

Stocktaking of the Commission's 'better regulation' approach

Fields marked with * are mandatory.

Introduction

The European Commission is committed to being 'big on big things' and smaller on things where EU action does not add value. To help to deliver on this commitment, the Commission has put in place a 'better regulation' agenda based on three key pillars: stakeholder engagement throughout the policy cycle; evaluation to ensure that the current body of EU law remains fit for purpose; and impact assessment to ensure that new proposals reach their policy goals in the most efficient way without imposing unnecessary burdens.

Since 2015, the Commission has revamped the 'better regulation' framework to make it more effective. The results of this revision include:

- *further efforts to increase the transparency, legitimacy and accountability of our work, in particular as regards the consultation process throughout the policy cycle, including the possibility for the general public and interested parties to provide feedback on proposals, and increased availability of languages*
- *an independent Regulatory Scrutiny Board which checks the quality of the Commission's impact assessments and major evaluations*
- *a new online tool – 'Lighten the Load' – which enables those affected by EU legislation to put forward their views, plus any criticisms and ideas for improvement they may have, so as to simplify and improve existing EU laws*
- *a platform of experts including representatives of NGOs, interest groups and national governments – the 'REFIT platform' – to advise the Commission on how to make EU laws simpler and less costly without watering down the intended objectives*

The Commission is aware that further improvements can be made. We would like to hear your views on those aspects of the better regulation framework that work well and those where you think it should be improved.

The results of this public consultation will inform the Commission stocktaking of its better regulation framework which it will publish in Spring 2019.

The questionnaire is divided into 7 short sections. Most questions are optional. You can upload a position paper at the end should you so wish.

Relevant links:

- the Commission's 2017 communication on ['Completing the Better Regulation Agenda: Better solution for better results'](#)
- the Commission's [better regulation agenda](#)

- the Commission's [better regulation guidelines and toolbox](#)
- the Commission's [central consultation page](#) ('Have your say')
- [Regulatory Scrutiny Board](#)
- the Commission's [REFIT Programme](#)
- [REFIT platform](#)
- [Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently'](#)

About you

*1 You are replying

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

*8 Respondent's first name

Carlotta

*9 Respondent's last name

Besozzi

*10 Respondent's professional email address

contact@civilsocietyeurope.eu

*11 Name of the organisation

Civil Society Europe

*12 Postal address of the organisation

rue de Pascale 4-6, 1040 Brussels

*13 Type of organisation

Please select the answer option that fits best.

- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Churches and religious communities

- Regional or local authority (public or mixed)
- International or national public authority
- Other

* 22 Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

* 23 If so, please indicate your Register ID number.

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* 24 Country of organisation's headquarters

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

*26 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

1. The Commission and better regulation – general questions

This section focuses on the Commission's general approach to improving regulation (later sections will go into more detail).

*27 **Are you informed about the Commission's plans early enough to be able to take part in the policy-making process?**

- Yes, fully
- Yes, mostly
- Sometimes
- No, not usually
- No, not at all
- Don't know

*28 **Are you satisfied with how the Commission involves members of the public, businesses, non-governmental organisations and other interest groups?**

- Yes, very satisfied
- Yes, satisfied
- Neither satisfied nor dissatisfied
- No, dissatisfied
- No, very dissatisfied
- Don't know

*29 **Does the Commission provide enough evidence (e.g. evaluations, impact assessments) to back up its proposals?**

- Yes, always
- Yes, mostly
- Partially
- No, not usually
- No, not at all
- Don't know

*30

Does the Commission take environmental and social impacts sufficiently into account when putting forward policy proposals (in addition to economic impacts)?

- Yes, always
- Yes, mostly
- Partially
- No, not usually
- No, not at all
- Don't know

*** 31 Does the Commission take [subsidiarity](#) and the role of national, regional, and local authorities sufficiently into account when putting forward policy proposals?**

- Yes, always
- Yes, mostly
- Partially
- No, not usually
- No, not at all
- Don't know

*** 32 Are you satisfied with the Commission's efforts to simplify existing EU laws and to reduce costs where possible (REFIT)?**

- Yes, very satisfied
- Yes, satisfied
- Neither satisfied nor dissatisfied
- No, dissatisfied
- No, very dissatisfied
- Don't know

33 Please feel free to explain your answers. We would like to know what works well (and should be kept) and what doesn't (and needs review).

3000 character(s) maximum

Simplification or "lighten the load" should not be an objective in itself. Laws have to fulfill a public interest objective and bring an added value at EU level. Also legislation needs to be at pace with new developments in our fast changing world. Ensuring that legislation is clear, transposable in the national context and simple to implement is very important. However these are means that must serve the main purpose of any regulation to improve society's wellbeing. This also does not necessarily mean less legislation everywhere. Improving the legislation cannot be reduced to "lighten the load". Citizens in the end want to know that the water is safe and clean, that air pollution is substantially decreased, that their food is of high quality, workers rights are respected just to give a few examples, so that they can say that there is better regulation. If you read contributions by citizens on lighten the load, most of them focus on harmonisation of rules at EU level rather than having less EU rules. Such terms are more focused on creating a more favourable business environment than on general interest, although the two are not necessarily incompatible, but the first should not be prioritised over the second. Social and environmental impacts are not always well balanced with economic impacts which take often priority. Also fundamental rights are an issue that should be taken more adequately into account when designing legislation. Finally balance between input from different stakeholders should be ensured. This can only be achieved by reviewing the methodology of consultations also to reach out more civil society organisations/NGOs both at EU and at national level. Finally participation in Policy making process goes beyond consultations and their follow up and a whole process should be put in place including the development of a structured dialogue with civil society implementing fully article 11 of TFUE.

2. Consulting the public and interested parties

When preparing new or revising existing laws and regulations, the Commission asks interested parties for their ideas and views as well as for factual information. The idea is to give those likely to be affected by EU policies an opportunity to be heard.

Members of the public and representatives of interest groups can provide input throughout the policymaking process in a number of ways (all of which you can find on the Commission's central consultation page, Have Your Say). They can:

- comment on roadmaps and inception impact assessments (these documents present the Commission's initial ideas, announce the launch of an impact assessment process or explain its absence and also provide an overview of the planned public and targeted consultations)
- participate in public consultations
- comment on legislative proposals
- comment on draft delegated or implementing acts (these acts complement existing laws to update them or to help implement them)
- suggest ways to improve existing laws, via the 'Lighten the Load' tool

Individual Commission departments also regularly hold targeted consultations of stakeholders through events, working groups, or questionnaires published on the respective department's web page or sent to experts.

The aim of this section is to identify what parts of the stakeholder consultation processes are working well and find out how the Commission can improve them further.

*34 Are roadmaps and inception impact assessments useful to help you prepare your participation in the policy-making process?

- Yes, fully
- Yes, mostly
- Partially
- No, mostly not
- No, not at all
- Don't know

35 Please feel free to explain your answer.

2000 character(s) maximum

They provide in a concise document the scope of the future proposal. However very few civil society organisations are aware that they can already participate at this stage. Also it is not always clear from the document whether all aspects are adequately summarised and covered. To encourage participation it would be useful if the Commission could organise some guidance/engagements meetings on the different steps, but much more user friendly and concise than the better regulation toolbox.

36 Are you satisfied with the following opportunities to contribute to the policy-making process?

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know	I am not aware of this tool / opportunity
* Opportunity to comment on roadmaps and inception impact assessments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Public consultations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to comment on draft delegated and implementing acts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to comment on Commission legislative proposals	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to suggest ways to improve existing laws (Lighten the Load)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

37 Please feel free to explain your answer.

2000 character(s) maximum

We can be satisfied of the opportunity as such to access and respond to consultations, but less on the quality and effectiveness of these consultations. The term lighten the load suggests that regulation is negative as such and seems to stem for a corporate approach. We would prefer to focus on the quality and effectiveness of regulation, and its ability to respond to needs on the ground.

We have made a Survey among civil society organisations in 2016-2017 and noted that even for informed civil society organisations regular participation in consultations is around 40%. Also 70% consider that consultations are not user-friendly, only 25% find that the process is transparent and 78% are dissatisfied with the results.

38 Are you satisfied with the following aspects of the Commission's *public* consultations?

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* Clarity of questionnaires	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Length of questionnaires	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Neutrality of questionnaires	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to make relevant comments or provide supporting material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Availability of different language versions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Length of consultation period (12 weeks)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

39 Please feel free to explain your answer.

2000 character(s) maximum

There is a need to improve public consultation as to enable more open and detailed responses on specific issues. Also many consultations leave little room for comments and multiple choice responses are not complete enough or tend to be biased. Some consultations are designed for industry/commercial stakeholders and not adapted to civil society organisations who want to raise some specific and relevant issues on the proposals. Other consultations are exclusively designed for individual citizens and are not adapted to civil society organisations. Reaching individual citizens on sometimes very technical matters is not realistic. It would make more sense to design consultations to citizens aiming at having their views on general principles /objective of a proposal and have a more detailed and thorough consultation for civil society organisations, social partners, industry, public authorities, etc. The fact that many consultations are available in only one or few languages prevent the engagement of many national Civil society organisations who might have very valuable contributions. Also efforts should be made to make consultations more accessible to persons with disabilities. The Commission should be more proactive in seeking stakeholders views according to the topic of the consultation in addition to open publication, in order to ensure a balance among all interests. CSOs are too often a minority. If in a given sector it is difficult to ensure NGO participation it may be necessary to invest in capacity building. Balanced participation will allow the Commission to have a complete view of all issues at stake and avoid undue influence.

*** 40 Are you satisfied with how the Commission reports on the results of its public consultations and the other opportunities to comment?**

- Yes, very satisfied
- Yes, satisfied
- Neither satisfied nor dissatisfied
- No, dissatisfied
- No, very dissatisfied
- Don't know

41 Please feel free to explain your answer.

2000 character(s) maximum

There is no proper follow up to consultations which requires a lot of work especially for most CSOs or NGOs that have less staff and expertise available than other stakeholders, such as for instance industry. Reports seem often to be written in a way as to use answers to back up the Commission's planned proposal, and more challenging views or suggestions for other options are not always mentioned in the report. It is difficult to make the link between the consultation and the actual follow up (presentation of legislation, etc), and why certain options were chosen or not.

Also written responses to consultations should only be part of the process, which should include follow up meetings, which are not big events where the possibility to contribute is almost none.

42 Do you have any other ideas for improving the Commission's stakeholder consultation practices? We would like to hear examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

As mentioned before, it would be useful to think proactively of ways as to involve civil society organisations and set up a process with different steps which includes online consultation, but also follow up meetings on specific aspects which need re-assessment for instance. For our sector, we would also suggest to assess in which areas the contribution of civil society organisations is lower and see what what be the factors that contribute to increase it. For instance a capacity building, guidance on the different tools available, and their use could be useful particularly in some policy areas. Also the Commission could make a review of most relevant stakeholders in a given field and consult them proactively. This is already done in certain areas, but remains a rare practice. It also allows to rebalance stakeholders involvement in certain areas where for instance industry or public authorities involvement is predominant

A thorough discussion/meeting on what works or not in consultations would be useful beyond this possibility for written feedback on the Commission's better regulation approach. It could be useful to have different meetings according to the type of stakeholders: eg NGOs, social partners, companies, individual citizens to rethink proactively the process and methodology, including the design of questions.

3. Evaluating existing EU laws

The Commission regularly assesses how well existing EU measures - laws, policies, and financial programmes, for instance – are working.

An assessment of existing EU measures is called an '**evaluation**' (and, where several EU measures are examined collectively, a 'fitness check'). Assessments enable the Commission to decide whether particular EU measures are still justified, or whether they need to be simplified or improved (e.g. to cut out unnecessary regulatory costs or inconsistencies, adapt measures to take account of new developments, make them work better, or even repeal them).

The REFIT programme and the REFIT platform help the Commission identify the areas where it needs to focus its efforts, to simplify legislation and reduce any burdens caused by EU action. The state of play of such initiatives are tracked by the REFIT Scoreboard.

43 Are you satisfied with the following aspects of the Commission's evaluations?

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* Transparent assessment of what works and what doesn't	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Usefulness of evaluations for policy-making	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Transparent information about all relevant impacts (benefits and costs) of existing legislation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Focus on simplification and cutting unnecessary costs ('REFIT programme')	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

44 Please feel free to explain your answer.

2000 character(s) maximum

Evaluation are per se extremely useful. However we have the impression that there are no consistent guidelines for external evaluators, for involving other stakeholders, etc leading to very diverse results. We also think it is important that the Commission diversifies external contractors, not relying on a restricted number of big players which may also lead to conflict of interest.

More energy should also be devoted to the assessment of the quality of transposition of EU legislation and its implementation.

***45 Is the REFIT platform effective in identifying areas where legislation can be simplified and unnecessary costs cut while preserving policy objectives?**

- Yes, fully
- Yes, mostly
- Partially
- No, not usually
- No, not at all
- Don't know

46 Please feel free to explain your answer.

2000 character(s) maximum

Luckily the Refit Platform went beyond mere simplification and many suggestions are more around making legislation more fit to purpose, removing inconsistencies between pieces of legislation and suggestion new measures (interactive databases and others) that would make legislation more effective.

The stakeholders platform has also contributed to introducing balance and fairness in the process. This experience could also be used to ensure further participation and interaction in consultations.

47 Do you have any further ideas about how to improve the Commission's evaluations? Please feel free to share examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

4. Assessing new Commission proposals

Impact assessments support the Commission's policy proposals. They assess:

- the pros and cons of a range of policy options designed to address one or more problems, using evidence from previous evaluations and consultations
- conformity with the principles of [subsidiarity](#) and [proportionality](#)

- potential for simplifying existing legislation and cutting any unnecessary regulatory costs, in line with the Commission's REFIT programme.

All impact assessments are published on a [central web page](#). Members of the public and people with a special interest in the issue at hand can comment on impact assessments accompanying legislative proposals.

48 Are you satisfied with the following aspects of the Commission's impact assessments?

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* Transparent information about all the relevant impacts (benefits and costs) of different policy alternatives	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Assessment of the potential for simplifying existing legislation and cutting unnecessary costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Usefulness to inform the Commission's decision-making	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Usefulness to inform the European Parliament's and the Council's decision-making	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

49 Please feel free to explain your answer.

2000 character(s) maximum

Social and environmental matters should be taken more consistently into consideration in to impact assessments, and fundamental rights should also have a more prominent role. This could be done by ensuring that the authors have adequate expertise from relevant departments on externally to determine such impacts, and by reinforcing the role and composition of the Regulatory Scrutiny Board Board.

50 Do the Commission’s impact assessments analyse the most relevant and important issues? (e.g. impacts on SMEs via the SME test, etc.)

2000 character(s) maximum

As mentioned above not all issues are adequately covered in impact assessments possibly because of lack of necessary expertise. Some of the possible impacts are sometimes too easily dismissed. A more thorough impact assessment would lead to better proposals.

51 What more can the Commission do to justify its proposals with regard to [subsidiarity](#) and [proportionality](#)?

2000 character(s) maximum

52 Do you have any further ideas about how to improve the Commission’s impact assessments?
Please feel free to share examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

5. Scrutinising the quality of impact assessments and evaluations

The Regulatory Scrutiny Board (RSB) became operational in 2016. It is appointed by the President of the Commission. It has 7 full-time members, of which 3 are externally recruited. The Board quality controls impact assessments and major evaluations. It ensures that facts and stakeholder views are fairly presented to decision-makers. Its opinions are published.

53 Please indicate the level of your agreement with each of the following statements:

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	I strongly agree	I tend to agree	I tend to disagree	I strongly disagree	Don't know
I am familiar with the Regulatory Scrutiny Board.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is sufficient regulatory scrutiny of EU impact assessments and evaluations.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory scrutiny adds value to the overall regulatory process.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board is impartial.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board opinions are informative.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board opinions promote evidence-based policies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The Regulatory Scrutiny Board increases the quality of Commission proposals.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board increases transparency of Commission policy-making.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board increases accountability of Commission policy-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

54 Do you have any comments on the Regulatory Scrutiny Board?

3000 character(s) maximum

The Regulatory Scrutiny Board should include further members and ensure more balance in its composition. There is currently no member that has a relevant expertise on environmental issues or on fundamental rights, or have experience of civil society organisations and engaging with citizens. More resources are needed to be able to contribute and oversee further EC proposals.

The RSC has contributed to improving some Commission proposals or impact assessments/evaluation, yet relevant comments made on positive reviews do not seem to have been taken into account by the Commission.

6. Final questions

55 Please select up to three areas where the Commission has made (relatively more) progress since 2014, if any.

at most 3 choice(s)

- Transparency of the policy-making process
- Consultation
- Evaluation
- Impact assessment

- Scrutiny of regulatory proposals
- How the different 'better regulation' tools work together
- Other

57 Please select up to three areas where the Commission should make improvements in the future.

at most 3 choice(s)

- Transparency of the policy-making process
- Consultation
- Evaluation
- Impact assessment
- Scrutiny of regulatory proposals
- How the different 'better regulation' tools work together
- Other

59 How could the Commission simplify its better regulation approach to ensure the timely development of proposals while ensuring that these continue to be based on evidence?

3000 character(s) maximum

Already simplifying the toolbox would be an achievement! Designing a process of structure dialogue and identifying from the onset a balanced array of stakeholders would help them to make them more evidence based.

7. Document upload and final comments

60 Please feel free to upload a concise document, such as a position paper. The maximum file size is 1MB.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is optional and serves as additional background reading to better understand your position.

61 If you wish to add any further information relevant to this questionnaire, please feel free to do so here.

3000 character(s) maximum

