



Smart Regulation

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Some say EU legislation.....

Ignores the
views of
those
affected

Violates the
subsidiarity
principle

Is too costly,
complex,
burdensome,
unclear

Difficult to
implement,
to enforce, to
comply with

Does not
deliver on its
objectives

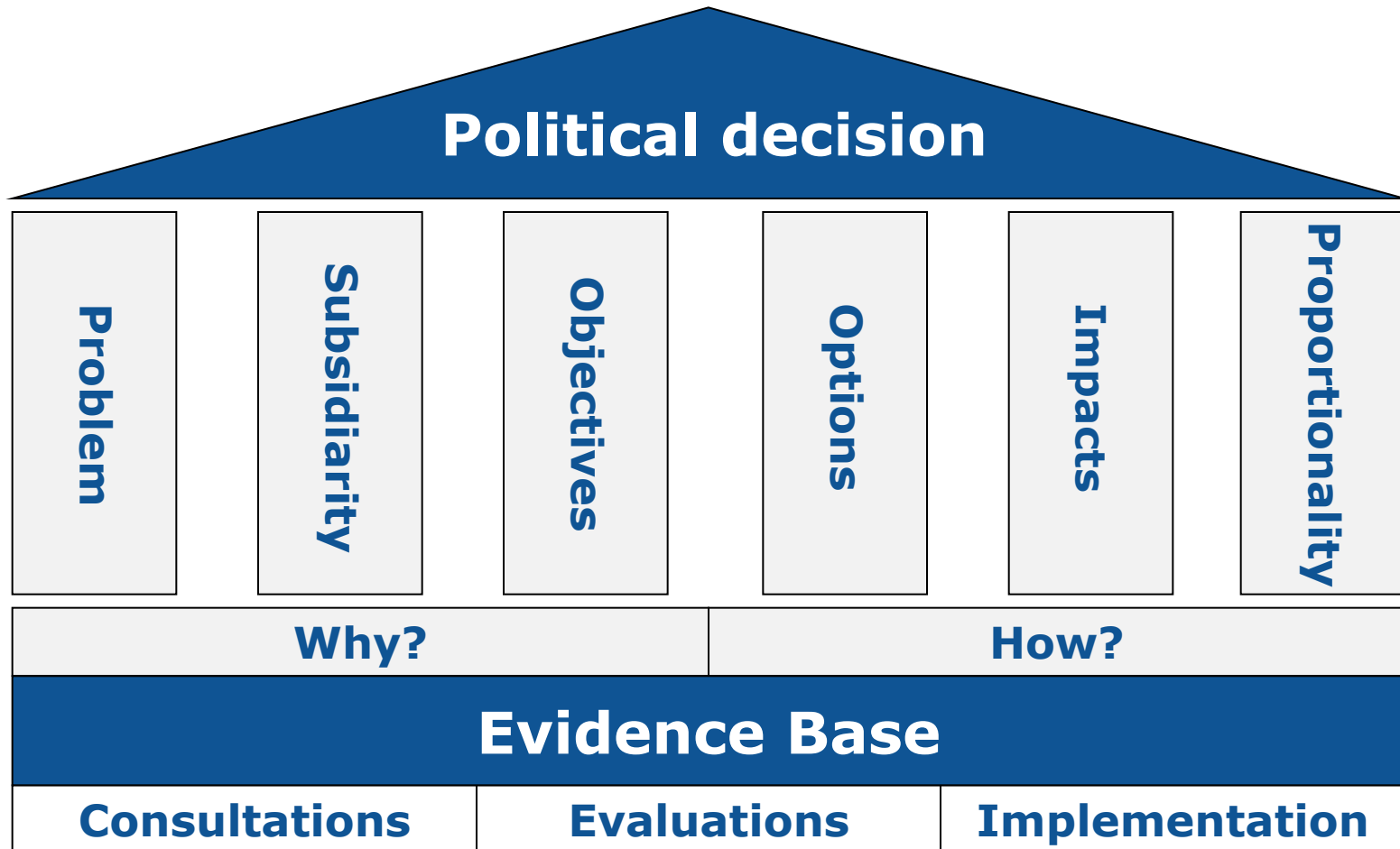
Smart Regulation

.... is about ensuring high quality EU legislation which

- Respects the principles of subsidiarity and proportionality;
- Results in a simple, clear, stable and predictable regulatory framework;
- Delivers most effectively on EU policy objectives at minimum cost.

See Commission Communications on EU Regulatory Fitness and Smart Regulation

Evidence-based policy-making



Smart regulation is ...

1. About the **whole policy cycle** – from the design of a piece of legislation, to implementation, enforcement, evaluation and revision.
2. About actively **engaging those affected** by interventions.
3. A **shared responsibility** of the European institutions and of Member States.

Smart Regulation is about the whole policy cycle



The Smart Regulation Toolbox



Planning and Programming

- CWP
- Roadmaps
- Planning: stakeholder consultations, ECI



Stakeholder Consultation

- **Wide scope: Treaty obligation** to carry out broad consultations with parties concerned before making a policy proposal.
- **Transparency and outreach:** Early warning on consultation plans provided in **roadmaps**. Open public consultations posted at **single access portal** 'Your Voice in Europe'. Contributions of respondents published and **feedback** provided in summary and IA reports.
- **Rules: General principles and minimum standards** for consulting external parties. Strengthened provisions in **IA context** - stakeholders to be consulted on all key aspects of analysis.
- **Consultation strategy:** defined and implemented by lead Commission service, taking into account the specificities of the initiative and consultation objectives. Usually combination of **open public** and **targeted** consultations, using wide range of **tools** (questionnaires, documents, workshops, hearings, etc.).

Commission Evaluation System

Proposed definition*

"a critical, evidence-based judgement of whether an intervention has met the needs it aimed to satisfy and actually achieved its expected effects"

- Goes beyond presenting the state of play
- Looks for both of expected and unexpected / unintended changes
- Considers whether EU action changed behaviours

*As per public consultation

http://ec.europa.eu/smart-regulation/evaluation/consultation/index_en.htm



Commission Evaluation System

- Stronger focus on regulatory measures
- "Evaluate First Principle"
- AB reduction and simplification mainstreamed into the evaluation process
- More attention to broader areas of legislation and cross-cutting issues (via Fitness Checks)
- Pilot joint evaluations with Member States
- Art. 318 Report: Reporting on Results of EU Financial Programmes



Commission IA system

An IA **supports** Commission's decision-making

1. Identify the **problem**
2. Assess **need for EU-level** intervention
3. Define the **objectives**
4. Develop policy **options**
5. Analyze the **impacts** of the options
6. Compare the **options**
7. Outline policy monitoring and **evaluation**



Commission IA system

Integrated approach

- All benefits and costs.
- Economic, social and environmental impacts.

Wide scope

- All initiatives with significant impacts, from policy defining proposals to implementing measures

Transparency

- Publication of Roadmaps, IAs and IAB opinions
- Comprehensive stakeholder consultation

Independent quality control – Impact Assessment Board

The Impact Assessment Board

Created in 2006 by President Barroso:

- Examine all Commission IA reports
- Issues opinions (positive/negative) on their quality
- In principle, a positive opinion is needed before the Commission can adopt a proposal



Implementation Support

DURING THE TRANSPOSITION PERIOD

- More systematic use of implementation plans
- Best practices exchange
- Explanatory documents

Implementation Support (cont.)

AFTER EXPIRY OF THE TRANSPOSITION PERIOD

- More uniform approach to conformity assessment
- EU Pilot– The partnership approach
- Strengthening enforcement:
 - Regular decision-taking cycles on both:
 - missing notification of national executing measures -> "Mise en Demeure par Habilitation ("MDH") every two months
 - any other type of infringement - > monthly cycles
 - Regular monitoring of the infringement management by DGs (coherence review) twice a year

A Shared Mission

- Commission + Council + Parliament
 - **Better use of evaluation and IA in the decision making process**
 - **Analyse impacts for substantive amendments**
- Member States
 - **National administrative capacity/regulatory quality matters -> National impact assessment**
 - **More active engagement in consultations/evaluations -> Subsidiarity feedback /joint evaluations**
- Stakeholders
 - **Active engagement in consultation processes**

Putting Smart Regulation into Practice: Regulatory Fitness and Performance Programme ("REFIT")

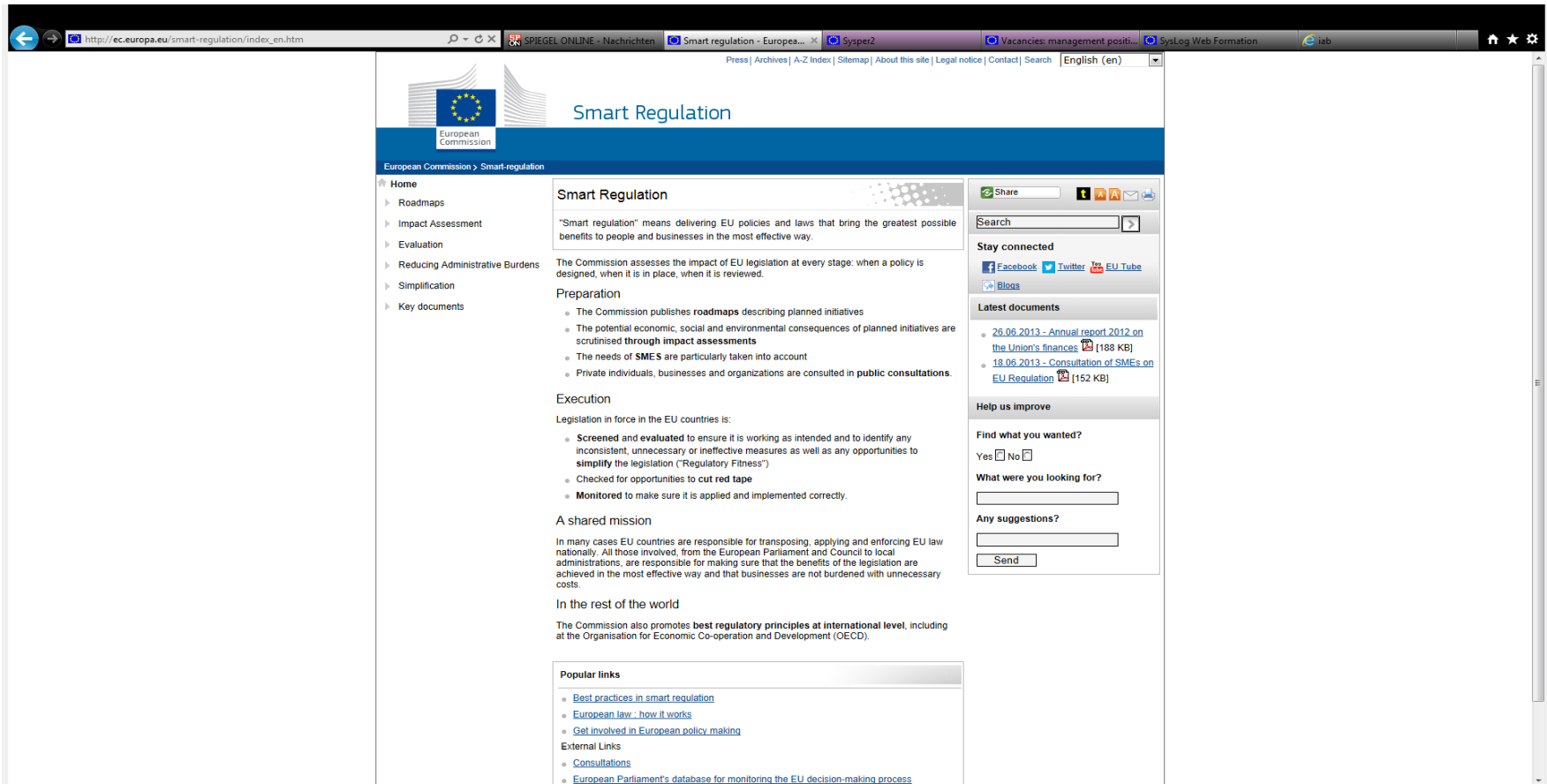
- Identify burdens, inconsistencies, gaps and ineffective measures across acquis ('Mapping')
- Take action: withdraw, repeal, simplify, improve
- Assess: evaluations and Fitness Checks
- Consult: Involve Stakeholders
- Track Progress: Scoreboard



Other REFIT Actions

- **Focus on existing legislation:** further possibility for reducing fees, reporting, inspections etc? making more information available on the web (e.g. VAT)
- **ABR+:** did ABR make a difference? Results?
- **Strengthening Smart Regulation Tools:** evaluation, impact assessment, consultation

Further information



The screenshot shows the European Commission's Smart Regulation website. The browser address bar displays http://ec.europa.eu/smart-regulation/index_en.htm. The page features the European Commission logo and the title "Smart Regulation". A navigation menu on the left includes links to Home, Roadmaps, Impact Assessment, Evaluation, Reducing Administrative Burdens, Simplification, and Key documents. The main content area is titled "Smart Regulation" and defines the concept as "delivering EU policies and laws that bring the greatest possible benefits to people and businesses in the most effective way." It details the process from Preparation to Execution, including a shared mission and international links. A sidebar on the right offers social media connections, a search bar, and a "Help us improve" section with a feedback form.

European Commission

Smart Regulation

European Commission > Smart-regulation

Home

- ▶ Roadmaps
- ▶ Impact Assessment
- ▶ Evaluation
- ▶ Reducing Administrative Burdens
- ▶ Simplification
- ▶ Key documents

Smart Regulation

"Smart regulation" means delivering EU policies and laws that bring the greatest possible benefits to people and businesses in the most effective way.

The Commission assesses the impact of EU legislation at every stage: when a policy is designed, when it is in place, when it is reviewed.

Preparation

- The Commission publishes **roadmaps** describing planned initiatives
- The potential economic, social and environmental consequences of planned initiatives are scrutinised through **impact assessments**
- The needs of **SMEs** are particularly taken into account
- Private individuals, businesses and organizations are consulted in **public consultations**.

Execution

Legislation in force in the EU countries is:

- **Screened and evaluated** to ensure it is working as intended and to identify any inconsistent, unnecessary or ineffective measures as well as any opportunities to **simplify** the legislation ("Regulatory Fitness")
- Checked for opportunities to **cut red tape**
- **Monitored** to make sure it is applied and implemented correctly.

A shared mission

In many cases EU countries are responsible for transposing, applying and enforcing EU law nationally. All those involved, from the European Parliament and Council to local administrations, are responsible for making sure that the benefits of the legislation are achieved in the most effective way and that businesses are not burdened with unnecessary costs.

In the rest of the world

The Commission also promotes **best regulatory principles at international level**, including at the Organisation for Economic Co-operation and Development (OECD).

Popular links

- [Best practices in smart regulation](#)
- [European law : how it works](#)
- [Get involved in European policy making](#)

External Links

- [Consultations](#)
- [European Parliament's database for monitoring the EU decision-making process](#)

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- [28.06.2013 - Annual report 2012 on the Union's finances](#) [188 KB]
- [18.06.2013 - Consultation of SMEs on EU Regulation](#) [152 KB]

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