

RECENT EUROPEAN COMMISSION DEVELOPMENTS IN THE FIELD OF BETTER REGULATION

Submission by the European Communities

Over the past year, the European Commission has come forward with a number of initiatives in the field of "better regulation", showing its strong commitment to simplify and improve the regulatory environment in the European Union.

1. The Commission adopted a so-called "Better Regulation Package" on 5 June 2002. This was followed up by a second Governance / Better Regulation Package in December 2002. The Commission is now implementing the actions it has committed to in the package.

- First, the Commission has launched a new *Impact Assessment* procedure. The aim of the new procedure is to improve the quality of the Commission's policy proposals in terms of their efficiency, effectiveness and coherency and to provide EU politicians with the best possible knowledge on which they can base their decisions. It identifies the likely positive and negative impacts of proposed policy actions, with a particular focus on economic, environmental and social effects, in line with the EU Sustainable Development Strategy.
- The main questions that are addressed in the impact assessment are:
 - What is the problem the proposal is expected to tackle?
 - What are the objectives?
 - What main policy options are available?
 - What are the likely economic, environmental and social impacts of the identified options; and What are their advantages & disadvantages?

2. To ensure that the efforts going into the impact assessment process are well targeted, a two-stage process has been established with, first of all, an initial "preliminary assessment" that identifies the level of analysis needed and provides the basis for the selection of proposals that should undergo a more in-depth "extended assessment".

- Second, the Commission has established a set of *General principles and minimum standards for consultation*, which are also effective as of 2003. The aim of these standards is to streamline and improve the Commission's consultation practices and to make them more transparent. For example, they will help ensure:
 - That the consultations have a clear content;
 - That all interested parties - including from non-EU countries - have an opportunity to express their opinions;
 - That the consultations are made widely known (e.g. through publicity campaigns and a "single access point" on the Europa web-site);

- That a minimum of 8 weeks is given for responding; and
- That appropriate feedback is provided to the responding parties.
- Such consultations are without prejudice to the notification of proposed technical regulations under the TBT agreement.

3. This action is closely linked to the impact assessment procedure and will, as a first step, apply to those initiatives subject to "extended" impact assessments. They may also be used for other consultations.

4. Third, the Commission has proposed to make *greater use of more flexible alternatives* to command-and-control legislation. Tools such as co-regulation and self-regulation have been put forward in this context. It should be remembered that the Commission already has substantial experience in using co-regulatory approaches. The 15-year experience with the New Approach to product legislation is a case in point and the Commission is currently looking into how it could further develop and expand the use of this tool.

5. Finally, the Commission has come forward with a proposal for a *simplification programme* for existing EU legislation¹. It includes actions to significantly reduce the existing volume of legal texts and to make the texts simpler and user-friendlier. It also covers actions to simplify the substance of a number of EU policies to make them more efficient, flexible and proportionate.

6. The Commission has also agreed with the European Parliament and the Council an inter-institutional agreement on better regulation. Formal adoption and signature of this Inter-institutional agreement is planned for autumn 2003.

Commission developments on better regulation and the documents referred to in the text can be accessed at: http://europa.eu.int/comm/governance/suivi_lb_en.htm

¹ COM(2003)71