Simpler legislation for the internal market: review of SLIM, 3rd and 4th phases

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PURPOSE: To review and evaluate the effectiveness of the Simpler Legislation for the Internal Market (SLIM) initiative as an instrument for achieving legislative simplificaiton and recommend action to improve its effectiveness. CONTENT: The review focuses on the following areas: 1) The objective of the SLIM : The broad objective is to streamline the operation of the Internal Market by identifying ways in which relevant legislation can be simplified and improved. The Commission will draw up a clear definition of the overall objectives of SLIM to be incorporated into a new set of guidelines. In addition, it will set out clearly the mandate of each individual team in the Working Document to launch the relevant SLIM phase. 2) The selection of legislation for review under SLIM Areas of legislation for examination by each team are currently identified on the basis of suggestions from Member states, the EP, the EcoSoc, and trade/business organisations and the services of the Commission. The "age" of the legislation to be simplified is also a relevant factor. Legislation which has been submitted to SLIM teams is usually at least 5 years old and often the basis legislation has been in existence for 10 or 20 years or even longer. The Commission rejected SLIM scrutiny where legislation was too recent. The Commission acknowledges the need to improve the selection process. However, in kepeing with its right of initiative, the Commission will make the final selection on its own responsibility. It invites suggestions for action provided they are accompanied by a statement of the reason for proposing particular sectors, the key problems which arise and the expected benefits of simplification. For its part, the Commission will indicate the reasons for rejecting certain proposals and will discuss the selection of sectors for review with Member states in a special formation of the Internal Market Advisory Committee. The Commission will also discuss future actions with the EP, with whom it will seek to agree appropriate arangements for consultation. 3) The operation and management of teams Although the autonomous working methods of SLIM teams allow them to work with speed and flexibility, a number of Member states have stressed the need to create some type of advisory committee which could follow and help guide work of teams. The Commission emphasises the advantages of the autonomous and informal working methods of SLIM teams but will convene a subgroup of Internal Market Advisory Committee (IMAC) for the purposes of SLIM and related regulatory quality matters. This procedural proposal must not generate undue delays in the start up or conclusion of SLIM exercises. The Commission does not wish fundamentally to alter the nature of SLIM teams by including representatives of all the Member states in each SLIM team. This would result in a significant increase in their size, thereby losing the advantages of flexibility and informality. The Commission proposes to increase transparency and enhanced interaction with relevant sectoral committees and the proposed Internal Market Advisory subcommittee, which will be convened at the begining and end of each phase, before formal adoption of the teams report. However, this must notcompromise the independence of the individual teams (which will present their reports on their own responsibility) nor the right of the Commission to decide on its own response. The Commission will publish a yearly working document which focuses exclusively on the follow-up to SLIM reports, tracks the progress of legislative proposals, highlights where delays are occuring and indicates when the follow-up action has been completed. This will provide the opportunity to give clear and detailed information on follow-up while allowing the reports on each individual future SLIM phase to be more succinct. 4) The implementation and recommendations The Commission will propose a SLIM exercise only when simplification is the real issue and where simplification can be put forward within a reasonable time (about 6 months after the SLIM report). This may depend on whether SLIM feeds into a pre-existing review process or is the first step following which further consultation must take place. When legislative proposals have been made within a reasonable time by the Commission following preparatory work with the Member states, this should be matched by their speedy adoption by the Council and the EP. It is proposed that the 5 Member states whose officials participate in a SLIM team dealing with a particular actor should provide a report on the scope for simplifying national legislation in the same sector. This

report could be presented by the Member states representatives on the proposed special format of IMAC. Ideally, at least one such national report per sector would be prepared by means of a parallel SLIM-type exercise organised at national level by the Member state. In addition, Member states should report regularly in IMAC, and from time to time at Council level, on their independent programmes of regulatory simplification.