permitted

20: Extensive list
50: Limited list
100: No fats other than cocoa

2. The labelling of chocolate products that contain fats other than cocoa. (24)
0: Mention in list of ingredients
20: A general label identifying these products
60: A clear label on the back of these products
100: Only products made from cocoa should be called chocolate

3. The derogation for the UK and Ireland regarding milk chocolate. (25)
0: Keep derogations for the UK and Ireland
100: Abolish these derogations

4. The timing of the impact study regarding developing countries. (26)
0: Before the directive comes into force
100: After the directive comes into force

9

Proposal for a directive on the sale of consumer goods and associated guarantees (COD/1996/161)

1. The party – i.e. the consumer or the producer – who should decide whether a faulty product is replaced or repaired. (27)
0: Producer decides
50: Consumer under certain conditions
100: Consumer always decides

2. The notification period: the period of time within which a consumer should notify the producer of a fault in a product. (28)
0: No notification period in all member states
50: Leave up to member states to decide whether they have a notification period
100: Mandatory notification period in all member states

10

Proposal for a directive relating to insurance against civil liability in respect of the use of motor vehicles and amending Directives 73/239/EEC and 92/49/EEC (COD/1997/264)

1. The applicability of the directive to EU citizens outside EU member states. (29)
0: No directive. Reference point
44: Standard EU-wide applicability
78: Should apply to interactions between EU citizens in green card countries, even outside the EU
100: Should apply to interactions between EU citizens worldwide
(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

11

Proposal for a directive on the harmonization of certain aspects of copyright and related rights in the Information Society (COD/1997/359)

1. The protection of consumers and copyright-holders' rights regarding the transfer of protected works over the internet. (30)
    0: Full rights for copyright-holders; little to none for consumers
    50: More rights for copyright-holders than consumers
    100: Balance between rights for copyright-holders and consumers
2. The legality of "time shifting", whereby consumers copy a work at one time point and consume it later. (31)
    0: Permit time shifting
    25: Permit time shifting with fair compensation
    100: Heavy restrictions on time shifting
3. The applicability of the "fair compensation" principle to exceptions to the directive. (32)
    0: Do not apply the principle to exceptions
    33: Limited application
    100: Mandatory application of the principle to many exceptions

12
Proposal for a regulation amending Council Regulation (EEC) N° 2913/92 establishing the Community customs code (COD/1998/134)
1. The liberalization of customs agents. (33)
    0: In favour of liberalization
    100: Against liberalization
2. The creation of new open areas without fencing. (34)
    0: Establish new open areas without fencing. Reduce control within these areas
    100: Maintain fences and strict controls within them
3. The consolidation of import taxes borne by importers. (35)
    0: Against consolidation
    100: In favour of consolidation
4. The defence of "good faith" for importers based in the EU whose imports from developing countries turn out not to be from countries that are exempted from import taxes. (36)
    0: Importers should always pay
    50: Importers obliged to pay only under certain circumstances
    100: Importers should not be obliged to pay taxes in such cases

13
Proposal for a directive on a common framework for electronic signatures (COD/1998/191)
1. The strength of technical requirements for electronic signatures to have the same legal effects as written signatures. (37)
    0: Very liberal requirements
    100: Very precise requirements
2. Public control of market access for service providers. (38)
    0: No application or registration requirement
    50: Self control but member states may require a register
    100: Service providers must request permission

3. The harmonization of national legislation regarding liability of service providers in the case of misuse. (39)

0: No harmonization / left to national level

100: Harmonize

14

Proposal for a decision establishing the second phase of the Community action programme in the field of education Socrates (COD/1998/195)

1. The level of funding to be allocated to the programme. (40)

0: None

60: Euro 1.55bn over seven years

75: Euro 1.85bn over seven years

80: Euro 2.0bn over seven years

100: Euro 2.5bn over seven years

2. The formulation of the revision clause in the case of EU enlargement. (41)

0: No revision clause

100: Include a revision clause

3. The terminology used to describe the programme, in particular the phrase "European education area". (42)

0: Do not use the phrase "European education area". Instead something like "European dimension of education"

100: Use the phrase

15

Proposal for a regulation on orphan medicinal products (COD/1998/240)

1. The definition of a rare illness (one that requires a so-called orphan medical product). (43)

0: Very narrow definition

70: 3 in 10,000

85: 4 in 10,1000

100: Broadest definition: 5 in 10,000

16

Proposal for a directive on the taking up, the pursuit and the prudential supervision of the business of electronic money institutions (COD/1998/252)

1. The extent to which the activities of electronic money institutions should be regulated. (44)

0: No regulation

50: Liberal approach to regulation – few restrictions on institutions that may issue electronic money

100: Only credit institutions should be able to issue electronic money

2. Derogations to the directive. (45)

0: No regulation / complete national discretion

17: Flexible approach (SE/FI proposal)

33: Considerable amount of derogations

75: Some derogations

100: No derogations

(NB: unusual numbers due to fact that reference point was coded outside the 0-100 range during the interview)

17

Proposal for a regulation regarding the implementation of measures to promote economic and social development in Turkey (COD/1998/300)

1. The allocation of funds for this programme. (46)
    0: Do not fund
    100: Euro135m

**2. Whether to include provisions regarding human rights, in particular the death penalty and minority rights. (47)**
    **0: No provisions regarding human rights**
    **100: Include provisions regarding human rights**

3. Whether to include a provision regarding nuclear power plants. (48)
    0: No provision regarding nuclear power plants
    100: Include provision regarding nuclear power plants

18

Proposal for a regulation for the prevention and control of certain transmissible spongiform encephalopathies (COD/1998/323)

1. The slaughter of the cohort and/or stock of animals if a case of BSE is detected. (49)
    0: Slaughter cohort OR stock
    100: Slaughter cohort AND stock

2. The categorization of member states into BSE-free and infected countries. (50)
    0: No categorization
    33: Opposed to categorization proposed by the Commission
    67: Commission categorization with some adjustments
    93: Commission categorization with minor adjustments (particularly regarding past cases)
    100: Commission categorization

3. The extent of post-slaughter checks in the event of an outbreak of BSE. (51)
    0: No tests required
    50: Spot tests
    70: Tests for all animals older than 30 months; and for animals older than 24 months in herds that are at risk
    100: Test all animals older than 24 months

19

Proposal for a directive on certain legal aspects of electronic commerce in the internal market (COD/1998/325)

1. The application of the country of origin principle or international private law to e-commerce contracts. (52)
    0: Country of origin principle applies
    10: Country of origin principle applies, but reference is made to international private law
    100: International private law applies

2. The inclusion of professional services in the directive. (53)
    0: Exclude certain kinds of services, particularly financial services, lawyers and medical doctors
    75: Include professional services, but grant discretion to member states in applying this provision
    100: Include all professional services
3. The location liability for the content of websites. (54)
    0: Hosting providers not responsible for content
    13: The main principle is non-liability, although some exemptions to this are mentioned in the recitals
    50: Possibility of legal action against hosting providers in the case of racial or religious discrimination
    75: Possibility of legal action against hosting providers in where criminal law is concerned or where human dignity is violated
    100: Hosting providers should be fully responsible for content

20

Proposal for a directive amending Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (COD/1999/083)

1. The establishment of bodies to monitor the safety of transport of gas bottles. (55)
    0: Leave to national regulations
    55: EU-wide harmonization that takes into account national circumstances
    70: Harmonized system, with exceptions for efficiency
    100: Uniform Community-wide regulatory bodies

21

Proposal for a directive on Energy Efficiency Requirements for Ballasts for Fluorescent Lighting (COD/1999/127)

1. The length of the transition period for phasing out inefficient lights. (56)
    0: Do not phase out
    33: Very long transition period. Commission proposal plus two years
    47: Long transition period: Commission proposal plus a year
    100: As soon as possible
2. The complete phasing out of inefficient magnetic ballasts. (57)
    0: Do not phase out completely. Exceptions indefinitely
    30: Phase out is not automatic. Re-consider status of magnetic ballasts after a transition period
    100: Phase out magnetic ballasts (types c and d), leaving only electronic ballasts (type b). The phasing out should be automatic.

22

Proposal for a directive amending Directive 95/2/EC on food additives other than colours and sweeteners (COD/1999/158)

1. The ban on propellant gases in water-based emulsion sprays. (58)
    0: Remove the ban on propellant gases
    100: Keep the ban on propellant gases

23

Proposals for a regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (COD/1999/204)

1. The timing of the introduction of the first step of the labelling system. (59)
   - 0: Never/no system
   - 30: Delay for 2-3 years
   - 81: January 2001
   - 86: September 2000
   - 100: January 2000
2. The timing of the introduction of the second step of the labelling system. (60)
   - 0: Never/no system
   - 52: January 2003
   - 76: January 2002
   - 100: January 2001
3. The level of detail of the required label in the first step of the system. (61)
   - 0: Reference point (labels with price and weight)
   - 20: Add a series of codes
   - 40: Above, plus information on member state of origin
   - 50: Above, plus information on traceability to member states and slaughter houses
   - 60: Same as above, plus gender of animal and information on maturation of the meat
   - 85: Even more detailed requirements on the category of the animal
   - 100: Most detailed requirements (race and class of animal)
4. The level of detail of the required label in the second step of the system. (62)
   - 0: Reference point (price and weight)
   - 20: Above, plus information on whether or not of EU origin
   - 35: Plus country of birth
   - 60: Plus farm where animal was born, fattened, slaughtered and deboned
   - 80: Plus gender of animal
   - 100: Plus category of the animal

24

Proposal for a directive amending Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine (COD/1999/217)

1. The extension of the exemption from testing for young animals from herds that are officially disease free (63)
   - 0: Extend the exemption
   - 20: Extend the exemption, but with a more limited role for the Commission
   - 100: Abolish the exemption/no extension

25

Proposal for a directive amending for the 22nd time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous

substances and preparations (phthalates) and amending Council Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys (COD/1999/238)

1. The ban of phtalates in toys for children under the age of three. (64)
    - 0: No ban
    - 25: Ban six phtalates
    - 75: Ban six phtalates and set migration limits on other 24
    - 100: Ban all 30 phtalates
2. The labelling of products containing phtalates. (65)
    - 0: No labelling requirement
    - 100: Introduce a labelling requirement
3. The introduction of tests for products containing phtalates. (66)
    - 0: Do not introduce tests for safety, but rather ban certain soft toys
    - 20: Introduce testing requirements after technical advances in these methods
    - 100: Introduce tests rather than ban

26

Proposal for a directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (COD/1999/244)

1. The rules that should apply to tobacco products exported from EU to non-EU countries. (67)
    - 0: Do not apply
    - 50: Apply only if importing state does not have regulations
    - 100: Apply same rules
2. The size and strength of minimum health warnings on tobacco products (68)
    - 0: Few requirements
    - 50: Commission proposal
    - 100: Strongest requirements, including 30-40 percent of package and mandatory colour photographs
3. The required disclosure of product information. (69)
    - 0: Limited disclosure requirements
    - 40: Move to a common list of requirements eventually
    - 60: Introduce a timetable for a common list
    - 100: Introduce a common list immediately
4. The committee for updating the directive (70)
    - 0: Under the auspices of the existing directive giving more authority to the Commission
    - 50: A declaration stating that the committee will consult member states
    - 100: Introduce a new independent committee
5. The ban on product descriptions such as “light”. (71)
    - 0: No ban
    - 25: Ban the term “light”
    - 50: Ban the terms “light” and “mild”
    - 100: Ban these terms and all positive references to yield levels

27

Proposal for a directive on the interoperability of the trans-European conventional rail system (COD/1999/252)

1. The scope of harmonization. (72)
    0: No harmonization
    50: Limited harmonization
    100: Extensive harmonization
2. The timing of implementation. (73)
    0: No implementation
    67: Linked to TSIs
    80: 30 months
    90: 24 months
    100: 18 months
3. The discretion to be granted to the committee responsible for overseeing implementation under the comitology procedure. (74)
    0: No committee or legislation
    67: A committee with limited discretion
    83: Give committee more discretion, but define procedures in directive
    87: Committee should have discretion to define its procedures
    100: Committee has discretion as defined above, plus broad discretion to interpret the exceptions to the directive

28

Proposal for a decision on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA - Training) (2001-2005) (COD/1999/275)

1. The amount of funds to be allocated to the programme. (75)
    0: No funds
    50: Euro 50m
    100: Euro 100m

29

Proposal for a regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (CNS/2000/030)

**1. The autonomy of each member state to recognize the passports of non-EU countries. (76)**
    **0: Maintain member states' autonomy**
    **100: Remove autonomy**
**2. Whether people who are stateless need to present visas when they enter Europe. (77)**
    **0: Visa requirement**
    **100: No visa requirement**
3. Whether Romanian citizens need to present a visa when they enter an EU member state. (78)
    0: Visa requirement
    100: No visa requirement

4. Whether Bulgarian citizens need to present a visa when they enter an EU member state. (79)

0: Visa requirement

100: No visa requirement

5. Whether Columbian citizens need to present a visa when they enter an EU member state. (80)

0: Visa requirement

100: No visa requirement

6. Whether citizens of Macao and Hong Kong need to present a visa when they enter an EU member state. (81)

0: Visa requirement

100: No visa requirement

30

Proposal for a directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (CNS/2000/127)

**1. The decision rule, unanimity or QMV, for cancelling the temporary protection of refugees. (82)**

**0: Unanimity**

**100: QMV**

**2. The duration of temporary protection. (83)**

**0: 18 months**

**40: 2 years**

**75: 3 years**

**100: no limit defined**

**3. Whether member states need to justify their decisions regarding the numbers of refugees they take. (84)**

**0: no requirement to justify**

**100: must justify decision with arguments**

31

Proposal for a directive amending Directive 77/388/EEC on the common system of value added tax, with regard to the length of time during which the minimum standard rate is to be applied (CNS/2000/223)

1. The minimum level of VAT. (85)

0: No minimum

100: Minimum rate of 15 percent

2. The length of time for which the measure should be in force. (86)

0: 3 years

100: 5 years

32

Proposal for a regulation on the common organisation of the markets in the sugar sector (CNS/2000/250)

1. The duration of the extension of the current scheme. (87)

0: Until 2002/2003 harvest
50: Until 2006 with a review in 2003
100: Until 2006 with a review in 2006

2. The reduction of production quotas. (88)
0: Reduce by 115K tonnes
100: Maintain

3. The abolition of subsidies for storage costs. (89)
0: Abolish
100: Maintain

33

Proposal for a regulation amending Regulations No 136/66/EEC and (EC) No 1638/98 as regards the extension of the period of validity of the aid scheme and the quality strategy for olive oil (CNS/2000/358)

1. The duration of the extension of the current aid scheme. (90)
0: 2 years
33: 3 years
67: 4 years
100: 5 years

2. The use and labelling of mixtures of olive oil and vegetable oil. (91)
0: No new requirements
30: Permit with a label
60: Permit with a "value laden" label that is unattractive to consumers
100: Prohibit

3. The use of talc in the processing of olive oil. (92)
0: Permit
25: Permit with refinements
60: Permit, but make it possible to ban domestically
100: Prohibit

4. The labelling system for different types of olive oil. (93)
0: Current labelling regime (minor refinements)
100: Introduce terms such as "crude" and "standard"

5. The indication of the country of processing on the label. (94)
0: No new requirements. Harvesting country only.
30: Processing country optional
70: Double labelling compulsory
100: Double labelling with equal weight to harvesting and processing countries

34

Proposal for a regulation concerning action against anti-personnel landmines (CNS/2000/062B)

1. The visibility of EU demining activities to third countries. (95)
0: Visibility should not be defined as an aim of the programme
100: Visibility defined as one of the aims of the regulation

35

Proposal for a directive relating to honey (COD/1996/114)

1. The scope of the comitology procedure for updating the directive. (96)
    0: No comitology procedure. Updating requires new legislation
    20: Very limited comitology procedure
    60: Comitology with substantial scope
    100: Extensive comitology procedure
2. The mention of the country and region of origin on the label. (97)
    0: No provision/leave to international treaties
    70: Include a provision that permits mention of the country of origin
    80: Mention of country of origin and under certain conditions the region
    100: Mention of the region of origin should be provided for
3. The labelling of honey intended for industrial use. (98)
    0: No change. In particular, Germany and the UK can continue to use positive-sounding language to refer to industrial honey
    100: Uniform reference to industrial honey required

36

Proposal for a directive relating to fruit juices and certain similar products intended for human consumption (CNS/1996/115)

1. The introduction of new product designations. (99)
    0: No new designations
    70: Introduce new designations
    100: Introduce a distinction between two different types of juice
2. The use of absorbents in production processes. (100)
    0: Allow new absorbents with no conditions
    50: New absorbents allowed under certain conditions
    100: No new absorbents allowed

37

Proposal for a regulation (EC) laying down certain technical measures for the conservation of fishery resources (CNS/1996/160)

1. The types of nets permitted for fishing (101)
    0: No restrictions
    45: Two types of net permitted
    100: One type of net permitted

38

Proposal for a directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (CNS/1998/087)

1. The types of companies that should fall under the scope of the directive. (102)
    0: Then current list of companies
    20: An updated list
    50: Associated companies
    75: Include partnerships
    100: All companies that fall under corporate tax net

2. The extent to which the directive should apply to indirectly owned companies. (103)

0: No indirectly owned companies included
50: Some indirectly owned
100: All indirectly owned above 25 percent

39

Proposal for a directive laying down minimum standards for the protection of laying hens kept in various systems of rearing (CNS/1998/092)

1. The use of cages. (104)

0: No new requirements
50: Requirements to improve cages
100: Prohibit certain types

2. The timing of the improvements in general conditions. (105)

0: January 2003
34: January 2002
67: January 2001
100: As early as possible (1999/2000)

3. The minimum area for each animal. (106)

0: 450 cm2
20: 550
30: 600
40: 800
100: 1400 cm2

4. The timing of the introduction of the minimum area. (107)

0: January 2006
50: January 2004
100: January 2002

5. The timing of the ban on cages. (108)

0: No ban
60: January 2015
80: January 2012
100: January 2010

6. Imported eggs that do not meet EU rules. (109)

0: EU rules do not apply to third countries
60: Make attempts to secure application of EU rules through WTO negotiations
100: EU rules apply to eggs imported to the EU from third countries

40

Proposal for a regulation (EC) on the common organisation of the market in beef and veal (CNS/1998/109)

1. The reduction of the support price. (110)

0: More than 30 percent
30: 30 percent
50: 20 percent
70: 15 percent
80: 10 percent reduction

100: No reduction in the support price

2. The level of compensation for the reduction. (111)

0: 40 percent of the cut should be compensated
30: 50 percent
50: 60 percent
100: 70 percent

41

Proposal for a regulation (EC) on the common organisation of the market in milk and milk products (CNS/1998/110)

1. The reduction of the intervention price. (112)

0: 30 percent by 2006
40: 15 percent between 2000 and 2004
50: 15 percent in 2002
60: 10 percent in 2000
80: 15 percent in 2005
100: No cut

2. The future of the quota system. (113)

0: to 2006
35: to 2008
70: to 2006 then review
100: Indefinite extension

42

Proposal for a directive amending Directive 92/79/EEC on the approximation of taxes on cigarettes, Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other cigarettes and Directive 95/59/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco (CNS/1998/189)

1. The frequency with which tobacco tax should be reviewed. (114)

0: Every 2 years
50: Every 3 years
75: Every 4 years
100: Every 5 years

2. The extension of the derogation for the German tobacco industry, fine-cut tobacco. (115)

0: Exception for fine cut
100: No exception for fine cut

43

Proposal for a directive to ensure a minimum of effective taxation of savings income in the form of interest payments within the Community (CNS/1998/193)

1. The scope of the directive, in particular the inclusion of Eurobonds and investment funds. (116)

0: Exclude bonds and investment funds
100: Include

2. The rules governing taxation of interest on savings in the EU, in particular a withholding tax or information sharing system. (117)

0: Full national autonomy
23: A withholding tax of 10 percent
31: A withholding tax of 15 percent
46: Dual system without revenue sharing
69: Dual system with revenue sharing
85: Information provision without reciprocity
100: Information provision with reciprocity

3. Whether the directive should be implemented only if satisfactory agreements can be concluded with third countries. (118)

0: Conditional
80: Not conditional, but with provisions for strong countermeasures if agreements fail
100: Immediate adoption. Talks with third countries, but no provisions for counter measures at the time of adoption

44

Proposal for a regulation amending Regulation nr 17: First Regulation implementing Articles 85 and 86 of the Treaty (CNS/1998/288)

1. The market share threshold above which vertical agreements should be prohibited as a rule (119)

0: 20 percent
50: 30 percent
70: 35-40 percent
100: 100 percent

2. Whether block exemptions to the prohibition of vertical agreements apply to car distribution (120)

0: Provisions should apply
30: Special provisions for the car distribution until 2002, then revisited
100: The provisions should not apply to car distribution

3. The required time limits on non-compete contracts between companies. (121)

0: No time limits
50: 4-7 years
100: 5 plus 5 years, depending on sector

45

Proposal for a regulation regarding the implementation of measures to intensify the EC-Turkey customs union (CNS/1998/299)

1. The allocation of funds for his programme. (122)

0: None
100: Euro 15m

**2. The inclusion of amendments regarding minority rights and the death penalty (123)**

**0: Do not include**
**100: Include**

46

Proposal for a directive amending, with regard to the level of the standard rate, Directive 77/388/EEC on the common system of value added tax (CNS/1998/331)

1. The minimum level of VAT (124)
    0: No minimum
    100: Minimum of 15%
2. The introduction of a maximum level of VAT (125)
    0: No maximum
    100: Maximum of 25%

47

Proposal for a regulation laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (CNS/1998/347)

1. The scrap-build penalty to qualify for funding (126)
    0: For every 100 tonnes of ship built, 150 to 180 tonnes of old ship must be scrapped
    10: For every 100 tonnes of ship built, 130 tonnes of old ship must be scrapped
    100: One to one
2. The linkage between funding and conservation objectives (127)
    0: Linked to both annual and final MAGP objectives as a condition for receiving subsidies
    30: Linked to annual, not final, MAGP objectives
    60: Limited linkage to annual MAGP objectives
    100: No linkage, or only a "paper" linkage

48

Proposal for a decision establishing a Community Action Programme in the field of civil protection (CNS/1998/354)

1. The size of the budget for the programme (128)
    0: Euro 1.5m
    30: Euro 2m
    50: Euro 3m
    100: Euro 4.5m
2. The duration of the programme (129)
    0: 2 years
    70: 5 years
    100: 7 years

49

Proposal for a regulation on the common organisation of the markets in fishery and aquaculture products (CNS/1999/047)

1. The extensiveness of labelling of fisheries products (130)
    0: Reduce labelling requirements
    40: Existing labelling requirements
    80: Introduce an eco-labelling requirement

100: Introduce more extensive labelling requirements including freshness grade

2. The extent of market intervention to support fisheries (131)
    0: Abandon all forms of support and intervention
    30: Decrease both financial compensation and carry over premium
    40: Decrease financial compensation and increase carry over premium
    90: Current system
    100: Keep current system and increase carry-over premium
3. The openness of trade with third countries (132)
    0: Free trade approach: more suspensions than quota
    40: Liberalization, but keep the overall yearly quota
    100: Protectionist approach

50

Proposal for a regulation establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy (CNS/1999/050)

1. The harmonization of infringements and sanctions regarding common fisheries policy (133)
    0: No harmonization. Leave to member states.
    20: A limited list of infringements and sanctions
    30: A longer common list of infringements and sanctions with a yearly report on infringements in each member state's territories
    40: A longer common list with twice-yearly reports
    100: Complete harmonization

51

Proposal for a directive amending Directive 77/388/EEC as regards the possibility of applying on an experimental basis a reduced VAT rate on labour-intensive services (CNS/1999/056)

1. The possibility of introducing a lower VAT rate for labour intensive services (134)
    0: Global description of services to which a reduced level of VAT could be applied
    40: Possible, based on a list of services with some additional exceptions
    50: Limited possibility based on a detailed list
    90: Limited possibility
    100: No possibility of lower VAT rate

52

Proposal for a regulation amending Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (CNS/1999/072)

1. The timing of the introduction of common standards regarding residue limits (135)
    0: No common standards
    67: In three years' time
    89: In one year's time
    100: Immediately
2. The application of these medicinal products to other animals, namely horses (136)

0: EU regulation permitting the use of these products on horses
50: No EU regulation
100: EU regulation prohibiting the use of these products on horses

3. The application of these medicinal products to other animals, namely "minor species" (137)
0: EU regulation permitting the use of these products on minor species
50: No EU regulation
100: EU regulation prohibiting the use of these products on minor species

53

Proposal for a directive on the marketing of forest reproductive material (CNS/1999/092)

1. The specificity of the definition of GMO used in the legislation (138)
0: General definition
100: Tight definition

2. The collection of "source identified" class seeds from forests (139)
0: Do not include source identified class
50: Allow member states to ban or approve this in their territories
100: Include source identified class

3. Standards for tradable planting stock (140)
0: Do not include Part E
100: Include Part E

54

Proposal for a regulation concerning the establishment of Eurodac for the comparison of the fingerprints of applicants for asylum and certain other third-country nationals to facilitate the implementation of the Dublin Convention (CNS/1999/116)

**1. The type of comitology procedure for implementing the directive (141)**
**0: Committee in Council with unanimity voting**
**10: Council committee with QMV**
**20: Council committee with majority voting**
**100: Regular comitology procedure**

55

Proposal for a regulation amending Council Regulation EC N° 1628/96 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, in particular through the setting-up of the European Agency for reconstruction (CNS/1999/132)

1. The location of the agency (142)
0: All in Thessalonika
80: Most in Pristina
100: All in Pristina

56

Proposal for a regulation laying down certain control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries (CNS/1999/138)

1. The committee for implementing the regulation (143)
    0: Each new measure should be discussed in the Council
    80: Management committee, but emphasize that this is not a precedent case
    100: Management committee with no further qualification
2. Whether member states or the EU should bear the costs for the control measures (144)
    0: Member states
    40: Member states up to the year 2000; afterwards a new procedure
    100: EU funds

57

Proposal for a regulation on budgetary discipline (CNS/1999/151)

1. The mechanism to be instituted if the EU overspends on its agriculture budget (145)
    0: Immediate stop of payments
    25: Automatic mechanism that successively decreases spending
    50: Commission administers and reports to Council monthly. Council bound by interinstitutional agreement
    70: Commission administers, but Council decides by unanimity
    90: Commission administers with some discretion
    100: Commission administers with wider discretion

58

Proposal for a regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (CNS/1999/154)

**1. The jurisdiction of ecommerce cases (146)**
    **0: Country of seller**
    **73: May be in buyers country if that country is targeted by marketing**
    **100: Consumer may decide**
**2. The external competence of the Commission (147)**
    **0: Member states should be given competence**
    **50: Leave this issue to international treaties**
    **100: Commission should have competence in this area**

59

Proposal for a regulation on closer dialogue with the fishing industry and groups affected by the common fisheries policy (CNS/1999/163)

1. The financing of the advisory council for closer dialogue (148)
    0: No funding for industry organizations
    35: Expenditure should remain in Part A of the budget
    100: Legal obligation to fund, and included in Part B
2. The representation of member states in the advisory council. (149)
    0: EU level organizations only

50: Mixture
100: Strong representation of national organizations

60
Draft decision establishing the Employment Committee (CNS/1999/192)
1. The institutional location of the Committee: in the Commission or Council (150)
0: No committee
67: Within the Council
80: More under the Council's sphere of influence
88: Balance
100: Clearly in the Commission's sphere of influence
2. The politicization of the Committee's mandate (151)
0: No committee
67: Open set of tasks / "politicized"
92: Closed list of tasks
100: No political mandate

61
Proposal for a regulation on production aid for cotton (CNS/1999/202)
1. The size of the penalty for excessive production (152)
0: 100% penalty
60: 70% penalty
70: 50% penalty up to NSQs, then 2% slices above NSQs
80: 60% penalty
100: 50% penalty
2. The level of national guarantees quantities (153)
0: 782K tonnes in EL and 249K tonnes in ES
50: Low and high level penalty rate threshold
100: Increase NGQs to 1600K tonnes in total

62
Proposal for a regulation amending Regulation (EC) No 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (CNS/1999/214)
1. The role of the committee in deciding which projects should be funded (154)
0: Committee, consisting of member states' representatives, has a large role in deciding on projects
38: Committee's role reduced to projects over Euro 20m and those in which particular states have special interests
63: Committee with a further reduced role to projects over Euro 40m
88: Committee with considerably reduced role to decide on projects, although member states' influence maintained
100: Committee with little power, with the stipulation that member states must not manage directly any of the projects
2. The size of the budget for this programme (155)
0: Euro 4200m
15: Euro 4600m

30: Euro 5000m
45: Euro 5350m
55: Euro 5600m
100: Euro 6700m

63

Proposal for a directive establishing a general framework for equal treatment in employment and occupation (CNS/1999/225)

1. Exceptions to the principle of equal treatment for religious reasons (156)
   0: No EU legislation
   40: Some exceptions with a broad definition
   60: Some exceptions with a narrow definition
   100: Very few exceptions to the principle of equal treatment allowed
2. The definition of reasonable adjustment for accommodating disabled people (157)
   0: No EU legislation
   40: Narrow definition of reasonable adjustment / generic approach
   55: Broader definition
   100: Broadest definition of reasonable adjustment

64

Proposal for a regulation amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas (CNS/1999/235)

1. The liberalization of the market for bananas (158)
   0: Complete liberalization
   50: Increase the quotas
   100: Current protectionist system
2. The timing of the new system (159)
   0: Liberalization as soon as possible. In 2000
   40: In 2006
   75: In 2010
   100: Postpone indefinitely

65

Proposal for a regulation amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops to include flax and hemp grown for fibre (CNS/1999/236)

1. The restriction of the support scheme for short flax and hemp (160)
   0: Large restriction of the support scheme
   70: Limited restriction with linkage to long flax and hemp
   100: No restriction
2. The restriction of the support scheme for long flax and hemp (161)
   0: Large restriction of the support scheme
   100: No restriction

66

Proposal for a regulation amending Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products (CNS/1999/246)

1. The level of EU co-financing (162)
    0: 50% cofinancing by EU
    50: 75% cofinancing by the EU
    100: No cofinancing – EU pays 100%
2. The fat content of milk included in the subsidy scheme (163)
    0: No change to current system
    67: Increase subsidy for low fat milk relative to regular milk
    100: Same subsidies for low and high fat milk

67

Proposal for a regulation amending for the fifth time Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (CNS/1999/255)

1. The prohibition of fishing for sand eels in the North Sea (164)
    0: Do no limit
    100: Limit
2. The minimum landing size of deepwater rose shrimp (165)
    0: No limit
    83: 20mm
    92: 22mm
    100: 24mm

68

Proposal for a decision creating a European Refugee Fund (CNS/1999/274)

**1. The inclusion of provisions for emergency measures (166)**
    **0: Do not include**
    **100: Include**
**2. The distribution of funds across member states (167)**
    **0: On the basis of the numbers of refugees each takes**
    **20: A flat payment to each member state, starting with Euro 500K for 2000, with the allocation of the remaining funds based on the numbers of refugees each takes**
    **40: The flat rate payments should be higher – 30 percent of whole budget**
    **60: Allocations based on flat rate payments, numbers of refugees, and numbers of refugees in relation to population sizes should make up approximately equal portions of the total allocations**
    **100: The whole fund should be allocated based on the numbers of refugees in relation to the total population sizes**
**3. The percentage of funds controlled by the Commission (168)**
    **0: 5%**
    **100: 10%**

69

Proposal for a decision on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus - Development, Distribution and Promotion) (2001-2005) (CNS/1999/276)

1. The total budget for development, distribution and promotion (169)
    - 0: No MEDIA plus
    - 40: Euro 200m
    - 50: Euro 250m
    - 60: Euro 300m
    - 70: Euro 350m
    - 74: Euro 370m
    - 80: Euro 400m
    - 90: Euro 450m
    - 100: Euro 500m
2. The balance between funding for production and distribution in the budget (170)
    - 0: Primarily funding for production (about 20% for distribution)
    - 80: Balance between production and distribution
    - 100: Primarily funding for distribution (about 57% for distribution)
3. Funding individual projects rather than packages of projects (171)
    - 0: Individual projects
    - 50: Both
    - 100: Primarily funding of packages of projects
4. Whether funding for distributors should depend on whether they co-finance filmmakers at an early stage (172)
    - 0: Funding should be available to them with no special rules
    - 40: Funding should be available with some conditions
    - 100: Funding should be available to distributors, but only under strict conditions – those who cofinance film makers at an early stage
5. The percentage of funds to be allocated to pilot studies (173)
    - 0: 3% to pilots
    - 42: 5% to pilots
    - 100: 7.5% to pilots

## Post-2004 issues

### 70

Proposal for a regulation laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund (AVC/2004/163) Considered as part of the same co-decision package as COD/2004/167

1. The eligibility of VAT costs for funding by the RDF (174)
    - 0: Not eligible
    - 100: Eligible
2. The eligibility of renovation of prefabricated housing for funding by the RDF (175)
    - 0: Not eligible
    - 40: Eligible, but only up to a small percentage of the operational programme
    - 100: Fully eligible

### 71

Proposal for a regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 (COD/2004/167)

1. The eligibility of advance payments for funding by RDF (176)
    - 0: Limited eligibility (35%)
    - 100: 100% eligible
2. The introduction of a performance reserve to reward the best-performing programmes (177)
    - 0: No performance reserve
    - 20: An optional performance reserve that stays in the country
    - 100: A Community-level performance reserve

### 72

Proposal for a directive amending Directive 2003/88/EC concerning certain aspects of the organisation of working time (COD/2004/209)

1. The optout from the maximum working week (178)
    - 0: Keep the optout
    - 50: Keep but specify exceptions
    - 100: Phase out
2. The reference for defining working time (179)
    - 0: Leave to member states (hours based on contract possible)
    - 100: Based on worker
3. Inclusion of on-call time (180)
    - 0: Exclude on-call time
    - 100: Include on-call time

### 73

Proposal for a regulation Concerning the Financial Instrument for the Environment (LIFE +) (COD/2004/218)

1. The structure of financing (181)
    - 0: Old-style approach consisting of European projects

75: Programming with specific criteria
100: Programming approach

2. The inclusion of nature (182)
0: Include but no special attention as a separate area
50: Possible to finance nature and biodiversity specifically
75: At least 50 percent should go to nature and biodiversity
100: Include and increase funding

3. The inclusion of environmental technology activities (183)
0: Exclude
40: Some of these activities can be funded if especially innovative
70: Include, but not as a separate component
100: Include as a separate component

74

Proposal for a regulation laying down general provisions establishing a European Neighbourhood and Partnership Instrument (COD/2004/219)

1. Member states' involvement in implementation (184)
0: MSs involved in strategic plans every 7 years
50: More MS involvement in annual plans
75: MSs in annual plans and Commission's decisions restricted to special areas
100: Extensive MS involvement and little autonomy for Commission

2. EP involvement in implementation (185)
0: No EP involvement
30: Consulted in some areas
100: Extensive consultation and co-decision in some areas

3. The programming allocation to Southern versus Eastern neighbours (186)
0: Modest weight to historical trends
25: Declaration that historical trends would be considered
80: Large weight to historical trends
100: Split the budget so that Southern neighbours received a high proportion

75

Proposal for a directive on market access to port services (COD/2004/240)

1. The handling of cargo in ports by staff of shipping companies (187)
0: No EU rule on this issue/Delegate to member states
100: Liberalize throughout Europe

76

Proposal for a regulation concerning the rights of persons with reduced mobility when travelling by air

1. Who should provide services for passengers with reduced mobility (188)
0: Airlines
33: Airports, but airlines may opt-out
67: Airports. Airlines may opt-out, but this must be approved by airports
100: Airports with no opt-out clause

77

Proposal for a regulation on the definition, description, presentation and labelling of spirit drinks (COD/2005/028)

1. The permitted content of vodka and its labelling (189)
    - 0: Non-traditional ingredients allowed; no labelling requirement
    - 20: Non-traditional ingredients allowed; small labelling requirement for non-traditional
    - 50: Non-traditional ingredients allowed; heavy labelling requirement for non-traditional
    - 70: Potatoes, cereals and sugar beet only
    - 100: Potatoes only
2. Procedures for updating the regulation (190)
    - 0: Co-decision
    - 70: Regulatory committee with scrutiny powers for the EP
    - 80: Regulatory committee
    - 100: Management committee

78

Proposal for a directive on criminal measures aimed at ensuring the enforcement of intellectual property rights (COD/2005/127)

**1. The specification of sanctions (fines etc.) in the directive (191)**
    - **0: No specification of sanctions**
    - **50: Some general descriptions of sanctions**
    - **100: Detailed specification of sanctions**

**2. The scope of the directive (192)**
    - **0: Limit to Community legislation**
    - **100: Include areas beyond Community legislation**

79

Proposal for a directive on the retention of data processed in connection with the provision of public electronic communication services and amending Directive 2002/58/EC (COD/2005/182)

1. The types of crimes for which retained data can be used (193)
    - 0: Determine by national legislation
    - 30: Terrorism and organized crime
    - 70: European Arrest Warrant crimes
    - 100: All serious crimes
2. Who should cover the costs incurred in retaining data (194)
    - 0: Member states decide
    - 100: Governments obliged to reimburse service providers
3. Types of data to be stored (195)
    - 0: No EU requirement / against retaining data
    - 40: Fixed phone and limited mobile phone data
    - 75: Fixed phone, mobile and internet IP
    - 100: Extensive data
4. The duration of data retention (196)
    - 0: No EU requirement / against retaining data
    - 25: 3-6 months

50: 6-12 months
75: 6-24 months
90: 3 years
100: 4 years

5. The inclusion of data protection safeguards in this legislation (197)
   0: No new requirements
   20: Limited safeguards based on some states' existing provisions
   100: Extensive list of data protection safeguards

80

Proposal for a directive on ambient air quality and cleaner air for Europe (COD/2005/183)

1. The postponement of the deadline for targets regarding certain pollutants (198)
   0: Possibility of postponing for a long time (six or more years mentioned)
   25: Possibility of postponing NOX target by 5 years, PM10 by 3 years
   50: Possibility of postponing NOX target by 5 years, PM10 target by 2 years
   100: No possibility of postponing targets
2. Targets for fine particles, PM2.5 (199)
   0: Non-binding targets
   40: Limit value of 25 units by 2015
   45: Limit value of 25 units by 2015 with exposure concentration 20 units
   50: Limit value of 25 units by 2010
   60: Limit value of 20 units by 2015
   70 Limit value of 20 units by 2010
   100: More ambitious targets (e.g. 12 units by 2010)

81

Proposal for a directive on improving the portability of supplementary pension rights (COD/2005/214)

1. The transfer of pension rights for employees (200)
   0: Preservation only
   50: Include option to transfer rights, but with exceptions (e.g. only within country)
   100: Include option of transferring rights with few exceptions
2. The standards of fair treatment regarding the preservation of pension rights (201)
   0: "Weak" fair treatment requirement
   100: "Strong" fair treatment requirement
3. Requirements for entry into or exclusion from occupational pension schemes (202)
   0: No change to existing national arrangements
   60: Minimum age not higher than 25; maximum vesting period of five years
   100: Maximum requirements more generous to employees
4. The duration of the transition period and scope of the directive (203)
   0: Long transition period and limited scope (10 years and only to new pensions)
   50: Shorter transition period, but still narrow scope (only to new pensions)
   100: Shorter transition period of 5 years for the vesting period. Directive should apply to existing pensions.

82

Proposal for a directive on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (COD/2005/245)

1. Requirements for entry into the payment services market (204)
    0: Qualitative approach / few rules set
    40: Varying requirements from Euro20K to Euro125K depending on activity (with possibility to waive these under a theshold)
    50: Standard capital requirement of Euro 125m (with possibility to waive these under a threshold)
    100: High capital requirements in all member states
2. Rules for credit providers, non-banks in particular (205)
    0: All member states should apply a liberal regime
    60: Member states may limit the provision of credit in payment services by non-banks
    100: Member states shall limit the provision of credit in payment services by non-banks to short periods (1-3 months)
3. Required speed of payments (206)
    0: Longest permitted duration; at least five days after transfer
    100: Shortest permitted duration; one day after transfer
4. End-to-end liability (207)
    0: Limited liability for service providers
    25: Service provider must provide customer with proof of transfer
    100: End-to-end liability for payer's service provider

83

Proposal for a directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (COD/2005/260)

1. The scope of the directive (208)
    0: Exclude non-linear services
    50: Include non-linear services, but with restrictive definitions
    100: Include non-linear services
2. The minimum duration of programmes (of a protected type) before an advert is allowed (209)
    0: No minimum time set
    45: 20 minutes
    66: 30 minutes
    100: 45 minutes
3. Advertising in non-protected programmes (210)
    0: Minimal restrictions. Abolish the 20 minute duration rule for these programmes and the prohibition of advertising "spots"
    50: Abolish minimum duration, but keep prohibition of "spots"
    100: Keep minimum duration and prohibition of "spots"
4. Product placement in programmes (211)
    0: Allow product placement, but allow member states to set more restrictive rules
    40: Prohibit product placement with exceptions and rules specified in the directive. Member states retain substantial autonomy.

100: Prohibit

5. The application of the principle of the country of origin (212)
   0: Weak application of country of origin principle, meaning that broadcasters in one member state are obliged to respond to complaints from regulators in other member states
   80: Strong application of country of origin principle. However, member states can make complaints to regulators in other member states regarding broadcasters in those other states. Broadcasters are not obliged to change their practices in response.
   100: Strong application of principle. Codification of existing case law.

84

Proposal for a directive on waste (COD/2005/281)

1. The classification of incineration as recovery (213)
   0: No incineration classified as recovery
   40: Formula including energy efficiency requirements to determine whether incineration can be classified as recovery
   100: Low energy efficiency requirements for classifying incineration as recovery
2. The description of the waste hierarchy and exceptions (214)
   0: Flexible three-level hierarchy
   50: Five-level hierarchy as guiding principle with life-cycle exceptions
   100: Five-level hierarchy as rule with life-cycle exceptions
3. Waste prevention targets (215)
   0: No EU obligation to have waste prevention targets
   20: MSs obliged to have targets and may determine specific qualitative or quantitative targets for programmes
   30: MSs obliged to have prevention targets and shall determine specific quantitative and qualitative targets
   100: 2008 levels by 2012
4. Recycling targets (216)
   0: No new targets
   100: 50% for household waste by 2020 and 70% for construction waste by 2020

85

Proposal for a regulation establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (CNS/2003/318)

1. The closure of areas for fishing (217)
   0: Against closing
   35: Close 2 areas
   100: Close 5 areas
2. The method of controlling fishing / how fishing effort should be measured (218)
   0: 20 Days
   25: 22 Days

100: Kilowatt days

3. The vessels that should be included (219)
    0: Strongly limited
    35: Exclude also medium-sized vessels
    60: Exclude small vessels < 10 meters.
    75: Include also smaller vessels
    100: Inclusive
4. The level of the mortality rate (220)
    0: 0.3
    20: 0.27
    100: 0.17

86

Proposal for a regulation establishing measures for the recovery of the sole stocks in the Western Channel and the Bay of Biscay (CNS/2003/327)

1. The type of plan to be adopted – recovery or management (221)
    0: Short-term recovery plan
    25: Include long-term management plan elements into short-term recovery plan.
    100: Long-term management plan
2. The management of fishing activities in this area (222)
    0: By days at sea.
    100: Not by days at sea, but an alternative licensing system.
3. The vessels that should be included in alternative licensing system (223)
    0: Limited (2000KG/300KG)
    75: 2000KG/100KG.
    100: Inclusive (1000KG/25KG)
4. The breadth of the tolerance margin (224)
    0: 20%
    60: 8%
    100: 0%

87

Proposal for a regulation on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (CNS/2004/161)

1. Criteria for defining disadvantaged areas ("less favoured") (225)
    0: Leave definition unchanged.
    20: Change only a few aspects of existing criteria.
    30: Change criteria only after Commission conducts more research.
    50: Change only some criteria.
    100: Change all criteria including natural criteria extending to mountains.
2. The method for pre-allocating funds (226)
    0: No % across axis.
    10: No % but minimum expenditures for environmental issues.
    15: Only leader should have min percentage, but 10% too high.
    30: 50% 2nd axis but no percentages for other axis and Leader.
    50: Principle of pre-determined % across all axis and Leader accepted, but those of position 100 too high.

60: 25% 2nd axis, but the other percentages too high.
70: 10%, 20%, 10%, 5%, respectively.
90: Ok with % of position 100, but want to be able to shift expenditures between axis.
100: Expenditures across axis one, two, three, and the Leader: 15%, 25%, 15%, 10%, respectively.

88
Proposal for a regulation on the financing of the common agricultural policy (CNS/2004/164)
**1.The application of budgetary discipline (227)**
**0: Council decides on how much and which payments to reduce.**
**35: Commission makes forecast on budget and a proposal for reductions. The Council then takes a decision. If no decision is reached, Commission has power to implement reductions, which the Council can however refute in a later step.**
**40: Commission should have influence, but Council should dominate process.**
**80: Commission should decide in most cases – might need swift action, but some areas covered by Council.**
**100: Commission should cut money to stay under ceiling by its own power. Decide by how much and where to cut.**
**2. Procedures for informing the Commission of payments (228)**
**0: Different Procedures for EAFRD and EAGF (more flexible procedure for EAFRD)**
**20: Member states can choose which procedure they use.**
**40: CAP: Monthly information needs to be provided. EAFRD: Depends on source of funds.**
**80: Provide some flexibility for EAFRD procedure, extent of which would be decided by Commission.**
**100: Same Procedure for both EAFRD and EAGF.**
**3. The recovery of payments when domestic courts are involved (229)**
**0: Shouldn't interfere with courts at national level. Wait until court decides.**
**25: 10 years.**
**35: 8 years.**
**50: 6 years.**
**100: Close books sooner (after around 2 years).**
4. The eligibility of VAT for support (230)
0: Not eligible
100: Eligible
**5. The conditions under which the Commission cannot refuse to finance expenditures (231)**
**0: After 24 months.**
**50: 30 months (somewhere in between).**

**100: After 36 months.**

89

Proposal for a regulation: European Fisheries Fund (CNS/2004/169)

1. Finance for new ship building (232)
    0: No money (1.5:0).
    15: 1.5: 0.15
    20: 1.5: 0.20
    50: 1.5: 0.5
    60: 1.5: 0.6
    70: 1.5: 0.7
    80: 1.5: 0.8
    100: Support building of ships with considerable funds (one and a half old ships for one new ship 1.5:1).
2. Replacement of engines (233)
    0: No capacity loss / No replacement.
    10: Agree to some capacity loss
    40: Less capacity loss than 1:1.2
    50: 1:1.2
    70: 1:1.3
    100: Replace engines to reduce capacity by a lot 1:1.4.
3. The establishment of GT reserve tonnage (ceiling) (234)
    0: No GT reserve at all.
    10: Only a very small reserve.
    30: Less than Commissions position of 3% of scrapped vessels.
    50: 3% of scrapped vessels.
    60: 4% of scrapped vessels.
    70: More than 4% of scrapped vessels.
    90: 10-15% of scrapped vessels.
    100: 20% of scrapped vessels.
4. Support for aquaculture (235)
    0: Support only micro and small companies.
    80: Support also medium sized companies.
    95: Size condition lifted but focus on supporting small and micro companies.
    100: Support all companies.

90

Proposal for a directive laying down minimum rules for the protection of chickens kept for meat production (CNS/2005/099)

1. The permitted maximum density of chickens kept for meat production (236)
    0: No maximum
    20: Commitment to return to the issue
    50: 45kg per m3
    70: 39 kg with possibility of more
    75: 38 kg with possibility of more
    80: 38kg
    100: 35kg
2. The extensiveness of checks in slaughter houses (237)

0: No systematic inspections
25: Only for high-density producers
100: Include requirement for systematic inspections

91

Proposal for a regulation on the common organisation of the markets in the sugar sector (CNS/2005/118)

1. The size of the price cut (238)
    0: Large cut of >39% / preference for complete liberalization
    22: Cut of 39%
    28: Cut of 36%
    60: Small cut
    80: Smaller cut
    100: No cut
2. The merging of A and B quotas (239)
    0: Cut B then A
    100: Merge and then cut
3. The level of compensation (240)
    0: Complete liberalization / no compensation
    40: 40%
    64: 64.2% on average
    100: 100 %

92

Proposal for a directive establishing a framework for Community action to achieve a sustainable use of pesticides (COD/2006/132)

1. Areal spraying of crops (241)
    0: Permit spraying throughout Europe under certain conditions specified in the directive
    50: Prohibit spraying but allow member states to derogate under certain conditions
    100: Prohibit spraying throughout Europe
2. The setting of targets for reducing the use of pesticides (242)
    0: Member states decide during implementation
    100: A compulsory system set at the EU level

93

Proposal for a directive amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services (COD/2006/196)

1. Protection of existing providers that are large employers (243)
    0: No EU-wide liberalization / national variation
    33: Protection for existing companies within the framework of EU-wide liberalization
    100: Full liberalization without restrictions
2. The timing of liberalization (244)
    0: Later than 2010

60: Full opening by 2010 with a derogation period for member states
80: Full opening by 2010
100: Full opening of markets by 2009

94

Proposal for a regulation amending Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products (CNS/2007/026)

1. The removal of aid for storing cream and skimmed milk powder (245)
   0: Remove aid
   100: Do not remove aid
2. Subsidies for school milk (246)
   0: More subsidies for whole milk
   50: Same subsidies for skimmed and whole milk
   100: More subsidies for skimmed milk

95

Proposal for a directive amending Council Directive 78/855/EEC concerning mergers of public limited liability companies and Council Directive 82/891/EEC concerning the division of public limited companies as regards the requirement for an independent expert's report on the occasion of a merger or a division (COD/2007/035)

1. Whether a report by independent experts is mandatory (247)
   0: Not if 100% of shareholders agree that it is unnecessary
   10: Not if 100% of shareholders agree that it is unnecessary and there are additional guarantees are met that the merger will not damage creditors or employees of the new company
   70: Leave it to member states discretion to determine the conditions under which a report is mandatory
   100: Always require a report

96

Proposal for a regulation amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy (CNS/2007/045)

**1. The annual publication of public funding of CAP (248)**
   **0: Member states publish figures at the national level**
   **100: Commission publishes figures**
**2. The time limits on the Commission's power to reduce or suspend payments in response to member states' infringements (249)**
   **0: Limited to 12 months (with an additional 12 months if necessary)**
   **100: Unlimited**

97

Proposal for a regulation on modifications to the common agricultural policy (CNS/2008/104)

1. The transfer of funds from CAP to rural development (250)
   0: No transfer of funds
   40: Transfer 5% of CAP funds

100: Transfer a maximum of 17% of CAP funds

2. The shift of CAP funding away from production (251)

0: Maintain current system of production support

70: Maintain current system of production support for two sectors, but change to other criteria for other sectors

100: Complete abolition of production support

98

Proposal for a regulation amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (CNS/2008/105)

1. The focus of expenditure of funds diverted from CAP (252)

0: Make available for any area of rural development

80: climate change, water management, bio-energy, milk and innovation

100: Narrower focus to consist of new challenges such as climate change, water management, bio-energy

99

Proposal for a directive amending Directive 2006/112/EC as regards reduced rates of value added tax (CNS/2008/143)

1. The possibility of applying a reduced level of VAT to certain labour-intensive services (253)

0: Eliminate the possibility from 2010

100: Grant the right to all member states to apply the reduced level with no time limit

2. The possibility of applying a reduced level of VAT to restaurants (254)

0: Only some member states (12) can apply the reduced rate to restaurants

100: Extend the right to all member states

3. The reduced rate of VAT for alcohol delivered to restaurants (255)

0: Only some member states (4) can apply the reduced rate to alcohol delivered to restaurants

80: Extend the right to all member states

100: All member states apply the reduced rate to alcohol delivered to restaurants

100

Proposal for a regulation establishing a European Union Agency for Fundamental Rights (CNS/2005/124)

**1. The territorial scope of the Agency (256)**

**0: Current Member States and candidate countries**

**70: The above and pre-candidate countries (with third party agreements)**

**100: Broader scope, including countries with which the EU has association agreements**

**2. The power of the Agency (257)**

**0: No formal input regarding third pillar issues**

**100: Fully empower the Agency to give opinions and judgements on third pillar issues, including police and judicial cooperation**

101

Proposal for a directive on common standards and procedures in Member States for returning illegally staying third-country nationals (COD/2005/167)

**1. Expulsion of illegally staying third-country nationals (258)**

**0: An illegal stay should not automatically lead to a deportation order**

**90: An illegal stay should result in a deportation order with exceptions determined by member states**

**100: An illegal stay should result in a deportation order**

**2. Minimum rights of illegally staying third-country nationals awaiting deportation (259)**

**0: No minimum rights**

**70: Basic social services, such as some housing and emergency health care**

**100: Full social services, including education for children, income support and medical insurance**

**3. Provisions for voluntary return (260)**

**0: No provisions for voluntary return**

**30: Include provisions for voluntary return, but member states have discretion to limit this**

**100: Allow voluntary return with few exceptions**

**4. The maximum duration of detention (261)**

**0: 1 month**

**30: 3 months, extendable to 6 months**

**70: 6 months extendable to 18 months**

**80: 18 months**

**100: No time limit**

102

Proposal for a directive on the promotion of clean and energy-efficient road transport vehicles (COD/2005/283)

1. The scope of application of the directive (262)

0: Limited: Public authorities and bus operators that receive public funding

60: Public authorities and public license service holders

100: Broad: Public authorities and public service providers. This would include a wider range of operators of bus services

2. The amount of discretion given to member states in implementation (263)

0: A voluntary scheme

80: Mandatory, but with considerable discretion

100: Mandatory two-stage process with little discretion

3. The monetary value assigned to each unit of CO-2 pollution (264)

0: Let member states decide

70: Euro0.02 per kg

90: Euro0.03-0.04 per kg

100: Euro0.04 per kg.

103

Proposal for a directive on environmental quality standards in the field of water policy and amending Directive 2000/60/EC (COD/2006/129)

1. The inclusion of specific measures to ensure water quality (265)
    0: Do not include specific measures
    100: Include specific measures
2. The list of pollutants (266)
    0: Keep current list
    20: Insert a review clause so that the list can be changed in the future
    100: Include new substances in the list
3. The use of measures from sediment and organisms as tests for mercury, chlorine and organic chemicals (267)
    0: A flexible system regarding the measurements that can be used
    50: Member states can define which measures are permitted within their territories
    100: Compulsory use of these measures
4. The definition of mixing zones (268)
    0: Define mixing zones such that there are large zones of extension. Applies to all member states
    80: Leave to Member States' discretion whether to have mixing zones
    100: A strict definition of mixing zones with small zones of extension. Applies to all member states

104

Proposal for a regulation establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism (COD/2006/140)

**1. The scope of the Intervention Teams, regarding their functions, actions and personnel (269)**
    **0: Do not extend scope**
    **70: Expand scope in certain areas**
    **100: Substantial increase in scope**

105

Proposal for a directive amending Directive 2004/49/EC on safety on the Community's railways (COD/2006/272)

1. The establishment of a maintenance certification scheme for old rolling stock across the EU (270)
    0: No certification scheme
    20: A voluntary scheme
    90: An obligatory scheme with provisions to avoid duplicating existing systems
    100: An obligatory scheme to apply to all old rolling stock

106

Proposal for a directive amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (COD/2006/304)

1. The total amount of CO2 emission rights to be allocated (271)
    - 0: Large amount based on emissions close to start date of directive
    - 70: 95% of annual average of total sector emissions for period 2005-07
    - 90: Annual average of 2004-06 emissions
    - 100: Small amount based on 1990 as the reference year
2. The auctioning of carbon credits (272)
    - 0: No auctioning
    - 20: 4% of credits auctioned
    - 30: 10% by 2012 and 15% by 2013 with revision possibility
    - 50: 50% auctioned
    - 70: More than 50%
    - 100: Maximum possible
3. Provisions for new entrants (273)
    - 0: No special provisions for new entrants
    - 50: Some measures to accommodate new entrants
    - 100: Special treatment for new entrants until they become established
4. The start date (274)
    - 0: January 2010
    - 33: January 2011
    - 66: January 2012
    - 100: January 2013

107

Proposal for a directive on airport charges (COD/2007/013)

1. Scope of the directive (275)
    - 0: Applies to airports based on a test relating to shared market
    - 30: Apply only to large airports defined as those with more than 5 million passengers annually
    - 100: Should apply to medium and large airports defined as those with more than 1 million passengers annually
2. Provision for cost-related charges demanded of airlines by airports (276)
    - 0: No provision, meaning more commercial freedom for airports
    - 30: Mention in a recital
    - 80: Include a provision for cost-relatedness, requiring costs to be fair to both airlines and passengers
    - 100: A more demanding provision mentioning cost-efficiency as well as cost-relatedness. This would limit the commercial freedom for airports
3. The cross-financing of smaller airports within airport networks (277)
    - 0: Allow cross-financing with low requirements for transparency
    - 50: Allow cross-financing with high requirements for transparency
    - 100: Do not include special provisions for cross-financing
4. Whether airport systems should be defined separately (278)
    - 0: Do not define separately
    - 100: Include a definition of airport systems, which would be thought of as sets of airports that can outsource flows of traffic without different airport charges

5. The inclusion of security charges (279)
    0: Exclude
    50: Include a reference to security charges
    100: Include reference to security charges and provisions referring to individual charges and the cost efficiency of such charges

108

Proposal for a regulation setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles (COD/2007/297)

1. The definition of the utility parameter (280)
    0: Vehicle mass should be used as the parameter
    100: Vehicle footprint should be used as the parameter
2. Penalties for excess emissions (281)
    0: Low
    60: Graduated
    100: High
3. The setting of long-term targets (282)
    0: Do not set targets, but assess progress later
    100: Include specific long-term targets
4. Timing of medium-term target (283)
    0: 2015
    100: 2012
5. The definition of the slope between CO2 emissions and the mass of the vehicle (284)
    0: Slope of 80%
    30: Slope of 60%
    100: Slope of 20%

109

Proposal for a directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (COD/2006/031)

1. Whether there should be national databases of firearms ownership (285)
    0: No EU requirement
    60: Include EU requirement to have a database. It may be at national or subnational level
    100: EU requirement for a centralized national database for all firearms.
2. The obligation to register ownership of firearms (286)
    0: No EU requirement
    50: Obligation to register some categories
    80: Obligation to register all firearms in the future (2014)
    100: Obligation to register immediately

110

Proposal for a regulation concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas (COD/2004/0287)

**1. Communication of data to third countries or IOs; Art. 31 (287)**

**0: No communication of data**

**80: Communication of data is conditionally permitted (purpose of return)**

**100: Communication of data is generally permitted**

**2. Registration of Information on Misuse (288)**

**0: No registration**

**50: Partial registration of information on misuse**

**100: Yes, registration of information on misuse is permitted**

**3. Information on Sponsor (289)**

**0: No registration of information on sponsor**

**70: Partial/Conditional registration of information on sponsor**

**100: Establishment of sponsor dataset**

**4. VIS Rollout; Art. 18.2 (290)**

**0: Successive implementation**

**40: Implement at airports first**

**60-70: Towards complete implementation with few exceptions**

**100: Complete implementation**

**5. Retention period for data storage; Art. 23 (291)**

**0: Short (less than 5 years)**

**50: Five years**

**100: Long storage (more than 5 years)**

111

Proposal for a regulation laying down the Community Customs Code (COD/2005/0246)

1. The organisation of customs representation; Art. 11 (292)

0: Status quo

75: Introduction of "authorized economic operator"

100: Liberalize Customs representation

2. Single window; Art. 5, 26 (293)

0: No Single Window

15: No general opposition to a single window, but practicality of idea questioned

100: Establishment of Single Window

3. Centralized clearance; Art. 106 (294)

0: No dissociation of customs control

75: Extends the provisions on Single Authorizations to the use of the simplified declaration and to the local clearance procedure

100: Dissociation of customs control

4. Application of penalties; Art. 21 (295)

0: No reference to penalties

100: Reference to administrative penalties

5. Right to reply/right of appeal; Prop. Art. 17 (296)

0: No right EU-wide to reply

50: Restricted right to reply

100: In favour of right to reply across the EU (in line with ECJ)

6. Self Assessment; Art. 116 (297)
    0: No
    100: Yes, allow ability for traders to carry out their own documentation in some countries

112

Proposal for a regulation on the common organisation of the market in wine and amending certain Regulations (CNS/2007/0138)

1. Distillation (298)
    0: Abolish of special scheme and payment per hectare
    Others: intermediary positions
    20: EU subsidies phased out in four years but possibility for national state aid
    100: Status quo
2. Grubbing up (299)
    0: None
    40: 175.00 hectares to be grubbed up, but higher payment per hectare
    100: 200.000 hectares to be grubbed up
3. Chaptalization (300)
    0: Status quo
    10: No ban on sugar but slightly lower limits and support for the use of must in four years.
    100: Abolish chaptalization (adding sugar and must)

113

Proposal for a regulation amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as regards the support scheme for cotton (CNS/2007/0242)

1. Reduction of surface and increase of aid per hectare (301)
    0: SQ of 2004 regulation (1039 Euro per ha)
    50: Reduce surface to 48.000 ha; 1400 Euro per ha / resulting savings to be used for restructuring of cotton sector
    100: Significant reduction of surface and increase of aid per hectare

114

Proposal for a regulation on the further implementation of the European satellite radionavigation programmes (EGNOS and Galileo) (COD/2004/156)

1. The auctioning of contracts (302)
    0: Limited competition
    45: Open, but with preferential treatment for small and medium-sized firms
    100: Open bidding.
2. The required independence of contractors (303)
    0: As independent as possible
    67: Some requirements for independence. Dual sourcing should be pursued whenever possible. That is, both the best and second best options should be chosen to avoid any dependency on single

contractors. Furthermore the project would be split into five packages and no company could win biddings for more than two packages
100: As few restrictions as possible: i.e. companies with strong relationships with each other could be sub-contractors

3. The expansion of infrastructure with a third centre in Spain (304)
   0: No third centre. The two centres in Germany and Italy are sufficient
   40: A semi-operational centre in Spain
   60: A third semi-operational centre in Spain, with the possibility of being upgraded to fully functional third centre
   100: A fully functional third control centre in Spain

115

Proposal for a directive on the interoperability of the Community rail system (2006/0273/COD)

1. Should the Agency have the mandate to authorize wagons? (305)
   0: Very limited mandate/ current level of supervision.
   35: The agency has the responsibility of defining the technical specifications for interoperability, but national rail agencies can still refuse certain types of wagons to travel on their railway systems.
   50: Streamline the procedures through which rolling stock are approved of, and thus make it easier for new European companies to establish themselves.
   100: Strong agency with broad mandate to authorize wagons.

116

Proposal for a regulation on common rules for the operation of air transport services in the Community (recast) (2006/0130/COD)

1. Transparency of prices (306)
   0: No regulation
   17: Should only apply to intra-community flights
   83: Should apply to all flights originating and arriving in the EU, but security charges need not be a separate item
   100: Should apply to all flights, and security charges should be a separate item
2. Social Legislation (307)
   0: The regulation should not contain anything on social issues
   50: A recital referring to member states' obligations to apply relevant social legislation
   100: A new article referring to member states' obligations to apply relevant social legislation
3. Commission competences with regards to non-community carriers (308)
   0: The commission should have no competences
   100: The commission should have the right to intervene
4. Coach sharing with non-community air-lines (309)
   0: Should remain a national competence
   25: Some liberalization. Time frame for coach sharing should be limited to eight months. National authorities should enforce it.

50: Approval for coach sharing for period of seven months to be enforced by national authorities.
80: In favour of the Commission's liberalization, but also in favour of the possibility of short term waivers based on seasonal needs or unforeseen technical problems.
100: Full liberalization within the single market. Approval for coach sharing limited to periods of 6 months that could only be renewed once.

117

Proposal for a regulation on the banning of exports and the safe storage of metallic mercury (2006/0206/COD)

1. Legal base (310)
   0: No regulation
   20: Double legal base (art. 133 and art. 175)
   76: Double legal base, but inclusion of a clause stating that in July 2010 the scope (including legal base) should be reviewed and possibly changed.
   100: Single legal base (art.133)
2. Scope (311)
   0: No regulation
   23: Ban metallic mercury only
   77: General ban, but exclude compounds
   85: In favour of complete ban but with exemptions for traditional craftsmanship products that use mercury and some products that use mercury compounds
   92: In favour of a complete ban, but with exemptions for traditional craftsmanship products that use mercury
   100: Complete ban on mercury compounds, metallic mercury and products containing mercury.
3. Storage of metallic mercury (312)
   0: No new regulation
   17: New limitations on storage, particularly in landfills, but allow storage in liquid form in salt mines
   83: New limitation on storage. Allow permanent storage of mercury only after the release of a Commission report detailing the possibilities for safe storage.
   100: No permanent storage of metallic mercury permitted.
4. Date of entry (313)
   0: 1. December 2010
   50: 15. March 2011
   100: 1. July 2011

118

Proposal for a regulation concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters (CNS/2007/0114)

1. Scope (314)
   0: Narrow scope: exclude bi-laterals
   100: Wide scope, include all bi-laterals

2. Private Agreements (315)
    0: Allow private agreements if not covered by partnership agreement.
    50: Private agreements are allowed under certain circumstances, need to be reported to Commission.
    80: Allow private agreements under certain circumstances, but strongly regulated and controlled by the community.
    100: Do not allow private agreements under all circumstances
3. Procedure for negotiating fisheries agreements (316)
    0: Simple 2-Step Procedure
    100: More Detailed 3-Step Procedure

119

Proposal for a regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (CNS/2007/0223)

1. Scope of regulation: should community vessels also be included (317)
    0: Only 3rd country vessels included
    20: Community vessels should not be covered, but need to refrain from discriminating against 3rd country vessels.
    45: Control regulation applies first to 3rd country vessels. Only if measures in control regulation fail, does this regulation apply to community vessels.
    100: All vessels included
2. Catch certificate scheme (318)
    0: Use existing procedures, do not need catch certificate scheme
    50: Simplified procedure for trade, integrated into customs system.
    80: Modified rules in catch certificate scheme to make them less burdensome.
    100: The catch certificate scheme should cover all imports/exports in scheme applying different procedures.
3. Sanctions for breaches of regulation and illegal conduct (319)
    0: Exclude issue of sanctions from proposal. If any sanctions, not defined in Euros, but proportional.
    70:Administrative sanctions harmonized in levels (not Euros), no criminal sanctions harmonized.
    100: Harmonize level of sanctions with Commission setting min and max sanctions in Euro.
4. Entry into force (320)
    0: 7th day after publication; 1 year delay for certification scheme
    70: All of regulation in force on 1st of January 2010.
    90: 2 years for chapter 3, 1 year not enough.
    100: Delay entry into force until implementing rules are adopted in comitology procedure.

120

Proposal for a regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (CNS/2007/0224)

1. Depth Limit (321)
    0: No limit
    25: Should base limit on scientific assessment – wait for scientific reports to

advise depth limit.
100: 1000 meters
2. Observer Coverage (322)
0: No observers on vessels traditionally used to fish in areas
20: Only a relatively small sample of vessels should be controlled by observers.
50: Limit use of observers to a certain extent, due to costs involved
100: 100% observer coverage

121
Proposal for a regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for the period 1 August 2008 to 31 July 2012 (CNS/2008/0093)
1. Reducing fishing opportunities (323)
0: Keep all opportunities.
100: Reduce fishing opportunities substantially in certain categories / type of fish

122
Proposal for a regulation establishing the European Electronic Communications Market Authority (COD/2007/249)
1. Establishment of a Market Authority (324)
0: Authority not established
100: Authority established

123
Proposal for a regulation amending establishing the European Network and Information Security Agency as regards its duration (2007/0291/COD)
1. The duration of funding for the European Network and Information Security Agency (ENISA) (325)

0: No funding
17: 2 years
58: 3 years (i.e. extend mandate until 2012)
79: 4 years
100: 5 years

124
Proposal for a regulation laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision 3052/95/EC (2007/0028/COD)
1. Prior authorization procedures (326)
0: Keep national procedures as they are
38: Keep national procedures, but each member state has to inform the Commission of the steps they take, and argue that article 30 of the treaty is applicable, or reasons of public interest justifies the steps taken

100: Abolish all national procedures

2. How to deal with overlap between harmonized and non-harmonized areas (327)
   0: No need for legislation – can be dealt with by jurisprudence.
   100: Market surveillance authorities should monitor both areas.
3. The inclusion of precious metals (328)
   0: Complete exclusion
   30: Existing law
   95: Include metals, but not recital about the conformity-assessment procedure which separates the mutual recognition principle from the conformity-assessment procedure
   100: Complete inclusion – harmonization
4. The inclusion of weapons (329)
   0: Complete exclusion
   70: Included, but member states can withdraw such products from the market more easily than other products
   100: Mutual recognition should apply

125

Proposal for a directive establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive) (2005/0211/COD)

1. The definition of 'good environmental status' (330)
   0: Considerable flexibility for member states to define good environmental status
   25: Limited discretion for member states to define good environmental status. Goals formulated in broad terms without mention of specific species or environments
   38: Include demands on how to deal with the domestic situation regarding good environmental status
   69: A strong instrument for cleaning coastal areas
   100: Target specific sectors with the definition of good environmental status
2. The timeline for achieving good environmental status (331)
   0: 2017
   50: 2020
   100: 2021

126

Proposal for a Directive on copyright in the Digital Single Market – 2016/0280(COD)

1 - What are stakeholders' preferences on rules online platforms need to follow to protect rights holders' content ? (332)
   0: Introduction of a mitigation mechanism (redress mechanism) and provisions protecting users of online platforms
   20: Introduction of a mitigation mechanism (redress mechanism), obligation of requirements for providers of 'large amounts' of copyrighted content (for instance via automatic filters)
   40: Support the introduction of ex ante measures to protect copyright holders, but companies with a turnover below €20 million per year should be excluded from new requirements.

50: Opposition to a redress mechanism and to civil liabilities for internet platforms, but introduction of ex ante measures to protect copyright holders.
80: Introduction of ex ante measures to protect copyright holders. In addition, fair and appropriate licensing agreement with right-holders are necessary in order not to be held liable for the content (that infringes copyright) uploaded by their users.
100: Opposition to a redress mechanism, but introduction of civil liabilities for internet platforms, as well as ex ante measures to protect copyright holders.

2 - What are stakeholders' preferences on a neighbouring right for press publishers when disseminating their content online? (333)

0: No fully fledged neighbouring right for press publishers (current status quo)
80 : Introduction of a neighbouring right for press publishers established in the EU, except for private and non-commercial uses of publications by individuals, acts of hyperlinking, and 'very short abstracts'
100: Fully fledged neighbouring right for publishers

127

Proposal for a regulation on a framework for the free flow of non-personal data in the European Union (2017/0228/COD)

1 - What are the preferences of stakeholders regarding the derogations to the free-flow of non-personal data? (334)

0: Derogation for a wide number of sectors including public archives, culture and national treasury.
20 : Derogation for public data, national administrative practices, state public tenders for cloud infrastructure.
70: Derogation for public data on the ground of public safety
100: Very limited derogations conflicting the free flow of data principle

128

Proposal for a Directive establishing the European Electronic Communications Code (Recast) – (2016/0288/COD)

1 - What are the stakeholders' preferences on the establishment of a binding mechanism for increasing coordination at the EU level on spectrum policies ? (335)

0: Maintaining a low level of harmonization and preserving voluntary exchanges of best practices between national authorities (current status quo)
100 : Establishing a binding peer-review process, granting more competencies to European authorities in matters related to spectrum (auctions in particular)

2 - What are stakeholders' preferences on the inclusion of internet platforms in the scope of operators covered by the directive ? (336)

0: No inclusion of internet platforms within the scope of the electronic communications code.
50: Partial inclusion of internet platforms within the scope of the electronic communications code (security requirements, end-users provisions).
60: Inclusion of number-dependent platforms (using users' telephone number to operate) within the scope of all provisions of the electronic communications code, but exclusion of number-independent internet platforms.
100 : Inclusion of internet platforms within the scope of all provisions of the electronic communications code.

3 - What are stakeholders' preferences on the harmonization of the competencies of national regulatory agencies with regard to telecom regulations? (337)

0: Limited number of tasks to be implemented by national regulatory authorities (5 tasks) (current status quo)

60: 8 tasks to be implemented by national regulatory authorities

100: High number of tasks to be implemented by national regulatory authorities (10 tasks)

129

Proposal for a Directive on fight against fraud to the Union´s financial interests by means of criminal law – (2012/0193/COD)

**1 - What are the preferences of stakeholders regarding the inclusion of the VAT fraud into the scope of competencies of the European Public Prosecutor Office? (338)**

**0: No inclusion of the VAT fraud into the scope of competences of the EPPO (current status quo)**

**70: Inclusion of VAT fraud with two conditions: cross-border fraud, and valued more than 10 million euros.**

**100: Inclusion of VAT without conditions**

130

Proposal for a Directive on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (2017/0226/COD)

**1 - What are the preferences of stakeholders regarding the harmonization of member states´ legislation for combating fraud with non-cash means of payment? (339)**

**0: No criminalization of detention of technology allowing fraud with non-cash means of payment (limited scope of offences)**

**30: Intention of the criminals more broadly defined in the directive and this provides a wider scope for penalties for fraud**

**100: Criminalization of not just detention of the technology but also the preparatory acts before making a fraud, leading to a broader scope for penalties.**

131

Proposal for a Regulation amending the Schengen border code as regards temporary reintroduction controls at internal borders (2017/0245/COD)

**1 - What are the preferences of stakeholders regarding increasing the capacities of member states to re-introduce temporary controls at the borders within the Schengen area due to migration and terrorism problems? (340)**

**0: Providing to member states one year of controls at the internal borders and the extension should be adopted by the Council by QMV**

**50: Providing to member states two years of control at the internal borders and the extension could be blocked by a QMV**

**100: Providing to member states three years of control at the internal borders and no control for the Council (it is up to the Commission to propose an extension)**

132

Proposal for a Regulation on binding annual greenhouse gas emission reductions by Member States from 2001 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement (2016/0231/COD)

1 - What are the preferences of stakeholders regarding the extent to which MS can benefit or access the ETS (EU Emissions Trading System) flexibility mechanism? (341)

0: Opposition to the flexibility mechanism

70: Maintaining certain flexibility for some member states (particularly for eight member states with a limit of 100 million EU ETS allowances (the selection of member states is calculated on the ground of cost/efficiency and GDP).

100: More flexibility for 8 eligible member states (with more than 150 EU ETS allowances)

2 - What are the preferences of stakeholders regarding the extent to which MS can benefit or access the LULUCF (EU Emissions for Land use, land-use change and forestry) flexibility mechanism? (342)

0: Opposition to the flexibility mechanism

70: Maintaining certain flexibility for some member states (eligibility for some member states and no for others) with a limit of 280 million credits for those member states who are eligible.

100: More flexibility for eligible member states (more than 425 million of credits)

3 - What are the preferences of stakeholders regarding the extent to which MS can benefit or access the Safety Reserve (a new system for member states with a lower GDP than average and previously achieved more reductions of CO2 emissions than needed)? (343)

0: Opposition of flexibility mechanism because it would limit the ambition of the regulation.

80: Maintaining certain flexibility for some member states which are eligible according to the parameters of GDP below the EU average and previously achieved reductions of Co2 emissions (with a limit of 100 million tons of CO2).

85: Maintaining certain flexibility for member states which are eligible according to the parameters of GDP below the EU average and previously achieved reductions of Co2 emissions (with a limit of 105 million tons of CO2), with a possibility to receive an additional quantity from the reserve (up to its shortfall)

100: More flexibility for eligible member states (200 million tons)

4 - What are the preferences of stakeholders regarding the relationship between the starting date of the trajectory and the emissions' targets in the proposal? (344)

0: January 2018

30: June 2019

50: January 2020

100: After 2020

133

Proposal for a Directive on the reduction on national emissions of certain atmospheric pollutants amending Directive 2003/0035/EC - 2013/0443(COD)

1 - What are the preferences of stakeholders regarding lowering air pollution (in terms of Sulphur Dioxide, Nitrogen Oxides, Volatile organic components and ammonia) in order to limit premature deaths by 2030? (345)

0: No new limits for the emission of those gases (current status quo)

30: opposition to limits set by the European Commission for at least one of the four pollutants

70: general approval to the limits set by the European Commission, but request of introducing flexibility based on national specificities (leading to lowering by 50% the number of premature deaths).

90: full approval to the limits set by the European Commission (lowering by 52% the number of premature deaths).

100: More ambitious targets than the limits set by the European Commission, in order to lower by 56 % the number of premature deaths by 2030.

134

Proposal for a regulation on medical devices, amending Directive 2001/83/EC, Regulation no 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC – 2012/0266(COD)

1 - What are the preferences of stakeholders regarding the extent to which single-use medical devices can be reprocessed? (346)

0: No new regulation on reprocessing, thus providing freedom for member states to adopt national framework authorizing reprocessing of single-use devices

70: Reprocessing of single used device is forbidden except in certain conditions (when hospitals authorize it)

100: Full ban of single used medical devices without exceptions

2 - What are the preferences of stakeholders regarding the scrutiny mechanisms through the creation of a European Agency for controlling manufacturers of medical devices? (347)

0: No creation of the European Agency (current status quo), and no ex-ante control.

50: No creation of the European Agency, and introducing a system for ex-ante control using a pre-market scrutiny mechanism with a limited burden on administration and companies costs.

70: No creation of the European Agency, and introducing a system for ex-ante control using a pre-market scrutiny mechanism without a limited burden on administration and companies costs.

100: Creation of the European Agency to scrutinize medical devices, plus introducing a system for ex-ante control using a pre-market scrutiny mechanism without a limited burden on administration and companies costs.

135

Proposal for a Regulation on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 - 2014/0100(COD)

1 - What are the preferences of stakeholders regarding the introduction of limits for residues of pesticides into organic products? (348)

0: No limits for residues of non-authorised pesticides in organic products

100: Decertification of all products with residues of non-authorised pesticides (decertification if value superior to 0,01 mg/kg)

2 - What are the preferences of stakeholders regarding the possibility of forbidding agricultural products growing into demarcated beds to be sold as organic products ? (349)

0: The demarcated bed should be allowed for organic production (current status quo)

90: The demarcated beds are banned but there is a transition period of ten years before it is implemented for DK, SE and FI

100: The demarcated bed should be banned for organic production

136

Proposal for a Directive amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services - 2016/0070 (COD)

1 - What are the preferences of stakeholders regarding the maximum amount of time workers can stay in another EU country with the salaries of their home country? (350)

0: No maximum duration – limit determined by the provision of services (current status quo)

60: 24 months

80 : 12 months + 6 months

100: 12 months

2 - What are the preferences of stakeholders regarding the inclusion of subcontractors within the scope of the directive? (351)

0: No inclusion of subcontractors within the scope of the directive (current status quo)

100: Inclusion of subcontractors within the scope of the directive

3 - What are the preferences of stakeholders regarding the renumeration for national workers that are posted to another EU member state? (352)

0: Minimum rates of pay´ of the host member state (current status quo)

90: Equal remuneration to local workers in the host member states with a few safeguards.

100: Equal remuneration to local workers in the host member states

4 - What are the preferences of stakeholders regarding the inclusion of transport workers (particularly truck drivers) within the scope of the directive? (353)

0: Transport workers should not be included in the directive (current status quo)

30: Transport workers should be included, but under certain conditions laid out in a sector-specific lex specialis.

60: Transport workers should be included, with sector- specific rules for road transport reinforcing the combating of fraud and abuse.

80: Transport workers should be included, with possible further clarifications in forthcoming road transport initiatives by the Commission

100: Transport workers should be included without any special conditions

137

Proposal for a Regulation amending Regulation (EC) no 883/2004 on the coordination of social security systems and regulation (EC) no 987/2009 laying down the procedure for implementing the latter - (2016/0397/COD)

1 - What are the preferences of stakeholders regarding the codification of the equality treatment principle into EU legislation? (354)

0: No codification of the equality treatment principle (status quo)

100: Codification of the equality treatment principle

2 - What are the preferences of stakeholders regarding the conditions under which member states are responsible to provide unemployment benefits to EU workers who live in one member states but work in another one? (355)

0: System of unemployment benefits should be a responsibility of home member states

50: Unemployment benefits should be a responsibility of work countries after 12 months

70: Unemployment benefits should be a responsibility of work countries after 3 months, with the exception of Luxembourg.

100: Unemployment benefits should be a responsibility of work countries after 3 months

3 - What are the preferences of stakeholders regarding the indexation of benefits for family of EU migrant workers (based on the home country of the EU migrant) ? (356)

0: No indexation of family benefits based on the home member state (this means that a family would get the same benefits as other families of the host country) (current status quo)

100: Indexation of family benefits based on the home country

138

Proposal for a regulation on geo-blocking and other forms of discrimination based on a customer´s nationality, place of residence or place of establishment within the internal market - (2016/0152/COD)

1 - What are the preferences of stakeholders regarding the extent to which this regulation can interfere with international private law (particularly with the Rome 1-Convention)? (357)

0: No restrictions to the implementation of the international private law (current status quo)

10: Clarifications introduced on how the regulation would be used to interpret disputes relating to applicable law for traders and the customers' choice of which member state to institute enforcement proceedings against the trader

100: Derogation to the principle of contractual freedom (article 6 of Rome I Convention)

2 - What are the preferences of stakeholders regarding the inclusion of audiovisual copyrighted material into the scope of the regulation? (358)

0: No inclusion of audiovisual copyrighted material into the scope of the regulation (current status quo)

20: No inclusion of audiovisual copyrighted material now, but possibility of inclusion after the review clause (two years after the entry of the proposal)

50: Inclusion of a limited range of audiovisual copyrighted material.

100: Inclusion of audiovisual copyrighted material into the scope of the regulation

3 - What are the preferences of the stakeholders on the interference of this regulation with EU competition law with regard to passive sales (when sales are made in response to unsolicited orders) ? (359)

0: No interference with EU competition law is introduced, the right of suppliers to impose passive sales restrictions will not be affected. (current status quo)

100 : This regulation can interfere with EU competition law for passive sales. As a general rule, the new regulation will prevail in cases of conflict with competition law (a supplier cannot contractually prohibit a retailer from responding to unsolicited customer requests).

139

Proposal for a Regulation of the Council and the EP amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at **external borders – 2015/0307(COD)**

**1 - What are stakeholders' preferences on the length of the transition period for implementing the new checks on EU citizens in airports? (360)**

**0: Ad eternam derogation for national authorities, meaning that airport derogations could be triggered under the same conditions as for the maritime and terrestrial border (without time limits)**

**30: Derogations for airports for 6 months, with possible extension of 18 more months, and possibility of prolongation in the case of infrastructure difficulties.**

**65: Derogations for airports for 18 months**

**80: Derogations for airports for 3-6 months**

**100: No additional derogation for airports**

140

Proposal for a regulation on mercury and repealing regulation (EC) No 1102/2008 – 2016/0023(COD)

1 - What are the preferences of stakeholders regarding the use of dental amalgams with mercury? (361)

0: No new measures to restrict the use of mercury in dental amalgams (current status quo)

40: No ban at this point, but introduction of a review clause to assess whether it should be banned in the future

50: Ban for pregnant women and children, and for the rest of groups there will be a review clause

80: Full ban of mercury in dental amalgams, but with possible derogations

100: Full ban of mercury in dental amalgams

2 - What are the preferences of stakeholders regarding the length of the transition period to adapt the practice of storing the mercury in a solid waste? (362)

0: No time limits to convert it into a solid waste (current status quo).

40: Limit of 10 years.

70: Limit between 3 and 10 years.

100: Limit of three years

141
Proposal for a Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement - 2018/0104(COD)

**1 - What are the preferences of stakeholders regarding the mandatory inclusion of fingerprints in ID cards and residence documents? (363)**

**0: In favor of a voluntary inclusion by member states of fingerprints in ID cards and residence documents.**

**100: In favor of a mandatory inclusion of fingerprints in ID cards and residence documents.**

**2 - What are the preferences of stakeholders regarding the length of the regulation's implementation and the phasing out timeline of current ID cards and residence documents? (364)**

**0: In favor of extending the time limits proposed by COM, with 36 months for the implementation phase and up to 10 years for the phasing-out timeline**

**50: 24 months for the implementation phase and 10 years for the phasing-out timeline**

**70: In line with the COM proposal, 24 months for the implementation phase and 5 years for the phasing-out timeline**

**100: In favor of reducing time limits proposed by COM, less than 24 months for the implementation phase and less than 5 years for the phasing-out timeline**