



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on Better Regulation

*2945th COMPETITIVENESS
(Internal market, Industry and Research)
Council meeting
Brussels, 28 May 2009*

The Council adopted the following conclusions:

"THE COUNCIL:

1. **STRESSING** the important role played by Better Regulation in the context of the Lisbon process through well-designed, high quality regulation which contributes to its goals of sustainable growth and jobs while increasing the benefits for citizens, businesses and public authorities, reinforcing the respect and the effectiveness of the rules and minimizing the economic costs and thereby contributing to strengthening the competitiveness of European businesses, including SMEs and microenterprises, in the global context;
2. **STRESSING** that since the EU is facing important challenges in the current economic and financial situation, it shares the Commission's view that Better Regulation principles must remain an essential component of our response, regulating where it is necessary, in a manner which is as straightforward and transparent as possible and which keeps burdens on citizens, businesses and public authorities to what is necessary for meeting the objectives of new policy initiatives;

P R E S S

3. WELCOMING the Commission's 3rd Strategic Review of Better Regulation in the European Union¹;
4. RECOGNISING the fact that implementing Better Regulation is the joint responsibility of the European Institutions and the Member States;
5. STRESSING that any legislative action should be undertaken on the basis of full respect of the EU's subsidiarity and proportionality principles while respecting the *acquis communautaire*;
6. ACKNOWLEDGING that an evidence-based approach, inter alia through impact assessments and extensive stakeholders consultations, contributes to transparency and accountability by allowing legislators to assess the potential effects of policy decisions and by enhancing the access to information for stakeholders; STRESSING in this context the role of the Commission's executive summaries of impact assessments so as to make the information needed in the political decision making process more transparent and accessible to citizens;
7. WELCOMES the Commission's revised Impact Assessment Guidelines which aim to ensure a well-structured and rigorous analysis of the proposals and evaluate specific impacts such as on the internal market, SMEs and consumers while assessing in a comprehensive and integrated manner all relevant economic, social and environmental impacts. The Guidelines also aim at providing for improved quantification of costs and benefits of proposed policy options including the potential impact in terms of administrative burdens and other compliance costs where relevant, as well as the possibility to extend the minimum consultation period beyond an 8-week period;
8. WELCOMES the progress made to reduce administrative burdens on businesses and the action taken by the Commission so far to deliver the cost reduction measures necessary to reach the 25% reduction target by 2012, as well as progress and action by Member States to reduce administrative burdens; WELCOMES in particular the proposals of the Commission which represent an estimated potential of savings in the order of €30 billion and APPRECIATES in this context the work of the High Level Group of Independent Stakeholders on Administrative Burdens and LOOKS FORWARD to its continued involvement within the mandate given by the Commission in advising the Commission on possibilities of administrative burden reduction and on monitoring the progress made in different priority areas; REITERATES the invitation to the Commission to present all reduction proposals stemming from all thirteen priority areas of its Action Programme on Reducing Administrative Burdens before the end of its mandate ; STRESSES the need to assess new or amending legislation whose content falls within the framework of the original thirteen priority areas in order to meet the objectives of the Action Programme;
9. WELCOMES the fact that the Commission has now proposed 140 of 185 initiatives of the Simplification Rolling Programme aimed at updating, modernising and simplifying Community legislation; TAKES NOTE OF the on-going scrutiny of the *acquis* carried out by the Commission which has led to the identification of a further 81 initiatives with simplification potential; WELCOMES the significant reduction in the volume of Community legislation achieved through repeal and codification and UNDERLINES the fact that 48 simplification proposals have been finally approved by the co-legislators;

¹ doc. 5791/09 COMPET 37

10. RECALLS the important role played by access to law in the context of Better Regulation and therefore STRESSES the need for clear, simple, coherent and easily accessible legislation in all official EU languages and UNDERLINES the importance for EU legislation to be clearly drafted and accessible in practice, including by consolidated texts and improving search tools especially through electronic data bases such as EUR-lex; ENCOURAGES the Commission, in cooperation with the other institutions, to continue its ongoing efforts in improving access to law and LOOKS FORWARD to its report on important achievements in this area by 2010, within the existing reporting framework.

AS FURTHER STEPS TO PROMOTE THE BETTER REGULATION PRINCIPLES,

THE COUNCIL COMMITS ITSELF TO:

11. Carefully study the Roadmaps from the annual Commission Legislative and Work Programme and provide possible feedback on them to the Commission;
12. Continue to make proper use of the Commission's impact assessment reports and of the accompanying Impact Assessment Board opinions from an early stage and throughout the negotiating process;
13. Continue to consider, in the framework of the Interinstitutional Agreement on Better Law-making, appropriate and practical ways to prepare impact assessments, where justified, on its own substantive amendments;
14. Maintain its dialogue with the European Parliament including exchange of information on indicative timetables for the consideration of Commission proposals and information on development of impact assessments on their substantive amendments;
15. Bear in mind joint efforts in respect of the EU target of 25 % on reduction of administrative burdens when examining Commission proposals and making amendments thereto so as to avoid an increase of administrative burdens, especially in the case of proposals which are part of the Action Programme.

INVITES THE MEMBER STATES TO:

16. Consider establishing and developing impact assessment systems adapted to their national circumstances and administrative systems in order, where appropriate, to carry out the integrated assessment of economic, social and environmental impacts of national legislation; take into account, in the context of the transposition of EU legislation into national law, the need to avoid, inter alia, additional barriers to the four freedoms and the need to facilitate market access for SMEs;

INVITES THE COMMISSION TO:

17. Continue to implement and follow the new Impact Assessment Guidelines, and to make maximum use of impact assessments in the policy making process;
18. Continue to cooperate with Member States at an early stage when gathering data for the preparation of impact assessments in order to take into account Member States specificities to be reflected in its subsequent preparatory works;

19. Provide for high quality outcomes of the consultation process with stakeholders, which is not a one-off event, but a dynamic process that may need several steps, the use of different consultation instruments and should leave sufficient time for stakeholder participation and whose outcomes and different positions expressed should be presented in the impact assessment report;
20. Quantify the estimated administrative burden savings for the proposals of the Action Programme in the thirteen priority areas, as this will provide the Council with the information it needs to better estimate the impacts of its own amendments, so that the actual administrative burden savings for the final approved proposals can be calculated;
21. Monitor the progress on the Action Programme and report to the Spring European Council on significant changes in administrative burdens and the contribution to the 25% reduction target already reached through proposals that have been agreed by the Council and Parliament;
22. Continue to propose a repeal of obsolete acts and provisions which are no longer justified as well as screen pending legislation;
23. Provide for ex-post evaluation of relevant pieces of legislation in place; in this context, undertake comparison of intended and actual effects of approved EU legislation as input to help guide future simplification exercise as well as reflect on the possibility to broaden the scope of the current simplification programme to other aspects of regulatory burdens.

CONCLUDING REMARKS

24. The Council re-affirms its intention to contribute to further promoting and developing the Better Regulation strategy within the European Union and invites the Commission to take note of the Council's views as expressed in these conclusions and STRESSES that the Commission should maintain the focus and high priority of Better Regulation."
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