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### **1. The Anti-Money Laundering Directive**

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (the AML Directive) came into effect on 15 December 2005, and was due to be transposed by the Member States by 15 December 2007. The European Commission has now published information on the state of play of the transposition of directives on company law and money laundering.

The relevant graphs are available at [http://ec.europa.eu/internal\\_market/company/official/index\\_en.htm](http://ec.europa.eu/internal_market/company/official/index_en.htm). The three graphs show the current state of play for the directives, a view per Member State and a view per directive. It is apparent that, as far as the AML Directive is concerned, no notification of implementing measures has yet been received by the European Commission from the majority of Member States.

### **2. New Directive on Payment Services in the Internal Market**

Directive 2007/64/EC of 13 November 2007 on payment services in the internal market was published on 5 December 2007, to be implemented by Member States before 1 November 2009. This Directive provides the legal basis for the Single Euro Payments Area (SEPA) created as of 28 January. SEPA is intended to make cross-border services as quick, easy and secure as those within national borders by joining up payment infrastructures to function together across Europe. It provides the legal foundation for the launch of cross-border direct debit schemes.

The Directive will allow new providers to offer their own payment cards, including non-banking institutions. It is also intended to reinforce the rights and protection of all users of payment services (consumers, retailers, large and small companies and public authorities). The Directive will ensure that all euro or domestic electronic payments (as well as certain other payments involving euro currency exchange) are completed in a maximum of one day after the payment order is given.

It should be noted that the Directive makes some changes to the AML Directive. Money remittance is defined in the Directive as "a payment service which requires an authorisation for a payment institution or a registration for some natural or legal persons benefiting from a waiver clause under certain circumstances specified in the provisions of this Directive". The AML Directive is amended accordingly.

The Payment Services Directive is to be transposed into national law as soon as possible and by 1 November 2009 at the latest. The European Commission will set up best-practice workshops and an interactive question-and-answer website by way of assistance. The text of the Directive can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:319:0001:01:EN:HTML> and further information at [http://ec.europa.eu/internal\\_market/payments/index\\_en.htm](http://ec.europa.eu/internal_market/payments/index_en.htm).

### **3. Small Business Act**

On 31 January the European Commission launched a public consultation on the content of a European "Small Business Act". The consultation is open until the end of March. A public hearing on the Small Business Act took place on 6 February in Brussels. It is intended that a proposal be made by the European Commission for a Small Business Act in June of this year, including measures to reduce regulatory burdens on SMEs, facilitate access to Single Market/public procurement, help provide necessary financial/human resources for SME development and help SMEs face the challenge of globalization and climate changes. More information on the consultation can be found on the SME portal [http://ec.europa.eu/enterprise/sme/index\\_en.htm](http://ec.europa.eu/enterprise/sme/index_en.htm) and the consultation documents on [http://ec.europa.eu/enterprise/entrepreneurship/sba\\_en.htm](http://ec.europa.eu/enterprise/entrepreneurship/sba_en.htm).

### **4. Structural Funds**

Negotiations are underway to allow the 15 "old" Member States to be eligible for funding for some of their energy investments in housing from the European Regional Development Fund (ERDF). Regulation (EC) No 1080/2006 of 5 July 2006 on the ERDF provides, in Article 7, that housing expenses are eligible only in new Member States (those which acceded to the Union on or after 1 May 2004). The suggestion is that the implementing Regulation for Structural Funds (1828/2006) could be modified, through the comitology procedure, to re-qualify expenditure for energy efficiency and the use of renewable energy in housing as energy expenses, not housing expenses. All EU Member States could then be eligible to present energy measures for buildings to ERDF.

A letter from European Commission President José Manuel Barroso to the President of the Committee of the Regions Michel Delebarre appears to confirm that the Commission agrees in principle with this. The letter, dated 30 January 2008, states the Commission's "intention to present an appropriate modification to the regulations". However, the ERDF Regulation itself would not be modified, so general housing expenses would still not be eligible in old Member States. Flexibility for energy expenses will probably be limited to highly capable or particularly innovative instruments.

A copy of José Manuel Barroso's letter is available at [www.europolitics.info/web/external-file/pdf/gratuit\\_en/218602-en.pdf](http://www.europolitics.info/web/external-file/pdf/gratuit_en/218602-en.pdf) (in French).

### **5. Lobbying**

Debate continues about the European Commission's proposed introduction of a lobbyists' register in spring 2008. Issues in question include whether inclusion in the register should become mandatory, to what extent lobbyists should be obliged to make financial disclosure, and should the names of individual lobbyists be included?

In December of last year the European Citizen Action Service (ECAS) published a guide entitled "Tips for the would-be European lobbyist", which sets out twelve guidelines for effective lobbying, including:

- adjusting strategy to what can be realistically achieved through the EU;
- creating a European association or network to operate in relation to the EU institutions and across the Union, and forming alliances and coalitions;
- participating in the consultative process, particularly through online communication tools;
- making a noise in order to be seen and heard, while making full use of EU complaints procedures.

The guide is available at

[http://www.ecascitizens.eu/index.php?option=com\\_content&task=view&id=95&Itemid=61](http://www.ecascitizens.eu/index.php?option=com_content&task=view&id=95&Itemid=61). The draft report presented by MEP Alexander Stubb to the European Parliament's Constitutional Affairs Committee on 24 January will be discussed by the Committee 27-28 February, with the vote to take place in March.

### **6. Energy Efficiency of Buildings**

On 31 January the European Parliament adopted a resolution on the European Commission's "Action Plan for Energy Efficiency: Realising the Potential" welcoming the plan and its objectives. The Plan outlines a strategic approach referring to and building upon previous energy efficiency legislation, including notably the Energy

Performance of Buildings Directive. Standards for new buildings will be accompanied by measures to improve the energy efficiency of existing buildings. The resolution noted with grave concern delays by Member States in implementing existing legislation on energy efficiency.

In connection with building performance requirements the resolution:

- urges Member States to expedite infringement procedures against those Member States which have not properly transposed or fully implemented the Energy Performance of Buildings Directive;
- notes the paramount importance of ensuring that new buildings are constructed to the highest energy-efficiency standards and that existing buildings are upgraded to contemporary standards and considers that the demolition of energy-inefficient buildings, combined with the construction of new energy-efficient buildings, might sometimes be supported as an alternative to refurbishment;
- calls on the Commission to revise the Energy Performance of Buildings Directive so as to include, within the scope of Article 6, from 2009 onwards, all buildings requiring heating or cooling, regardless of their size;
- calls on the Commission to set minimum performance requirements for boilers having regard to the fact that cogeneration boilers are by far the most efficient;
- welcomes the proposal to lay down minimum performance requirements for new and renovated buildings and for building components such as windows and window films;
- calls on the Commission to propose a binding requirement that all new buildings requiring to be cooled or heated be constructed to passive house or equivalent non-residential standards from 2011, and a requirement to use passive heating and cooling solutions from 2008;
- calls on the Commission to consider the introduction of district heating and cooling grids for all buildings in order to reduce fossil fuel use in heating and cooling by utilising the losses occurring in the transformation of energy;
- calls on the Commission to consider architectural solutions for passive heating and cooling, such as construction structures with thermal properties, when considering taxation and other measures for promoting energy efficiency;
- calls on the Commission and Member States to promote district cooling from renewable sources of energy as an efficient alternative to meeting the growing demand for comfort cooling;
- calls on the Commission to create a transparent database, accessible to Union citizens, of national, regional and local measures promoting energy efficiency in buildings, in particular financing measures in the interest of the exchange of best practices in the EU and of public information and awareness.

The resolution is available at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0033&language=EN&ring=A6-2008-0003>