

The “Better regulation” Action plan and the Framework action on up-date and simplifying the Community acquis

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and institutional questions



Part One

General comments on the implementation of the Action Plan “Better Regulation”

Directors and Experts of Better Regulation
Rome, 23-24 October 2003

European Commission
Secretary General - TF - AU/2

Implementation of the Action Plan “Better Regulation”

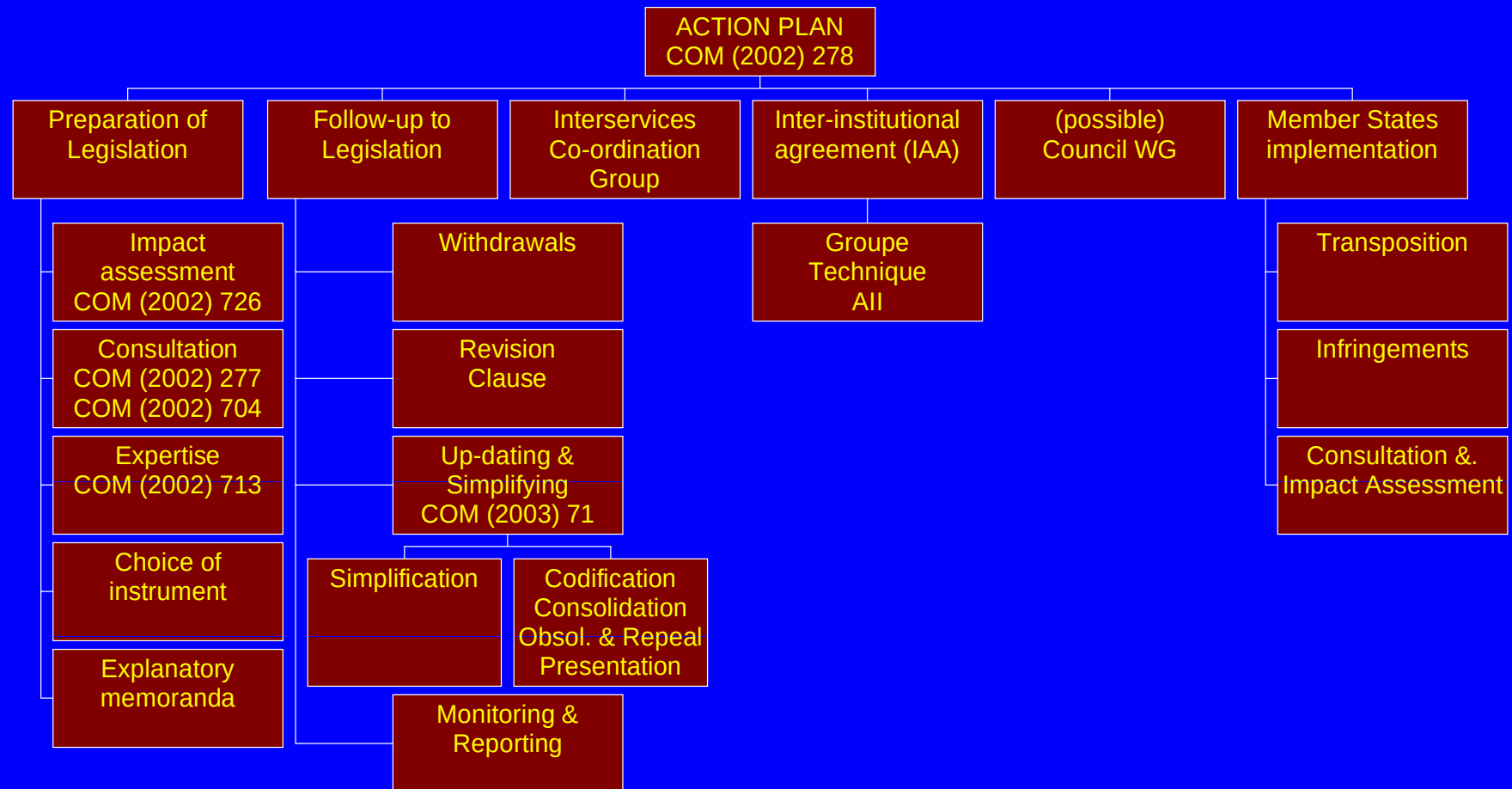


- During 2002 and early 2003, the Commission was occupied mainly with policy formulation on better regulation and the negotiation of the Inter-Institutional Agreement on “Better Regulation”. The Commission has now passed to the implementation phase.
- No further major policy papers are foreseen on these issues from the Prodi Commission, only implementation work. Reporting on implementation will take place mainly through the new annual report on better regulation end of 2003.

Action Plan 2002



Governance - Sustainability - Lisbon Strategy



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Consultation (1)



- En décembre 2002, la Commission a adopté une Communication (COM (2002) 704) qui fixe des règles claires dans les domaines suivants:
 - la clarté de l'objet des consultations;
 - la détermination des groupes cibles;
 - la publicité adéquate et notamment l'établissement d'un point d'accès unique sur Internet 'Your-voice-in Europe'-portal;
 - les délais à respecter pour laisser aux participants un laps de temps suffisant (6 semaines minimum);
 - les informations à fournir en retour aux parties qui ont répondu à la consultation et au public en général.

Consultation (2)



- According to the Your-Voice-in-Europe-portal, the Commission's single access point for consultation, there have been at least **30** open public consultations since January 2003.
- Among the 8 Extended Impact Assessment proposals which have been in the Interservice Consultation so far, and to which a more careful analysis of the stakeholder consultation aspects has therefore been possible, in 3 cases open public consultations were used together with more targeted consultations (such as hearings) and in 5 cases only targeted consultations were used. As regards the Ex-IA proposals, the application of the Minimum standards for consultation is obligatory.

Impact Assessment (1)



- The Better Regulation Action Plan and the Communication on Impact Assessment (COM(2002) 276), adopted in 2002, foresees the introduction of an Impact Assessment tool in line with the conclusions of the Göteborg and the Laeken European Councils.
- For all major initiatives included in the Commission's Annual Policy Strategy and Work Programme, the responsible DG should prepare a preliminary impact assessment.
- For those proposals deemed to have a significant impact in economic, environmental and/or social terms, the Commission will carry out extended impact assessments.

Impact Assessment (2)



- A coherent and comprehensive approach based on three main principles:
 - impact assessment is a general tool common to all Commission services replacing all partial or sectoral assessments that until now have been carried out by the Commission services;
 - it covers all three pillars of sustainability and is therefore an important instrument in fulfilling the EU's Strategy on Sustainable Development;
 - lastly, it addresses regulatory aspects including compliance with the principles of subsidiarity and proportionality.

Impact Assessment (3)



- Current status:
 - the Commission planned at the time of the adoption of its LWP 2003 to carry out Ex-IA for **43** initiatives;
 - at present time **11** proposals have been adopted , **14** proposals are in planning for 2003, **13** for early 2004, **1** for 2005 and **4** have been cancelled.

Impact Assessment (3)



- Some remarks:
 - 2003 constitutes a pilot year;
 - execution rate of roughly 60% by the end of the year ('low' result is strongly conditioned by the low execution of the WP in general);
 - in general, DGs have adopted a positive approach to the IA tool, however the quality of the IA varies considerably;
 - there are several best practice examples that can be used to guide the exercise in coming years;
 - SG has introduced various support functions (training course, a new website, and ongoing support and feedback from the unit in the SG responsible for overall monitoring of the exercise).

Inter-institutional agreement (1)



- After a year of negotiation, Commission, Parliament and the Council agreed on 3 June 2003 on the content of a future Inter-Institutional Agreement on “Better Regulation”.
- This text has been politically endorsed by the three institutions individually as well as by the Thessaloniki European Council. The agreement will be formally adopted by November this year.

Inter-institutional agreement (2)



- The agreement:
 - confirms the objective of improving and simplifying Community legislation;
 - sets out the Commission's unilateral commitments and records the commitments of the other institutions in favour of better regulation, mainly concerning transposition of Community legislation, impact assessment of important amendments and on adapting decision-making procedures for proposals to simplify Community legislation; >>

Inter-institutional agreement (3)



- establish a framework for use of so-called “alternative instruments”: *co-regulation* and *self-regulation*;
- agreed on procedures that should facilitate use of such instruments by helping to avoid the kind of difficulties experienced in the past during the inter-institutional procedures on individual proposals involving use of “alternative instruments”.

Inter-institutional agreement (4)



- But:
 - the agreement is not quite as ambitious as the Commission had hoped;
 - in particular, the Commission had hoped for stronger commitments concerning use of alternative instruments, transposition of Community law and concerning adapted decision-making procedures for proposals aiming to simplify existing legislation (*this last questions will be considered by the Parliament and Council within 6 months of the entry into force*).



Part two

The Framework action “Up-date and simplifying the Community acquis”

Up-date & Simplifying (1)



- With the Communication «*Up-date and simplification of the Community Acquis*» (COM (2003) 71, of 11 February 2003) the Commission launched an ambitious programme to clean up and simplify secondary Community legislation.
- This exercise, contributes to the President's commitment from 2001 to reduce by 25% the volume of the acquis by the end of this Commission's mandate period.
- This programme falls into 3 phases, starting in February 2003 and ending in December 2004. The first phase terminated (end September), the Commission is adopting a report on achievements during the first phase and set out its work programme for the Phase II (Oct.-March 04).

Up-date & Simplifying (2)



- The interim report (*to be adopted on Friday*) on the first phase of implementation covers the broad objectives of the framework action that are:
 - *simplification;*
 - *up-dating and reducing the volume of Community legislation (through: consolidation, codification and removal of obsolescent legislation);*
 - *organisation and presentation of the acquis;*
 - *transparent and effective implementation.*

a. Simplification (1)



- Simplification of the substance of policies and regulation is clearly the biggest challenge. The February initiative started a process which will only gradually produce concrete results.
- The key features of the initiative are:
 - *political recognition of priority;*
 - *change of culture;*
 - *a Commission-wide and top-down mechanism to promote simplification.*

a. Simplification (2)



- The mechanism consists in:
 - first, the development of prioritisation indicators to help select sectors where simplification appears particularly relevant;
 - second, based on these priority indicators, the Commission selects policy sectors to be screened for simplification potential. This screening may result in identification of specific legislative acts as candidates for simplification;
 - third, legal acts identified as candidates for possible simplification are examined in detail and concrete simplification proposals are developed, using best practice methodology and procedures, in order to arrive at formal Commission proposals for simplification.

a. Simplification (3)



- **An horizontal policy for legislative simplification is emerging:**
 - Commission services are now screening nearly **20** policy sectors for simplification potential;
 - around **170** directives and regulations have already been identified as confirmed or potential candidates for simplification and are currently under active examination by the Commission services;
 - of **23** planned simplification proposals for Phase I (February - September 2003), **14** have been adopted and **4** more are planned before the end of 2003. **4** additional simplification proposals have been adopted in Phase I although not included in the February engagement; >>

a. Simplification (4)



- during Phase II (October 2003-March 2004)) the Commission is planning to finalise **9** newly identified candidate act for simplification;
- in total, counting initiatives planned for Phase II (6 initiatives), postponed Phase I initiatives and newly identified ones, **23** proposals for simplification of directives and regulations are now planned to be adopted in Phase II.

b. Up-dating and reducing the volume (1)



- A vast programme of **consolidation** was launched in 1996 and completed in June 2003 as planned.
- The even more demanding **codification** programme launched in November 2001 is now at cruising speed and is set, despite significant obstacles, to be completed by the end of 2005 as planned:
 - during Phase I the Commission adopted **7** codified Commission acts and **15** proposals for codified acts to be adopted by the European Parliament and the Council;
 - during Phase II (October 2003-March 2004) it plans to adopt or propose some **150** codifications.

b. Up-dating and reducing the volume (2)



- The reinforced efforts to **remove obsolete legislation** through formal repeal or by an additional instrument of “declaration of obsolescence” is beginning to give concrete results, although delays have occurred.
- Phase I efforts should shortly result in elimination of 30 obsolete legal acts and some 600 more are under consideration and could in part be implemented during Phase II.

c. Organisation & presentation



- The initiative to develop a more reliable and user-friendly **organisation and presentation** of the “active and generally applicable *acquis*” is being taken forward.
- Measures to offer a more user-friendly access to consult and use Community law will be enacted before the end of 2003. Subsequent measures include a more focused presentation of the secondary legislation actually in force and of general applicability (via CELEX and EUR-lex).

d. Transparent & effective implementation



- The Commission's Framework for Action aims at providing a coherent framework for all Community action and to provide the technical and political focus required to obtain concrete results.
- The Commission agreed the IIA on better regulation which is set to be formally adopted by the three institutions in autumn.
- Following the engagement taken in February, the Commission presents a *scoreboard* with information on the progress made with regard to the simplification, codification and repeals & declarations of obsolescence.

Conclusions (1)



- In the first interim report, (*to be adopted this Friday*) the Commission takes stock of progress since February 2003.
- The results are mixed but not unsatisfactory.
- One of the key achievements is the progressive involvement of different services in efforts to simplify legislation because it demonstrates that a change of regulatory culture is taking place.

Conclusions (2)



- The first interim report (*tba*) also reveals weak points, mainly on the planned short and medium term actions to reduce the volume of Community legislation (codification and elimination of outdated legislation).
- Having identified the weaknesses, the Commission can now address the underlying obstacles.
- However, the Commission is satisfied that the process launched in February 2003 is set to continue to produce benefits for citizens and other users of Community legislation in the future.