

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

IIA on Better Law Making 2016

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)⁵

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

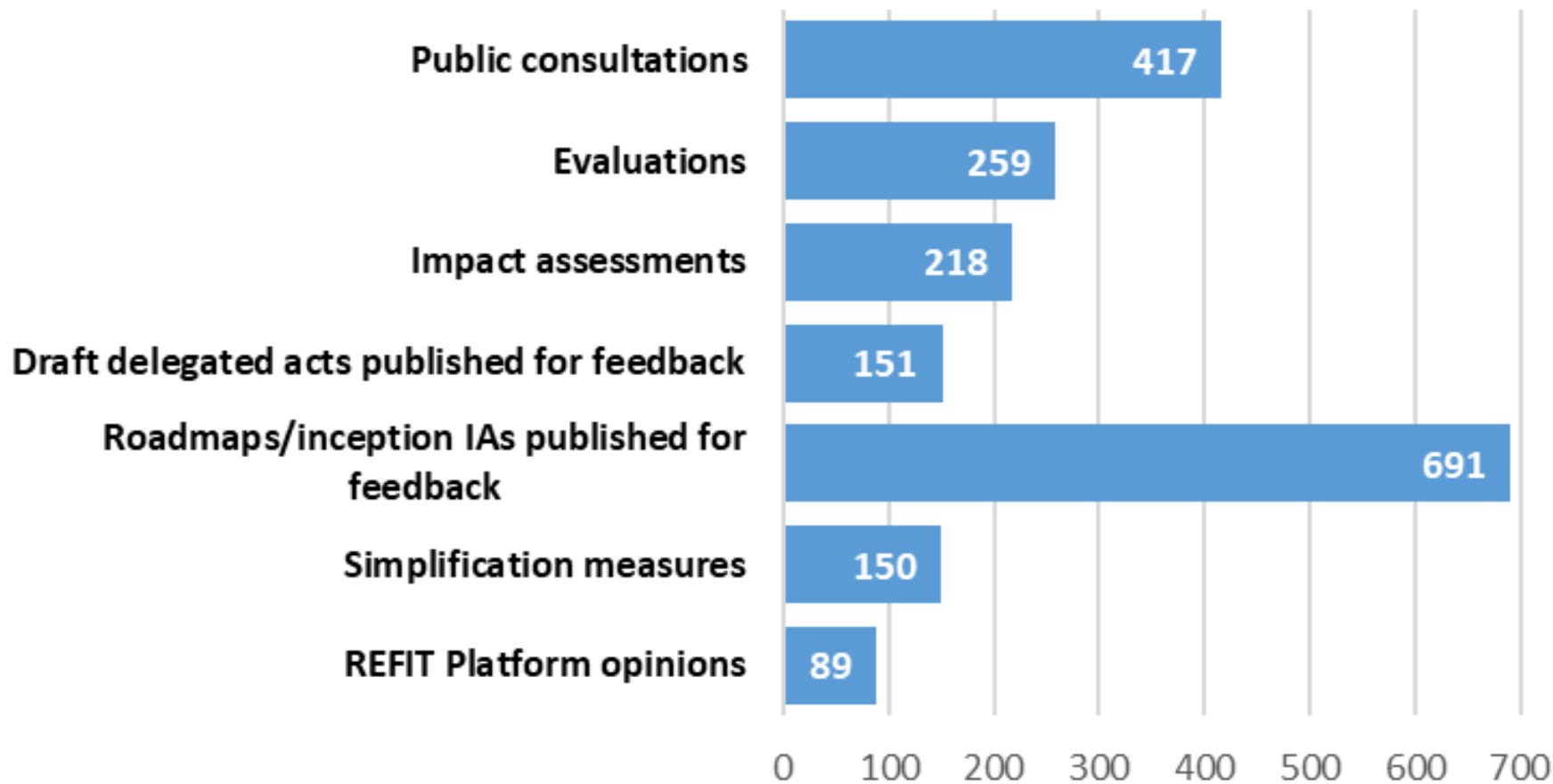
Roadmap to be published to invite feedback

12-week internet-based public consultation

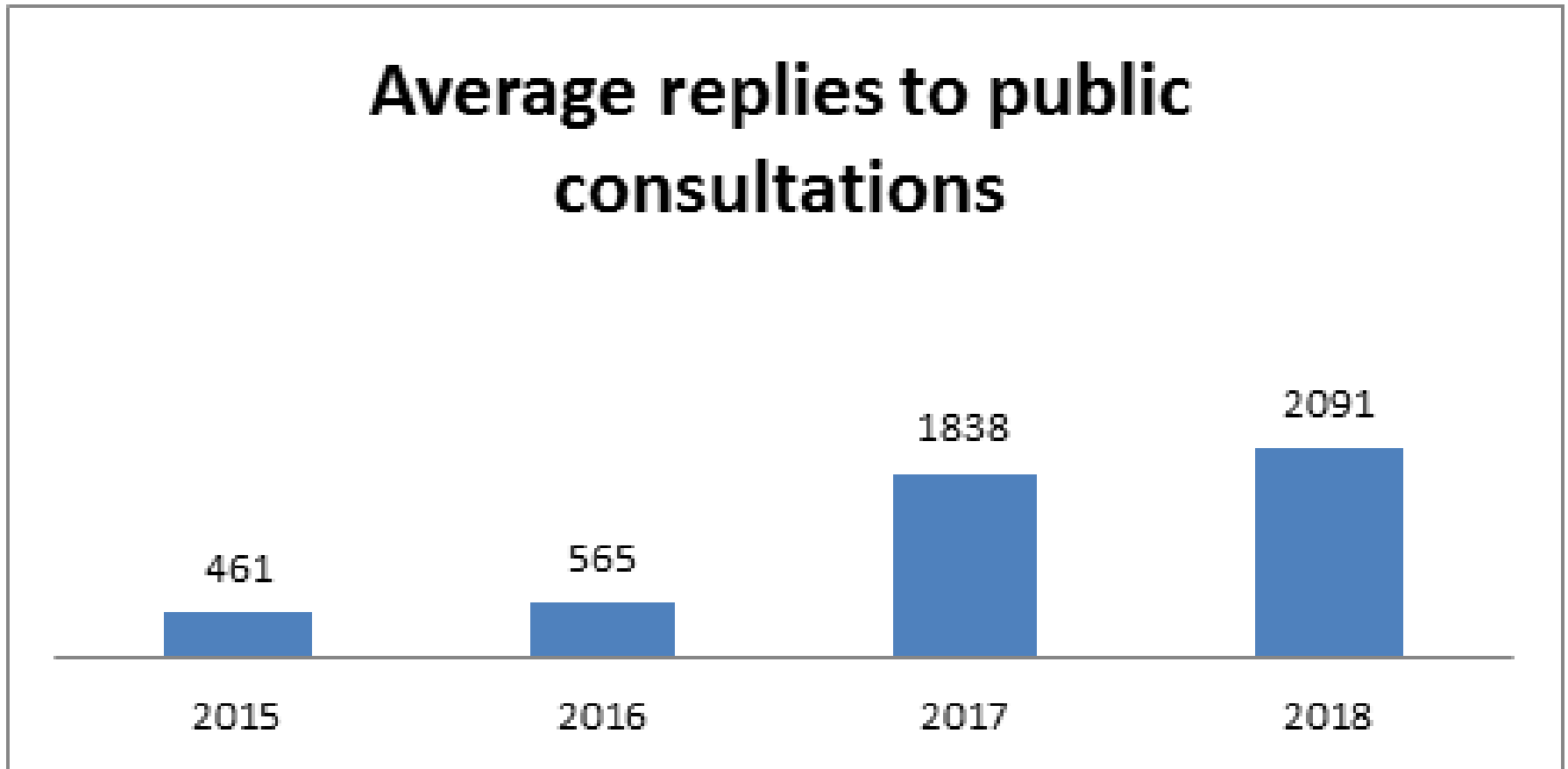
Findings to be vetted by Regulatory Scrutiny Board and published

Use of the tools in practice

Better regulation activities 2015-2018

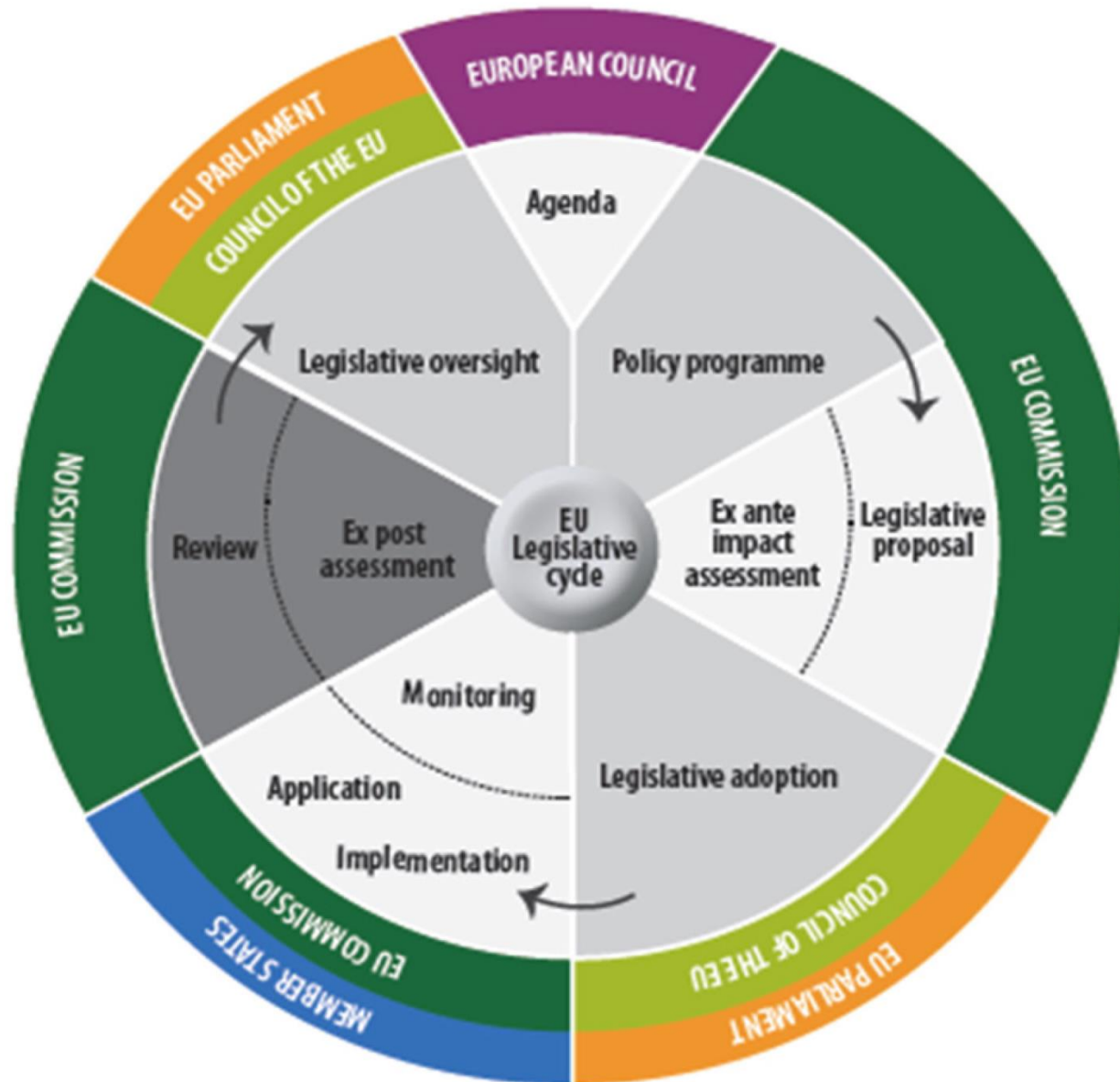


Response to consultations



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.

(OECD Regulatory Policy Outlook 2015: <http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm>)

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.

(OECD Regulatory Policy Outlook 2018: <http://www.oecd.org/governance/oecd-regulatory-policy-outlook-2018-9789264303072-en.htm>)

EC websites on BR

EC Better Regulation: why and how

https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

Regulatory Scrutiny Board

https://ec.europa.eu/info/law/law-making-process/regulatory-scrutiny-board_en

Have your say:

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

REFIT Platform:

https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly/refit-platform_en

Lighten the load:

https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly/refit-platform/lighten-load_en

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