Better Regulation for Better Results
Better Regulation Package

- REFIT Platform: C(2015) 3261
- REFIT Scoreboard: SWD(2015) 110
  - Better Regulation Toolbox (web-based)
- Pdt Decision on Regulatory Scrutiny Board
What’s NEW?
STAKEHOLDER INPUT

Lighten the Load: An updated interactive tool for citizens to provide ideas to the Commission

REFIT Platform - A forum for review of existing legislation by high level experts from social partners, business and civil society

EXISTING LEGISLATION

REFIT check of existing stock of legislation more targeted, quantitative, inclusive, embedded in political decision-making

Strong Monitoring and Evaluation
Better, Balanced Tools

- **Single guideline** that covers the entire policy cycle and links the phases better together

- **Web-based "Tool box"** with operational guidance for practitioners
Commission Proposals

President's Guidelines

Commission Work Programme

Roadmap/Inception Impact Assessment

Impact Assessment/Public consultation

Regulatory Scrutiny Board (quality control)

Commission Adoption – Proposal, IA Report and Board Opinion made public
I. Impact assessment
Impact Assessment – What's new?

- Inception Impact Assessment
- More guidance on
  - different types of impacts
  - methodologies (costs/benefits; discount rates,..)
- Sharper focus on
  - subsidiarity
  - proportionality
  - SMEs & competitiveness
  - who is affected and how
  - digital dimension
Assessing impacts on external trade and investment (tool #22)

• Screening options
  • EU's international legal commitments (WTO, EU's FTAs, ...)

• Assessing impacts
  • EU imports and exports, investment flows, trade in services
  • consider sectors and firms along the value chain
  • increase/decrease of regulatory coherence with the main trading partners

• Minimising negative impacts
  • Mandate to standardisation bodies: international standards as basis
  • Take into account discussions in existing regulatory dialogues/high level platforms
  • WTO notification (TBT and SPS)
II. Evaluation and REFIT
Reinforced focus on evaluation

- "Evaluate First"
- Evaluation Roadmaps
- 12 week public consultation
- Scrutiny by the Regulatory Scrutiny Board
Definition

**Evaluation** is an evidence-based judgement of the extent to which an intervention has been

- **effective and efficient,**
- **relevant** given the needs and its objectives,
- **coherent** both internally and with other EU policy interventions
- and achieved **EU added value.**
A Fitness Check is like an evaluation of an individual intervention except that it covers a group of measures which have some relationship with each other which justifies their being evaluated together (normally a common set of objectives).
Regulatory Fitness and Performance Programme ("REFIT"): What's New?

- **New REFIT Platform**
  - 2 groups: Stakeholders/COR/EESC + Member States
  - Chair: FVP/Chair of RSB

- **Plus Web interface:**
  - "Lighten the Load – Have your say...."

- **REFIT Scoreboard: New/ongoing initiatives, repeals**
III. Stakeholder consultation
Key provisions

- Stakeholders can provide **feedback** on
  - Roadmaps, Evaluation Roadmaps and Inception Impact Assessments
    => from publication until adoption of initiative
  - Commission proposals
    => until 8 weeks after adoption
  - Draft secondary legislation: delegated/implementing acts
    => 4 weeks prior to adoption

- **Consultation strategy** to be established for each initiative, evaluation or fitness check and green paper

- Strategy must include **12 week internet based public consultation** for:
  - Initiatives subject to impact assessments
  - Evaluations and fitness checks
  - Green papers
The consultation process - three interacting phases

**Phase 1**
Establish the Consultation Strategy
- Set consultation objectives
- Map stakeholders
- Determine consultation methods, tools & ensure accessibility
- Create consultation webpage

**Phase 2**
Conduct Consultation Work
- Announce & communicate
- Run consultation
- Inform on contributions
- Analyse content

**Phase 3**
Inform Policy Making
- Synopsis of consultation results and feedback

Quality assessment of the effectiveness of the consultation process
Stakeholder consultation mandatory requirements in the context of Impact Assessments

⇒ The consultation strategy has to include - besides other possible consultation activities - a 12-week internet based public consultation

⇒ Consult on all elements in the IA process:
  - problems – subsidiarity – options – impacts

⇒ The Synopsis report must be published on the Consultation website and added as an annex to the IA Report.
Stakeholder consultation mandatory requirements in the context of Evaluations & Fitness Checks

- The consultation strategy has to include - beside other possible consultation activities - a 12-week internet based public consultation
- The Synopsis Report must be published on the consultation website and added as an annex to the Evaluation Staff Working Document
IV. Implementing and Delegated Acts
Communication

- Commitment to make draft texts of delegated and important implementing acts open to public at large on Commission's website for four weeks to allow feedback (footnote points to exceptions)

- Commitment to publish an indicative list of any such acts in the pipeline to allow stakeholder planning

- Proportionate impact assessments necessary whenever impacts are likely to be significant

(Section 2.1)
Better Regulation Toolbox Tool 
#50, 1.3

Provides more detail on the stakeholder consultation on DA and IA

- Initiatives for which the need for a 4-week public consultation on the final draft text must be assessed
  - Delegated acts (Art. 290 TFEU)
  - Implementing acts (Art. 291 TFEU) with committee control under Regulation 182/2011
  - Measures adopted under the regulatory procedure with scrutiny
Better Regulation Toolbox Tool #50, 1.3

- Agenda planning entry to contain an indication whether the 4-week consultation on the draft text is foreseen

- List of exceptions (as in Guidelines)

- 4-week consultation takes place on the draft text of the DA/IA; no specific consultation document
Better Regulation Toolbox Tool #50, 1.3

- 4-week consultation is always an open public consultation on the internet

- Consultation can only be launched after the interservice consultation is concluded

- Consultation can run in parallel with the Technical Barriers to Trade notifications
Better Regulation Toolbox Tool #50, 1.3

- For DA key outcomes of the consultation process are reflected in the explanatory memorandum (short and proportionate summary of the consultation)

- For IA Committee informed about the outcome of the consultation and discussion reflected in the minutes of the meeting
More information


**Juncker Commission priorities site:** [http://ec.europa.eu/priorities/democratic-change/better-regulation/index_en.htm](http://ec.europa.eu/priorities/democratic-change/better-regulation/index_en.htm)