



EUROPEAN COMMISSION
SECRETARIAT-GENERAL
Directorate C
SG-C-2
Better Regulation and Impact Assessment

**Group of High Level National Regulatory Experts (HLG-BR)
Meeting of the 7 February 2011**

Summary records

Opening: adoption of the agenda and update of membership

Ms Klingbeil recalled that the **updated list of the members of the High level Group** has been distributed. She invited national experts to contact the secretariat (M. Angelino) concerning any problems related to the list. New national experts are now appointed/confirmed for *Austria, Czech Republic, Germany, Ireland, Malta and Sweden*. For the *Slovak Republic* and the *Swedish* alternate, the Secretariat General is still waiting for formal designation.

1st session (plenary): *Follow-up of the Smart Regulation Communication*

Ms Klingbeil briefly outlined that the meeting would be divided into **three parts** (cf. invitation letter and draft agenda):

- (1) *a short plenary session devoted to the formalisation of the four working groups and to briefly discuss their working methods and possibly adjust their composition;*
- (2) *work in the four working groups where national experts will discuss future work to follow-up the smart regulation communication on the basis of the four items identified in the November meeting;*
- (3) *a conclusive session in plenary where the "rapporteurs" will report on the results of the discussions held in the working groups. Under the AOB agenda point, the Commission will make a short presentation on the preparation of the report on "best practice in Member States to implement EU legislation in the least burdensome way."*

Under this point and in line with the discussions already held at the 19 November meeting, the HLG-BR agreed to set up four working groups and designated their "rapporteurs" as follows:

WG1 - *assessment of social impacts, Jean Maia;*

WG2 - *assessment of the impact of substantive amendments and updating of IAs in the legislative process; Ales Pecka;*

WG3 - *evaluation of existing legislation, Damian Nusbain;*

WG 4 - *the consultation policy, Pekka Nurmi.*

The provisional list of participants in the different WGs was circulated in advance and prepared on the basis of the preferences expressed by the members of the HLG-BR as agreed at the last meeting. None of the national experts asked to change group.

The chair stated that the main objectives for this first session of the four working groups were: (1) to define the objectives for each group, (2) to agree on internal working methods (3) to draw up an indicative timetable to conclude the work and to report results to the HLG-BR and (4) to launch initial substantive discussions.

Ms Klingbeil indicated that one Commission official will participate in each group as "observer" (they should not act as secretaries and should support the WGs only on logistical/practical issues).

2nd session: Working Groups: definition of the objectives and planning of the work

National experts divided into four meetings rooms assigned for each WG. No interpretation was provided. After lunch, WGs continued work until 15h30 when all national experts rejoined the plenary.

3rd session (plenary): Presentation by the rapporteurs of WGs work:

The Chair invited the *rapporteurs* to report on the discussions held in the respective WGs and on the possible operational conclusions reached.

WG 1: Assessment of social impacts - rapporteur Jean Maia. The main outcomes of the discussion were that the WG will prepare and distribute to the members of the HLG-BR a questionnaire about the current situation in the Member States and will investigate what information is already available in this domain (e.g. OECD and national RIA studies, methodological studies). DG EMPL experts will be invited to the next meeting to present the Commission's approach to assessing social impacts and will discuss how the MS could contribute to the better assessment of social impacts at EU level (e.g. providing data, participation in consultations). The members of the WG will continue work via e-mail exchange. At the next meeting of the HLG-BR (in principle scheduled for the 26 of May) the group will discuss the results of the questionnaire. Based on these results, the WG will decide on the focus and timing of further work.

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. A working document to orient the discussion (objectives and working methods) was provided in advance by the *rapporteur* and the group held broad discussions on the objectives to be set. All members were given the opportunity to express their views and expectations. The group recognised that the issue is highly political and institutionally sensitive. On the basis of the discussion, a questionnaire will be prepared by the WG to be addressed to all members of the HLG-BR with a number of key questions. The WG will continue its work up to the next meeting of the HLG-BR foreseen for end of May/June. The *rapporteur* will consider the possibility to meet also on the occasion of an event in Amsterdam in March.

WG 3: Evaluation of existing legislation - rapporteur Damian Nussbaum. The working document (objectives and working methods) provided in advance by the *rapporteur* helped to orient the discussion and the group had a fruitful brainstorming session with a lot of questions addressed to explore the scope of the exercise. Consensus

was reached on the overall approach and timeline: a table with key questions will be finalised and sent to the members of the HLG-BR for contribution; a case study will be carried out; the OECD reports and a study from the Bertelsmann Stiftung will be analysed; the possibility to invite external experts to share their experiences with the WG has been explored including the possibility to invite a sectoral DG to present a fitness check to the members of the WG. The WG will continue its work up to the next meeting of the HLG-BR foreseen for end of May/June. The agreed timeline foresaw information gathering in February-May, analysis of the information and draft recommendations in May-September and agreement on recommendations by September.

WG 4: Consultation policy - rapporteur Pekka Nurmi. After a fruitful discussion it has been decided to prepare a short questionnaire to be addressed to all the members of the HLG-BR for contribution (experiences/best practices at national level). The questionnaire will be sent to the members of the HLG-BR and will be prepared by the WG in April. The Commission has been asked also to provide a short factual paper on actual consultation practices, covering issues such as who was consulted, how these organisations/persons were selected, what methods were used, what was the content, the timing, the influence of the consultations, how the feedback was given (the Chair of the HLG-BR agreed to provide a short factual paper by the end February/early March). The rapporteur stated that it is considered premature at this stage to determine when the WG will come with some conclusions to be addressed to the HLG-BR.

The Chair concluded by taking note of the results of the work done in the WGs and proposed to the Group to **hold two further meetings during the year organised in the same way** (i.e. devoting a large part of the day to WGs work). The next meeting could take place before the summer break: a date was initially foreseen for the **26 May** as already announced but it could eventually be postponed to the 21st June. A second meeting could take place in **mid October, possibly on the 18th**. The date of the two forthcoming meetings will depend on the possibility of organising these meeting back-to-back with the SPOCs.

AOB/closing

Ms Pons updated the Group on the preparation of the report on "*best practice in Member States to implement EU legislation in the least burdensome way*" which the HLG of Independent Stakeholders on Administrative Burdens had been asked by the Commission to prepare by November this year. The main objective of the report is to identify good examples for smart implementation of EU legislation that may be transferred to other areas or shared with other Member states, in order to reduce burdens for businesses.

Mrs Pons **reminded the meeting that the official deadline set by Mr Stoiber's letter to heads of state and government for submitting the "report on best practices in MS for the implementation of EU law in the least burdensome way" expires on 31st March 2011.** If this deadline is respected, SG will be able to provide the HLGBR with an overview ahead of its next meeting in order to give MS the opportunity to comment on these examples. This overview is likely to refer also to information coming from other sources (regional governments, business organisations etc) and to examples collected from existing materials (consortium's reports, OECD/EU recent report on better regulation in 15 MS).

More information on the report including the questionnaire on the basis of which the examples are collected can be found on the HLG website

(http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/high-level-group/index_en.htm). This site includes a link to the Committee of the Regions' website where a slightly adapted questionnaire is published in all official EU languages¹.

In addition, Mrs Pons explained that the Secretariat of the Stoiber Group is still looking for **presentations** of national better regulation activities and best practices, in particular for the meeting of 5th May. If members of the HLG-BR are interested, they should contact the HLG Secretariat (SG-HLG-AB@ec.europa.eu or jorg.stephan@ec.europa.eu).

Furthermore, the Stoiber Group has decided to integrate a short summary on the institutional set-up of the better regulation activities in the report, with a focus on administrative burden reduction activities. To this end, the Secretariat of the group has screened the relevant OECD reports on this topic, in order to insert the respective information into a table. A draft of this table has meanwhile been sent to the SPOCs so that those Member States that were included in the scope of the OECD reports can check or update the information while those Member States that were not covered by the OECD reports can complement the table sent.

(March 2011)

**Contact points:
Mr Angelino SG.C2 (62608) Secretariat of the HLG-BR;**

¹ <http://portal.cor.europa.eu/subsidiarity/news/Pages/administrativeburdens.aspx>

Appointment on new member:

- **Austria:** Ms Barbara POSCH *Economic Policy and Internal Market, Federal Ministry of Economy, Family and Youth.*
- **Czech Republic:** Ms Jana MITROFANOVOVA, *Department of Public Administration, Ministry of the Interior*
- **Germany:** Ms Kirsten SCHOLL, *Head of EU Division, Federal Ministry of Economics and Technology, Future of the EU, EU-Justice and Home Affairs, Better Regulation.*
- **Ireland:** Mr Colin MENTON, *Head of Better Regulation Unit in the Department of the Taoiseach.*
- **Malta:** Mr Paul DEBATTISTA, *Managing Consultant, Management Efficiency Unit, Office of the Prime Minister, as alternate member.*
- **Sweden:** Ms Inga THORESSON-HALLGREN, *Deputy Director General, Division for Entrepreneurship.*

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.*
- **Sweden:** Ms Sofia HERCULES, *Ministry of Enterprise, Energy and Communications, Division for Entrepreneurship, as alternate member.*

(as for the 7 February 2011)