BETTER LAWMAKING TOOLS IN THE EU

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Introduction

Basic principles of EU law
Commission programmes
IIA on Better Law Making 2016
Better lawmaking tools:
  Consultation, Impact assessment,
  Evaluation
Use of the tools in practice
Basic principles of EU law

Rule of law
Decisions to be taken as openly and as closely as possible to the citizen
Dialogue and consultation
Subsidiarity
Proportionality
Evaluation report on the EU’s finances
Commission programmes

Governance, 2001
Better Regulation
Smart Regulation, 2010
REFIT – Regulatory Fitness, 2012
Better Regulation Package, 2015
  White Paper
  Better Regulation Guidelines
  Better Regulation Toolbox
The three Institutions recognise their joint responsibility in delivering high-quality Union legislation and in ensuring that such legislation focuses on areas where it has the greatest added value for European citizens, is as efficient and effective as possible in delivering the common policy objectives of the Union, is as simple and as clear as possible, avoids overregulation and administrative burdens for citizens, administrations and businesses, especially small and medium-sized enterprises ("SMEs"), and is designed with a view to facilitating its transposition and practical application and to strengthening the competitiveness and sustainability of the Union economy.

(Interinstitutional Agreement 2016, point 2 of the preamble)
Better Law Making Tools

Stakeholder engagement: better regulation is underpinned by the active engagement of civil society, which invites inputs from stakeholders at all points in the policy cycle using a range of feedback tools and consultation activities.

Impact assessment: new proposals are accompanied by impact assessments which explore how policy goals can be achieved in the most efficient way without imposing unnecessary burdens.

"Evaluate first": all revisions of existing legislation are to assess opportunities to simplify and reduce unnecessary costs based on analyses and stakeholder inputs.

IIA 2016, points 12 to 24; COM(2015) 215, Better regulation for better results – An EU agenda
Consultation

Broad, covering stakeholders and public
Scale and nature appropriate to the action
Led by Commission DG concerned but
under supervision of Interservice Group (ISG)
Transparent:
12-week internet-based public consultation
Page on DG’s website
All contributions and a report on the consultation to be published
Impact assessment (IA)

Integrated approach covering environmental, social and economic impacts
Led by Commission DG concerned but under supervision of ISG
Inception IA to be published to invite feedback
IA to be vetted by Regulatory Scrutiny Board (Commission body with some independent members)
Final IA report to be published
Evaluation

Evidence-based assessment:
  effectiveness, efficiency, relevance, coherence and EU added value covering all significant economic, social and environmental impacts

IA can be basis for evaluation

Led by Commission DG concerned but under supervision of ISG

Roadmap to be published to invite feedback

12-week internet-based public consultation

Findings to be vetted by Regulatory Scrutiny Board and published
Use of the tools in practice

Better regulation activities 2015-2018

- Public consultations: 417
- Evaluations: 259
- Impact assessments: 218
- Draft delegated acts published for feedback: 151
- Roadmaps/inception IAs published for feedback: 691
- Simplification measures: 150
- REFIT Platform opinions: 89

Source: COM(2019)178
Response to consultations

Average replies to public consultations

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Replies</th>
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<tr>
<td>2015</td>
<td>461</td>
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<td>2016</td>
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<tr>
<td>2017</td>
<td>1838</td>
</tr>
<tr>
<td>2018</td>
<td>2091</td>
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Source: SWD 2019/04
EU legislative cycle
OECD rankings

In 2015 the Commission's impact assessment and evaluation systems were ranked third and fifth respectively.


In 2018 the Commission was found to have further refined and improved its third-placed impact assessment policy and improved its rankings on evaluation to fourth place. It was ranked first for stakeholder engagement.

EC websites on BR

EC Better Regulation: why and how

Regulatory Scrutiny Board

Have your say:
https://ec.europa.eu/info/law/better-regulation/have-your-say_en

REFIT Platform:

Lighten the load:
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