# Interinstitutional agreement on better law-making

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PURPOSE: to present new measures to deliver better rules for better results.

BACKGROUND: the new Commission’s priority is to **deliver solutions to the big issues that cannot be addressed by the Member States alone**: (i) an investment plan to leverage EUR 315 billion to boost jobs and growth; (ii) an energy union to deliver secure, affordable and sustainable energy; (iii) an internal security agenda to tackle common threats like terrorism and organised crime; (iv) a digital single market to unlock online opportunities; (v) and a migration agenda.

The **new initiatives flow from genuine political priorities** and the Commission cannot, and should not, be involved in every issue in the EU.

The Commission stresses that better regulation is not about "more" or "less" EU legislation, **nor is it about deregulating** or deprioritising certain policy areas or compromising EU values. The aim is rather to make sure that ambitious policy goals are achieved.

CONTENT: this Communication sets out a series of actions which demonstrate the Commission’s renewed commitment **to apply the principles of better regulation to its everyday work**. The aim is to work more transparently and inclusively to produce higher quality proposals, and ensure that existing rules deliver important societal goals more effectively.

**1) Consulting more, listening better**: the Commission intends to lead more transparent consultations, which **reach all relevant stakeholders** and target the evidence needed to make sound decisions. The Commission will create a **website** for each initiative.

Thus, stakeholders will be able to:

- **express their views over the entire lifecycle of a policy**; (i) there will be twelve-week public consultations when preparing new proposals and when evaluating and carry out "fitness checks" of existing legislation; (ii) citizens or stakeholders will be invited to provide feedback within eight weeks to feed these views into the legislative debate;
- **provide feedback on acts setting out technical or specific elements that are needed to implement the legislation** adopted by the European Parliament and the Council: (i) the draft texts of **delegated acts** and important **implementing acts** which are subject to comitology will be open to the public on the Commission's website for four weeks; (ii) the Commission will publish an indicative list online of any such acts in the pipeline, so stakeholders can plan ahead.

**2) Explaining better the objectives to be achieve and the results expected**: an improved explanatory memorandum accompanying each Commission proposal will explain why the initiative is needed, why it is the best tool for the EU to use, what stakeholders think and what the likely environmental, social and economic impacts are, particularly those on competitiveness and small and medium-sized enterprises (SMEs).

**3) How EU law affects people, businesses and society as a whole**: the Commission wants stakeholders to be able to **provide feedback** on any aspect of EU policy and legislation, at any time. A new **"Lighten the Load – Have Your Say"** feature on the Commission's better regulation website will give everyone a

chance to air their views and make comments on existing EU laws and initiatives in addition to the formal consultations the Commission undertakes.

**4) Better regulation**: new, integrated guidelines on better regulation will apply to the Commission's work and will ensure that: (i) economic, social and environmental impacts continue to be considered alongside each other in all of the Commission's analytical work together with fundamental rights; (ii) keeping the EU competitive and the EU's development sustainable remains a priority; (iii) particular attention is paid to the rules that affect SMEs.

When considering policy solutions, the Commission will consider **both regulatory and well-designed non-regulatory means** as well as improvements in the implementation and enforcement of existing legislation.

The Impact Assessment Board which has evaluates initial proposals since 2006, will be replaced by a **new Regulatory Scrutiny Board** with a strengthened role, which will: (i) assess the quality of the impact assessments which inform political decision-making; (ii) check major evaluations and carry out "**fitness checks**" of existing legislation.

**5) Keeping EU Law fit for purpose:** over time, even well-designed legislation may become out of date, more burdensome than it needs to be, or ceases to achieve its objectives. The regulatory fitness and performance programme (REFIT) adopted by the Commission to ensure that EU legislation remains fit for purpose and delivers the results intended by EU lawmakers. It aims to unlock the benefits of EU law for citizens, businesses and society as a whole in the most efficient and effective way, while **removing red tape and lowering costs** without compromising policy objectives.

In the framework of the REFIT programme, the Commission is already working to:

- reduce burdens in areas such as: public procurement, business statistics and chemicals legislation ;
- repeal outdated legislation: 23 candidates for repeal have been identified in various policy areas;
- engage in reviews and comprehensive evaluations across a wide range of policies and legislation – e. g. on late payments, pesticides; food nutrition and health claims; motor insurance; the EU Derivatives Regulation and the Capital Requirements Regulation;
- improve implementation of legislation and simplify the management of funds in the EU.

**6) Towards an new institutional agreement**: the Commission considers that real change will only happen through a commitment shared between all EU institutions, and each and every Member State. Accordingly, it proposes a new agreement with Parliament and Council, whereby the three institutions will particularly undertake to:

- prioritise initiatives that would **simplify or improve existing laws** such as those initiatives identified in the Commission's REFIT programme;
- carry out an **impact assessment** on any substantial amendments that the European Parliament or the Council propose during the legislative process;
- agree that legislation should be **comprehensible and clear**, allow parties to easily understand their rights and obligations include appropriate reporting, monitoring and evaluation requirements, avoid disproportionate costs, and be practical to implement;
- urge Member States to **avoid unjustified "gold plating**" of EU rules when transposing them into national law;
- be **more transparent** and participative;
- promote "**recast" legislation**, so that laws remain clear and well-structured even after being amended; and
- **make EU legislation as accessible as possible:** so everyone can see the legislation that affects them— online, up-to-date, reliable, complete and consolidated.

The Commission hopes the three institutions can finalise a new agreement by the end of 2015.