



## EUROPEAN COMMISSION BETTER REGULATION PACKAGE

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On 19 May 2015, the European Commission presented the so-called Better Regulation Package. The package aims to generate more transparency in the EU decision-making process while improving the quality of new legislation. The Commission is convinced to achieve these results by introducing impact assessments of draft legislation but also by a continuous verification of already existing EU legislation. The main actions of the package are set out in the communication “*Better Regulation for Better Results – An EU Agenda*”.

### Documents accompanying the Commission communication

In order to implement the measures proposed in its communication, the Commission also published the following seven additional documents:

- A staff working document: The REFIT programme - State of Play and Outlook
- A communication: The REFIT Platform - Structure and Functioning
- A decision establishing the REFIT Platform
- A proposal for an Inter-institutional Agreement on Better Regulation
- A communication: Regulatory Scrutiny Board - Mission, tasks and staff
- A decision on the establishment of an independent Regulatory Scrutiny Board
- A staff working document: Better Regulation Guidelines

### Background

In last years, the EU introduced a whole set of tools and procedures to guarantee a better regulation system. Indeed, the 2015 Commission work programme marked a clear break with the past. It comprised only 23 new initiatives whereas the Barroso Commission proposed 130 new initiatives per year on average. Furthermore, the number of proposals up for withdrawal or modification was of 80 proposals while the Barroso Commission never exceeded 30 withdrawals (see the Secretariat note of 14<sup>th</sup> January 2015).

Frans Timmermans, the Commission First Vice-President in charge of the “*Better Regulation agenda*”, has announced to deliver less but better proposals by further cooperating with those who apply and benefit from EU law. The EFCI Secretariat welcomes very positively this general approach.

### Overview of the communication

The Commission outlines the four following areas of work allowing for reaching its objectives:

#### **1. Delivering better results - changing how we work at EU level**

The Commission wants to change both what the EU does, and how it does it. It considers that better regulation is a tool to provide a basis for appropriate policy options, without replacing political decisions. Therefore, the Commission will focus its activities on the subjects that really do need to be treated by the EU: An investment plan, energy union, internal security agenda, digital single market and a migration agenda. The idea is to elaborate initiatives that are evidence-based, well designed and deliver sustainable benefits for citizens, business and society. Every single European measure will have to be ‘fit for purpose’, effective, proportionate, operational and as simple as possible.

#### **2. Openness and transparency**

##### **• Consulting more, listening better**

The Commission aims to listen more carefully to stakeholders and citizens, and to be open to their comments, from the initial Commission proposal to the adoption of proposed legislation and to its evaluation. To this end, it intends to establish a web portal where each EU initiative can be followed.

##### **• Explaining better what the Commission is doing, and why**

An improved explanatory memorandum will accompany each Commission proposal. This will explain why a measure is needed, why it is the best tool for the EU to use, what stakeholders think and what the expected impacts are, particularly those on competitiveness and SMEs. It also aims include a more detailed explanation of how the initiative meets the two principles of subsidiarity and proportionality.

- How EU law affects people, businesses and society as a whole

The Commission wishes to involve all stakeholders on any aspect of EU policy and legislation, at any time. It wants to better understand how EU law affects people and businesses and how the situation can be improved. To this end, a new web site entitled "*Lighten the Load - Have Your Say*" will be set up with the objective to create a digital platform of exchanges where all concerned actors can deliver their comments on existing EU laws and initiatives.

### **3. Doing better - better tools for better policies**

- Achieving the Commission objectives: better regulation as a balanced agenda

Better regulation must be clear on the objectives, whatever they are. Therefore it must be ensured that the selected policy is the best and least burdensome way to reach its expected objectives. When preparing initiatives, the "*Think Small First*" principle will be applied more thoroughly by taking the interests of SME's into account. Wherever it is possible and makes sense, a lighter regime for SMEs including a total exemption for micro-businesses will be envisaged.

- A Commission that is open to scrutiny

Since 2006, the Impact Assessment Board ensured the quality of the impact assessment work of the Commission ahead of its decisions on new measures. In December 2014, the Commission announced that a new "*Regulatory Scrutiny Board*" (RSB) will replace the existing Board. This internal Commission body Board will evaluate the quality of impact assessments and of REFIT actions. Contrary to the past, it will also check the main evaluations and "fitness checks" of existing legislation.

- A shared commitment from EU Institutions

While the Commission has a strategic role in better regulation, the commitment of the European Parliament and the Council is needed. A real change can only happen through a commitment shared between the three EU-Institutions. To this end, the Commission proposes a new Interinstitutional Agreement with the Parliament and the Council with the objective that all parties commit to legislate better and really improve their way of working together.

### **4. Refreshing the existing stock of legislation**

The Commission estimates that the EU is judged not just on new political initiatives, but on the benefits and the burden of existing European legislation. The assessment and evaluation of a given EU policy over its lifetime is essential to guarantee that it stays 'fit for purpose'.

- The REFIT programme – keeping EU Law 'fit for purpose'

The Commission will strengthen REFIT by focusing on the most serious sources of inefficiency and superfluous burden. It also intends to provide estimates of the potential benefits and cost savings for each REFIT proposal, and to create a new REFIT Platform providing expertise to improve EU laws.

- REFIT in action

All future REFIT measures will be based on the work of the new REFIT Platform and on the results of ongoing evaluations. According to the Commission, lessons learned from these assessments will help elaborate future legislative proposals that are proportionate to the objectives pursued.

- An inclusive approach

The Commission aims to make possible for all stakeholders with concerns or suggestions to present their views and inputs on how to improve EU legislation. Next to the new web site "*Lighten the Load - Have Your Say*", the Commission will establish the REFIT Platform that will be chaired by Frans Timmermans. The Platform will be composed of experts from the 28 Member States as well as of 20 experts from business, social partners and civil society appointed via a transparent process.

#### Next steps

The Commission estimates that the actions proposed in its communication require the full engagement of all EU institutions, Member States and other actors such as the social partners. It invites the Parliament and the Council to start negotiations for a new Inter-institutional agreement rapidly and to conclude them by the end of 2015. In this regard, a lot will depend on the engagement of the Luxembourgish EU-Presidency for the second half of 2015 and the willingness of the Parliament to agree on the different actions proposed.

EFCI members will find attached the Commission communication (available in English and German languages). For further information, members are kindly asked to visit the dedicated website of the Commission via this link: [http://ec.europa.eu/smart-regulation/better-regulation/key\\_docs\\_en.htm](http://ec.europa.eu/smart-regulation/better-regulation/key_docs_en.htm)

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