

EU APPROACH TO BETTER REGULATION

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European Approach to Better Regulation (2nd Ed.)
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SUMMARY

- BETTER REGULATION AGENDA IN THE COMMISSION (CWP 2018, INNOVATION PRINCIPLE, COUNCIL CONCLUSIONS 2014 + 2016)
- STAKEHOLDER: CONTRIBUTE TO LAW MAKING,
- EVALUATION AND FITNESS CHECK
- BURDEN REDUCTION: REFIT PROGRAMME AND REFIT PLATFORM + TARGETS
- IMPACT ASSESSMENT – THE COMMISSION SYSTEM (INCLUDING REG. SCRUTINY BOARD)
- IA IN THE EUROPEAN PARLIAMENT
- IA IN THE COUNCIL

EU BETTER REGULATION AGENDA

COM JUNKER: **BR PACKAGE** (19 May 2015)

<http://europa.eu/!RJ77gd>

SUPPORT from European Parliament (EP resolution 12 April 2016) and Council (Conclusions on better regulation to strengthen competitiveness, 26 May 2016)

SHARED COMMITMENT: IIA BLM (13 April 2016)

OPENING UP POLICY-MAKING (consultating, listening)

FOCUS on Quality and Oversight: Regulatory Scrutiny Board

Review of existing legislation: REFIT and evaluation

EU approach to BETTER REGULATION – key features

COMPREHENSIVENESS

All phases closely
interrelated

INTEGRATION AND COORDINATION OF ACTORS

Within and beyond
Commission

INCLUSION AND TRANSPARENCY

Stakeholder consultation in
the whole policy cycle

VARIETY OF TOOLS

Strong methodological
support and guidance (BR
Guidelines, Toolbox,
Quality scrutiny)

CWP 2018 – 10 PRIORITIES

	A New Boost for Jobs, Growth and Investment
	1. Delivering on the Circular Economy Action Plan
	2. Multi-annual financial framework
	3. A sustainable European future
	A Connected Digital Single Market
	4. Completing the Digital Single Market
	A Resilient Energy Union with a Forward-Looking Climate Change Policy
	5. Completing the Energy Union
	6. Future of EU energy and climate policy
	A Deeper and Fairer Internal Market with a Strengthened Industrial Base
	7. Fair taxation in the digital economy
	8. Social fairness package
	9. EU food supply chain
	10. Completing the Capital Markets Union
	11. More efficient Single Market law-making
	A Deeper and Fairer Economic and Monetary Union
	12. Completing the Economic and Monetary Union
	13. Completing the Banking Union
	14. Creation of a permanent and accountable European Minister of Economy and Finance

	Trade: A balanced and progressive trade policy to harness globalisation
	15. Delivering on the Trade for All Strategy
	An Area of Justice and Fundamental Rights Based on Mutual Trust
	16. Completing the Security Union
	17. EU Civil Protection Mechanism
	18. Extension of the tasks of the new European Public Prosecutor's Office
	19. Rule of law initiative
	Towards a New Policy on Migration
	20. Delivering on the EU Agenda on Migration
	A Stronger Global Actor
	21. Delivering on the Global Strategy
	22. A credible enlargement perspective
	23. More efficiency and consistency in implementing the Common Foreign Policy
	A Union of Democratic Change
	24. Communicating Europe
	25. Doing less more efficiently
	26. A more efficient and democratic Europe

Future of Europe initiatives

Delivering on the 10 priorities before the end of the mandate

CWP Preparation and Inter-institutional discussions

COMMISSION preparation of the CWP ends up with the State of the Union Address and the Letter of Intent
13.9.2017

Inter-institutional discussions: Provide input to the Commission Work Programme according to the terms of the Inter-institutional Agreement on Better Law-making

European Parliament

• EP Plenary (4 July 2017) Conference of Presidents (7 September 2017) • Conference of Committee Chairs (27/9 and 3/10 2017) • EP Plenary (24 October 2017)

Council

• General Affairs Council (20 June 2017) • General Affairs Council (25 September 2017) • General Affairs Council (20 November 2017)

CWP 2018 Adopted on 24 October 2017

A Joint Declaration on the EU's legislative priorities

- ✓ To promote progress on the most important and urgent legislative files
- ✓ To ensure that the European Parliament, Member States and the Commission are all on the same track
- ✓ Signature by the three Presidents in December 2017



REFIT

*SIMPLIFYING REGULATION AND REDUCING
UNNECESSARY BURDENS = LONGTIME
COMMITTMENT*

*2007-2012 Administrative Burden Reduction PLAN
+ High Level Group on Administrative Burden
(Stoiber Group)(overall reduction target of 25%
by 2012*

*ITALY (GOVERNMENT) 25% by 2012
(D.L. 112/2008)*

REFIT

TOP-10 open consultation of SMEs on the most onerous EU regulatory measures (Oct-Dec 2012)

Regulatory Fitness and Performance Programme (REFIT) - Dec.2012 – ongoing

REFIT ensures that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. REFIT aims to keep EU law simple, remove unnecessary burdens and adapt existing legislation without compromising on policy objectives.

REFIT

REFIT is incorporated in the CWP (Annex “REFIT initiatives”)

QUALITATIVE ASSESSMENT of potential benefits
and cost savings of new proposals,
QUANTIFICATION as far as possible,
CONSULTATION of stakeholders

Monitoring of implementation and results: REFIT
SCOREBOARD

REFIT PLATFORM recommendations are taken into
consideration

REDUCTION TARGETS

Background: 2007-2012 ACTION PLAN on Administrative Burden Reduction + STOIBER HLG)

2012: REFIT PROGRAMME

2014 COMPETITIVENESS COUNCIL CONCLUSIONS (IT PSY) + 2016 COUNCIL CONCLUSIONS (NL PSY)

2017: RENDA REPORT

OCTOBER 2017: COMMISSION DECISION

BETTER REGULATION – A SHARED COMMITMENT: the IIA BLM

Better regulation is a shared commitment of the 3 Institutions
– Inter-Institutional Agreement on Better Law-Making
(signed 13 April 2016)

Steps forward: joint prioritisation of legislative proposals
(annual Joint Declaration of the Presidents of the 3 I;

Common online Register of DELEGATED ACTS (launched 12 Dec 2017) + common understanding on delegated acts and upcoming agreement on criteria for the use of Art. 290 and 291 TFEU

Reducing burdens: more efforts required for quantification and assess feasibility of establishing reduction objectives

BETTER REGULATION – A SHARED COMMITMENT: the IIA BLM

IA: Commission shall prepare IA on its proposals included in the CWP; Regulatory Scrutiny Board opinions shall be published at the time of the adoption

IA(point 15): COUNCIL will carry out its own Ias on their substantial amendments to Comm proposals, COM IA starting point

During discussion in the Council on the IIA: RSB opinions to be published together with IA before adoption; common methodology and quality control on IA by an “independent Panel” composed by the 3 Institutions - They didn't pass!

EU APPROACH TO BETTER REGULATION – KEY PILLARS

PILLAR 1: IMPACT
ASSESSMENT

PILLAR 2: EX POST
EVALUATION

PILLAR 3:
STAKEHOLDER
ENGAGEMENT



STAKEHOLDER CONSULTATION

<https://ec.europa.eu/info/law/law-making-process/planning-and>

STAKEHOLDER ENGAGEMENT – GENERAL PRINCIPLES and MINIMUM STANDARDS

FOUR GENERAL PRINCIPLES

1. PARTICIPATION
2. OPENNESS and
ACCOUNTABILITY
3. EFFECTIVENESS
4. COHERENCE

5 MINIMUM STANDARDS

1. CLARITY (clear content of
consultation process)
2. TARGETING (stakeholder
selection)
3. PUBLICATION
4. CONSULTATION PERIOD
5. FEEDBACK

STAKEHOLDER FEEDBACK

WHEN?

- ROADMAP/INCEPTION IA
- EVALUATION ROADMAP
- DRAFT SECONDARY RULES
- INITIATIVES with IA, Evaluations, Fitness Checks
- COMM proposal and accompanying IA

HOW?

- POSTED FOR FEEDBACK 4 WEEKS
- POSTED FOR FEEDBACK 4 WEEKS
- POSTED FOR 4 WEEKS
- POSTED FOR PUBLIC CONSULTATION FOR 12 WEEKS
- POSTED FOR FEEDBACK POST ADOPTION 8 WEEKS

CONTRIBUTE-TO-LAW- MAKING website

INITIATIVE

Network Code on the Transparency of Transmission Tariff Structures for Gas

Roadmap

Feedback period

10.03.2016 - 10.04.2016

FEEDBACK: OPEN

UPCOMING

Public consultation

Feedback period

10.05.2016 - 10.06.2016

FEEDBACK: UPCOMING

Adoption

Planned for

10.10.2016

About this initiative

Summary

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Topic

Environment

Type

Evaluation and fitness check roadmap



Description of initiative Ares(2016)3313986

English (392 kB - PDF - 2 pages)

Download

Roadmap

FEEDBACK: OPEN

Feedback period

10 March 2016 - 10 April 2016

The Commission would like to hear your views.

All feedback received may be published on the European Commission webpage and will be summarized and presented to the European Parliament and Council, with the aim of feeding into the legislative debate.

CONSULTATION - WEBPAGE

Consultations webpage

https://ec.europa.eu/info/consultations_en

EVALUATION + FITNESS CHECKS

EVALUATE FIRST principle: evaluations should be made before deciding a new intervention

“Back-to-back” evaluations: new Tool 52 (July 2017)

Evaluation roadmap (context, purpose, scope of evaluation) posted for feedback

12 week internet-based consultation

If selected for scrutiny by the RSB, draft evaluation SWD is submitted to RSB for comments

Publication of the SWD and contractors' final study report

FITNESS CHECK: Group of (regulatory and non-regulatory) interventions with common objectives

Key questions an evaluation must answer

1. what is the current situation?
2. how EFFECTIVE has the EU intervention been?
3. how EFFICIENT has the EU intervention been?
4. how RELEVANT is the EU intervention?
5. how COHERENT is the EU intervention internally and with other EU actions?
6. What is the EU ADDED VALUE of the intervention?

IA IN THE COMMISSION

MORE GUIDANCE on different types of impact
(INNOVATION and DIGITAL DIMENSION, SMEs,
COMPETITIVENESS), on QUANTIFICATION,
METHODOLOGIES, BEHAVIOURAL ASPECTS

NEW STANDARD TEMPLATE OF THE IA REPORT
from 1 November 2017, REFIT-related work
systematically presented, cost and benefit consistently
presented

INCEPTION IAs for early stage consultation on major
initiatives

QUALITY CHECK by REGULATORY SCRUTINY
BOARD

IA QUALITY: REGULATORY SCRUTINY BOARD (RSB)

INDEPENDENT ADVISORY BODY of the COM

ROLE: examination of draft IA reports, 1st written opinion (could be negative) to the relevant service; IA must have POSITIVE opinion to proceed; RSB opinions are made public after College's decision

ROLE: advice on individual IAs and evaluations/fitness checks;

RSB ANNUAL REPORT (First Report March 2017)

COMPOSITION: 3 full time external (as temporary agents) + 3 internal members + 1 chair (DG level) + secretariat

RSB - 2016 REPORT

Table 1. Impact assessments reviewed in 2014, 2015 and 2016

Year	Cases	Negative opinions	Resubmission rate*
Impact Assessments			
2014	25	10	40%
2015	29	14	48%
2016	60	25	42%
* Resubmission rate is defined as the ratio of the number of negative opinions to the number of cases			

EUROPEAN PARLIAMENT -IMPACT ASSESSMENT

EP work on IA: 2005-2017

162 INITIAL APPRAISALS

60 AMENDMENTS ASSESSED

EP EX ANTE IMPACT ASSESSMENT UNIT (10 units) +
external contractors (2 framework contracts)

What it does:

1. scrutinise the quality of COM IA (initial appraisal)
2. support permanent committees: detailed appraisal; complementary/substitutive IA; IA on amendments

EP IMPACT ASSESSMENT

EP carries out IA on substantial amendment through external experts

IA study takes 3-4 months on average

Contractors have quality requirements in the FWC and mandate; EP IA Unit checks quality compliance

EFFECTS of EP IA:

Defend the amendment during trilogues;

Reconsider aspects of the initial proposal

Help to find a compromise

IMPACT ASSESSMENT WITHIN THE COUNCIL

LAST INSTITUTION TO “STEP IN THE BUSINESS”
2016 IIA (POINT 15-17)

COREPER DECISION APRIL 2017: PILOT PROJECT
ADOPTION OF AN OUTLINE OF A TRIGGERING
PROCEDURE TO REQUEST AN IA (MAY 2017)

BETTER REGULATION WORKING PARTY ASKED TO
PREPARE A GENERAL TEMPLATE OF TERMS OF
REFERENCE

PROCUREMENT LAUNCHED IN SEPT 2017-FEB 2018
AWARD DECISION - OPERATIONAL

IMPACT ASSESSMENT WITHIN THE COUNCIL

WHAT'S GOOD:

LEARNING BY DOING
PROCESS

DECISION TO START TO
BUILD AN INTERNAL
CAPACITY FOR IA

WHAT'S LESS GOOD:

SCARSE RESOURCES (E
50,000 IN 2 YRS)

LOW POLITICAL
COMMITMENT

DIFFIDENCE OF THE
GSC

PREJUDICE FOR THE
LEGISLATIVE
PROCESS

INNOVATION PRINCIPLE in BETTER REGULATION

- **BROAD POLITICAL SUPPORT FOR IP**

COUNCIL CONCLUSIONS – MAY 2016 (NL PRES) (STRESSES that, when considering, developing or updating EU policy or regulatory measures, the 'Innovation Principle' should be applied, which entails taking into account the impact on research and innovation in the process of developing and reviewing regulation in all policy domains. CALLS on the Commission together with Member States, to further determine its use and to evaluate its potential impact)

- **EUROPEAN POLITICAL STRATEGY CENTRE NOTE ON INNOVATION PRINCIPLE (JUNE 2016)**
- **EESC OPINION on Future Legislation (SEPT 2016)**
- **MS best practice exchange on IP (JAN-JUN 2017 – MT PRES)**
- **Commissioners' Project Team and Task Force on IP (FEB 2017)**

IMPLEMENTING AN INNOVATION PRINCIPLE IN THE COMMISSION

- To help delivering on EU priorities;
- By formulating EC policies with a view to promoting innovation
- Building on knowledge acquired from R&I to identify potential issues and put forward solutions
- Developing a framework which can better resist the proof of time

ACTIONS TAKEN by the EC

- Setting up of a TASK FORCE on Innovation Principle in DG RTD (Feb 2017)
- Revising of BETTER REGULATION GUIDELINES AND R&I TOOLBOX – JULY 2017
- Piloting the use of the R&I TOOL in Commission Work Programme 2017 (8 selected policy and legislative initiatives) and screening of CWP 2018, Horizon 2020 (new emerging technological areas pushing boundaries of existing legislation or developing in a legislative void)
- Reporting back to Council (COMPCRO WP)

Challenges and next steps

- Regulatory certainty and business predictability is key to foster innovation through EU policy
- Regulation should not hamper innovation, while protecting other public interests (precautionary principle)
- Commission's REFIT platform to assess suggestions from stakeholders on regulatory barriers to digitisation and innovation.
- MS and Commission should work on innovative regulatory frameworks (NL green deals, Innovation deals, UK regulatory sandbox)

EU APPROACH TO BETTER REGULATION

THANK YOU!

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