

An Administrative Burden Reduction Check List

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Based on the experience of the High Level Group so far a check list for EU legislators could be an important tool when drafting new or revised legislation. The list should ensure that the following questions are answered as part of the legislative drafting process:

- i) Why is this new legislation necessary compared to the status quo?
- ii) Could a better implementation of the existing legislation obtain the desired results?
- iii) Can the information this legislation sets out to gather be collected in other ways or is similar information already collected for other purposes?
- iv) Are the information requests contained in this legislation in line with information businesses already gather for their own purposes or can the existing data in businesses be used instead?
- v) Can the information being collected today be used by the EU in a more efficient manner than is currently the case?
- vi) Is the current legislation being enforced so that businesses supply the information already demanded by them or is the problem related to lack of proper enforcement?
- vii) Has this piece of legislation been revised recently in ways that affect the information obligations of businesses? (If yes – is it really necessary to impose new costs on businesses that have recently incurred costs in changing their reporting routines to the recent changes in the same legal act?)
- viii) Can the commencement date of this legal act be synchronized with that of a number of other legal acts so that businesses experience a common commencement date for all new legislation so that changes to information obligation routines can be made at fixed regular intervals and not have to be made continuously?
- ix) Is this act coherent with other legal acts so that reporting formats and content can be reused across various legal acts easing the burden on businesses?
- x) Has the legal act been based on a risk based approach meaning that information obligations are only imposed in those areas with a high perceived risk, whereas low risk areas are left out?
- xi) Have relevant stakeholders – and specifically business representatives – been consulted during the drafting process – and have their suggestions been taken into account?
- xii) Has a method of information collation that involves new technology – e.g. in digital form – been considered in order to limit the burden of the information obligation on businesses?