

RegWatchEurope's key messages to the next European Commission and European Parliament (2019–2024) on priorities for the Better Regulation Agenda

Effective, consistent and sustainable legislation makes Europe more competitive and strengthens citizen support for the European Union. **Better regulation has been a top priority** of the outgoing European Commission and should remain so in the future.

The European Commission has made considerable efforts to **reduce compliance costs and administrative burdens for business in Europe** and to **improve evidence-based policy-making**. It is essential that the incoming Commission and MEPs alike consolidate this progress and further advance the EU Better Regulation Agenda. While assessing impacts on business, the economy at large, society and public administration must be the Commission's core effort, taking into account **social and environmental impacts** should also become a best practice.

Our 10 priorities for the European Better Regulation Agenda in 2019–2024:

1. **Better regulation must remain a top priority** for the Commission's working agenda. It is a continual process. The future First Vice-President should remain responsible for coordinating Better Regulation Agenda issues. The Commission's programme on better law-making should be given a permanent base.
2. **Early and repeated stakeholder consultation** is fundamental in order to ensure that policy drafts are consistent, meet quality standards and are workable for all target groups. Roadmaps and inception impact assessments should be more comprehensive in both scope and detail. Draft proposals and draft impact assessments should be put out for consultation before they are adopted and published by the Commission. Only consultations on draft proposals and draft impact assessments can reveal all potential impacts and implications. These can be properly integrated into the final draft only if a consultation has taken place beforehand.
3. **Consultations should feature fewer pre-defined multiple-choice questions, and instead make greater use of open-ended questions**. This will avoid the impression that the consultation questionnaires are based on the Commission's preferred or predetermined policy choices. Stakeholders should also be able to propose alternative policy options in addition to those proposed by the Commission.
4. **Impact assessments should be required for every new or amended policy being proposed**, rather than being required only when the Commission regards the potential impacts of a policy as 'substantial'. In many cases, only the impact assessment reveals the magnitude of the consequences. To reduce the administrative burden for the Commission, more streamlined impact assessments could be introduced for urgent policy measures. Similarly, more streamlined impact assessments could be used for proposals with fewer substantial effects.
5. **A standard for evaluation clauses should be defined**, setting out how Member States need to contribute to the future evaluation of a policy and within what timeframe. The evaluation clauses should not define how Member States should collect data, in order to enable the most efficient implementation at the national level. Further, when dealing with high priority policy issues, the Commission should introduce a more active approach. By joining forces with willing Member States and their local and regional partners to evaluate local effects on business and society, the Commission can formulate lessons learned for wider use. This would promote effective implementation and the development of best practices for future legislation.

6. **The methodology for impact assessments and evaluations should be simplified, applied consistently and standardised where possible.** Impact assessments must be customised when evaluating social and environmental impacts or major economic complexities. A sophisticated, standardised methodology will ensure that the impacts assessed are plausible, tangible and based on strong evidence. Standardisation will ensure that the impacts can be compared and assessed across EU institutions, as well as by Member States when transposing EU legislation. Direct and indirect impacts as well as one-off and recurring impacts must be distinguished clearly from one another. It is important to aim for quantified assessments. Impact Assessments should be shorter, albeit without compromising on quality, and should make it possible to compare the quantified impacts of the different policy options presented, where possible.
7. **Subsidiarity and proportionality must remain guiding principles** in policy-making. Local, regional and national governance institutions must be consulted repeatedly throughout the policy cycle – ex-ante, ex-post and as early as possible. When drafting EU regulations, appropriate time to prepare impact assessments at national levels should be ensured.
8. **The REFIT platform should continue its important work and be strengthened** to ensure a strong system of stakeholder consultation. The REFIT platform will benefit from greater visibility to increase its effectiveness and the Commission's response to its opinions. Furthermore, awareness about unnecessary compliance costs at an early stage in the legislative process needs to be raised more systematically – to achieve tangible results and allow for accountability on the part of policy-makers. Introducing REFIT's rough estimates of burden reduction will strengthen this approach.
9. **The role of the Regulatory Scrutiny Board (RSB) in scrutinising policies must be upheld.** The RSB should be able to review the evidence and analysis supporting new and amended policy at all stages. This includes roadmaps, inception impact assessments and impact assessments (ex-ante) as well as evaluations and fitness checks (ex-post). The RSB should decide which assessments require scrutiny. The purpose of this is to enforce minimum standards for regulatory scrutiny, quality assurance and transparency in policy-making. The effectiveness of the RSB should be strengthened by fostering its institutional independence and extending its advisory function to the Parliament and the Council. A common methodology for regulatory scrutiny of EU legislation would enable the consistent enforcement of better regulation principles throughout the law-making process across the EU.
10. RWE urges the **Parliament and the Council to step up their efforts in assessing the impacts of substantial amendments**, in line with the Interinstitutional Agreement on Better Law-making of 2016. Significant amendments by the Parliament or the Council should be accompanied by impact assessments. The RSB should scrutinise these as an independent body. To ensure the feasibility of trialogue compromises, we urge all EU institutions to explore the possibilities of greater evidence-based decision-making in this phase of EU policy-making. It would be harmful if the efforts made by the Commission upfront were not reflected towards the end of the policy cycle.

Who we are:

RegWatchEurope is the European network of independent regulatory oversight bodies. We play a significant role in scrutinising the impacts of new and amended legislation on different target groups. We challenge and advise our national governments on various aspects of better regulation and on the overall regulatory burden of legislation on business and society.

Get in touch!

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