



**Group of High Level National Regulatory Experts (HLG-BR)**  
**Meeting of the 26 May 2011**

**Summary records**

**Opening: adoption of the agenda and update of membership**

Ms Klingbeil, chair of the Group welcomed the participants and after the appointment of new members of the Group (see annexe I) recalled that the meeting is divided in **two sessions**:

- (1) **a joint plenary session with the SPOCs**; this session will start with a presentation from Mr Stoiber, chair of the High Level Group for the Reduction of Administrative Burdens;
- (2) **four working groups** where national experts will pursue the discussion started in February to follow-up the smart regulation communication.

**1<sup>st</sup> session (plenary):** *Action programme to reduce Administrative Burdens.*  
Joint session SPOCs/HLG-BR  
Presentation of Mr Stoiber

Mr Stoiber addressed the groups recalling the contribution made by the HLG-AB (over 260 suggestions to cut red tapes with a savings potential of around €41 billion) and in particular the two most important Commission proposals: (1) the reform of the *VAT invoicing rules*, which (adopted on 13 July 2010) encourage Member States to implement it as soon as possible, and (2) the *exemptions for micro-entities*, for which concerns were expressed over the fact that few Member States are still blocking its adoption by the Council (a possible compromise could be reached at the Competitiveness Council on 30 May).

In connection with the extension of the mandate of the HLG-AB, Mr Stoiber underlined the commitment to actively support the adoption of pending proposals by the Parliament and the Council.

Regarding the Best Practice Report (due to be finalised by November 2011), Mr. Stoiber recalled that the report will list a number of examples on how to implement EU legislation in the least bureaucratic and burdensome way, and will provide an overview of the institutional set up in Member States, in relation to better/smart regulation. The purpose of the report is in fact to fuel a policy discussion among Member States, based on facts, on how to reduce administrative burdens through better implementation of EU legislation by national (central, regional, local) authorities.

**2<sup>nd</sup> session (Working Groups):** *Follow-up of the Smart Regulation Communication*  
Second round of discussions following the 7<sup>th</sup> February meeting

Before the working groups started Ms Klingbeil underlined:

- that the objective is to provide the Commission with realistic suggestions based on concrete experiences/best practices at Member States level that can contribute to improve the implementation of the smart regulation agenda in the four domains identified;

- that there will be no plenary closing session and that the four '*rapporteurs*' are invited to report to the members of the HLG-BR in written form after the meeting on the progress made and the next steps envisaged by the WG (*the secretariat of the HLG-BR will then ensure the circulation of these reports, when available*);
- the tentative date for next meeting: 18<sup>th</sup> October, as already announced. This meeting should be the occasion to discuss the progress made in each WG. In this perspective the Chair encouraged the WGs to prepare (interim) reports to the attention of the members of the HLG-BR to orient the October discussion.

The four "*rapporteurs*" organised the work of the four WGs as follow:

- **(WG 1) Assessment of social impacts:** *rapporteur* Jean Maia
  - *Presentation from DG EMPL and exchange of views*
  - *Discussion of follow-up of the questionnaire sent to HLG-BR members*
- **(WG 2) Assessment of the impact of substantive amendments and how to update impact assessments at the end of the legislative process:** *rapporteur* Ales Pecka
  - *Discussions on the basis of the documents already provided for the February meeting (no questionnaire finalised/sent – no important progress made since February)*
- **(WG 3) Evaluation of existing legislation:** *rapporteur* Oriel Petry<sup>1</sup>
  - *Discussion on the result of the questionnaire sent to the members of the HLG-BR (11 reply received). The discussion included evaluating data, agreeing on the key emergent themes, assessing any gaps and future information needs, and considering the structure of the pending report.*
- **(WG 4) Consultation policy:** *rapporteur* Pekka Nurmi
  - *Presentation of the working document prepared following the questionnaire sent; discussion of MS experiences*
  - *Evaluation of the results, structure of the report, draft recommendations and future work*

Summaries of the discussions held in the WGs are presented in annex II on the basis of the reports provided after the meeting (*except for WG1*).

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| <b>AOB/closing</b> |
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There was no request for "Any Other Business" agenda point.

(June 2011)

**Contact points:**  
**Mr Angelino SG.C2 (62608) Secretariat of the HLG-BR**  
**Ms Fernandez-Gomez (SG-C.3) contributed to the section of the joint session SPOCs/HLG-BR**

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<sup>1</sup> Following the departure of Damian NUSSBAUM (UK), the Chair of the HLG-BR proposed that Ms Oriel PETRI will take over as a '*rapporteur*'.

**Appointment on new members:**

- **Latvia** : Ms Eva UPITE, Director, Strategic Analysis Department, Ministry of Economics, State Chancellery.
- **Poland** Mr Arthur KOPIJKOWSKI-GOZUCH, Deputy Director, Secretariat of the Minister, Ministry of Economy; Mr Janusz KSIEZOPOLSKI, Chief Specialist, Ministry of Economy

**Formal designation from Member States is awaited to proceed for a formal appointment for:**

- **Slovak Republic**: Mr Dusan JURIK, *Enterprise and Industry, Permanent Representation of the Slovak Republic*;
- the Commission expects requests for appointments/replacements from, **Portugal, UK** and the **Netherlands** following the departure of their national experts

*(as for the 26 May 2011)*

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| (WG 1) Assessment of social impacts<br>( <i>rapporteur</i> Jean Maia) |
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Discussion

Jean Maia reported that 5 Member States (France, Slovenia, Belgium, Finland and Sweden) have responded to the questionnaire. No summary was presented nor any conclusions drawn. It was noted that Belgium has taken an initiative to organise a peer review exercise on Social Protection and Social Inclusion<sup>2</sup>, and it could be useful for the WG to be informed about their work.

In the afternoon DG EMPL made a presentation on Commission practices in assessing the social impacts. The presentation was well received and followed up by a long discussion. The overall conclusion was that Commission approach is rather advanced compared to the Member States' practices. It was suggested that DG EMPL should share the Commission experience more widely with Member States' practitioners. Another issue noted was that national administrations in many Member States do not systematically follow up the Commission's policy initiatives ( because lack of wareness or resources) and therefore often do not take the opportunity to contribute in time (i.e. before the proposal is adopted by the Commission).

Conclusions

- The 'rapporteur' will prepare minutes of the meeting along with a list of the tasks attributed to the members, including replying to the questionnaire on behalf of their countries.
- For the next HLG-BR meeting, the group will prepare a short summary document presenting the main concepts/approaches applicable to the assessment of social impacts in the Commission and Member States.
- The 'rapporteur' will contact the organisers of the Belgium peer review exercise.

Follow-up/timing

The WG will continue work via e-mail exchange. A draft of the summary document should be shared among the members and Commission in early September, the final report will be distributed to the all members of the HLG-BR about 2 weeks before the next meeting (foreseen in October).

(prepared by SG-C2)

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<sup>2</sup> See <http://www.peer-review-social-inclusion.eu/peer-reviews/2011/effective-ex-ante-social-impact-assessment>

(WG 2) Assessment of the impact of substantive amendments and how to update impact assessments at the end of the legislative process  
(*rapporteur*: Ales Pecka)

The Working Group on the topic of substantive amendments and the updating of impact assessments (WG 2" further in the text) is charged with the task of studying possible ways of implementing assessments of substantive amendments, and the feasibility of updating impact assessments in the course of the EU legislative process. The subject is a horizontal *sui generis* topic, as it concerns the use of the impact assessment in the Council and should reflect the inter-institutional context of the decision-making process in the EU (e.g. the Niebler report adopted by EP on 8<sup>th</sup> June 2011).

Regarding different aspects and issues linked to the promotion of impact assessment methods in the Council, and taking account of several initial observations and comments in the first meeting on 7<sup>th</sup> February, the WG2 agreed that the objective of the WG2 would be firstly to identify and summarize in a comprehensive manner the roots of problems concerning impact assessment in the Council, and secondly to develop proposals on which the further work of the WG2 could continue. The three areas were identified, namely 1) political reasons, 2) structural and institutional reasons, and; 3) methodological reasons. Based on this structure the first list of problems was established, which was briefly presented by the rapporteur and debated in the following meeting on 26<sup>th</sup> May 2011. Members of the Group were requested to provide additional comments on this list (see also below).

WG2 further agreed that its main effort, regarding the mandate, will then focus on methodological aspects such as how the update of impact assessments could be implemented, and to this end, members of WG2 were asked to provide answers to a set of questions which was. The next round of comments from the members of WG2 is expected by 10<sup>th</sup> June. Furthermore, members were requested to provide possible comments on national experience about the use of impact assessment in the legislative process, e.g. in the form of a one-page summary.

The amended draft report dealing with methodological aspects is to be completed and submitted by the rapporteur for comments to other member of WG2 and most probably to the rest of the HLG before the end of June, with a deadline for replies of 2<sup>nd</sup> September (to be approved). On the basis of evaluation of inputs the WG2 will decide on the draft report which would be presented to the HLG in its meeting on October 2011.

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| (WG 3) Evaluation of existing legislation<br>( <i>rapporteur</i> : Oriel Petry) |
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1. Overview

- The Working Group discussed a draft interim paper, which presented Member State responses to two questionnaires covering how they conduct evaluation and case studies of good practice
- The Working Group identified and discussed themes emerging from the data collected

2. Discussion points

- *Scope of evaluation*: how narrow / wide should evaluation be pitched? A narrow approach will not necessarily reflect the reality experienced by the end-users of regulation
- *Prioritisation*: establishing what evaluation should focus on in terms of achievable and meaningful outcomes
- *Stakeholders*: evaluation should involve practitioners, end-users (business, citizens, non-governmental organisations) in order to maximise the value of evaluation. Also need to be wary of 'consultation fatigue', so stakeholder engagement needs to be carefully managed
- *Risks*: ex-post evaluation may be seen as an opportunity for some stakeholders to try and build in new regulatory burden. Upside risk – evaluation could mean exploring alternatives to regulation rather than simply accepting the continuation of the regulation under review
- *Triggers for evaluation*: cost – for public finances, for business (policy cost, administrative burden), for citizens; public interest – controversial, high profile regulation; mandatory – make evaluation compulsory on all / some regulation
- *Accountability*: what is the best way to hold the Commission to account for effective evaluation? Role of Impact Assessment Board? Role of European Parliament and its committees? Using greater transparency and public accessibility to legislative stock to drive accountability
- *Mandatory*.

3. Outcomes

- *Timeframe for draft report agreed*: end of July / early August
- *Further research agreed*: Fitness Check guidelines; Commission annual reports
- *Further information gathering*: new questionnaire to be circulated, to non-government stakeholders; continue encouraging HLG-BR members to provide information on how Member States conduct evaluation, case studies of good practice

(prepared by the *rapporteur*)

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| (WG 4) Consultation policy<br>( <i>rapporteur</i> Pekka Nurmi) |
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In its first meeting on 7 February 2011 the WG4 had a preliminary discussion on the objectives and planning of its work. The WG asked the Commission to provide a short factual paper on actual consultation practices. Thus, the Secretariat-General prepared a background paper about stakeholder consultation in the European Commission. The WG also decided to prepare a questionnaire to be addressed to all the members of the HLG-BR for contribution. The idea of the questionnaire was to have information about experiences, good practices, innovations and views on what might work at the EU level.

By the end of April twelve out of 27 Member States had returned the questionnaire to the chairman of the WG. On this basis a working document was elaborated by the *rapporteur*, and distributed in advance to the members of the WG for further discussion in the May meeting. The working document included a summary of the responses to the questionnaire and some preliminary evaluations and conclusions.

In the meeting, WG4 discussed the main issues raised in the responses. Some new examples and best practices were brought up. It was decided that the members of the WG will submit to the chairman more detailed information about some of these best practices as soon as possible. Meanwhile the working document will be revised based on the discussion in the meeting and the 2<sup>nd</sup> draft will be sent to the members of the WG to check and comment before the 1st of July. Members of the WG will be asked to send their remarks and proposals by the end of August. The draft report will be finalised before the next meeting in October.

(*prepared by the rapporteur*)