



**Group of High Level National Regulatory Experts (HLG-BR)
Meeting of 22 October 2013**

Summary record

**9:30-9:45 Opening: Adoption of the agenda and update of membership
Adoption of the Meeting report of 16 April 2013**

Ms Marianne Klingbeil, Chair of the Group, welcomed the participants and introduced the newly appointed members of the Group (see annex I). The Chair introduced the agenda of the meeting. The meeting report of 16 April 2013 was adopted.

**9:45-10:45 Report to the plenary from the working groups
*Presentation on the progress in working groups***

The Chair emphasised the importance of practical application of the working group results. She invited the three working group chairs to present the work done so far.

WG1 Evaluation (Ms Kirsten Scholl): the main focus of this working group is on joint evaluations of the Commission and Member States with aim to gather experience with this instrument, to learn from each other, but also to provide the Commission with (additional) data for the respective evaluations. Firstly, the working group discussed more general questions such as aims, content, time frame, expectations and possible candidates for joint evaluations. Secondly, the group selected a shortlist of possible joint evaluations: 1) General food law (particular focus on labelling and risk assessment); 2) Regulation 638/2004 on statistics on intra-EU trade (part of ABRPlus); 3) Health and safety at work; 4) Fitness check on waste. From those 1-2 projects will be selected. Interested Member States are invited to sign up for evaluations by 8th November. Evaluation work will be carried out November 2013 – May 2014, the drafting of the final report is foreseen to be completed in June 2014.

Discussion:

The Chair reminded that there are currently about 50 ex-post evaluations on-going and that input from Member States can be provided for all of them. As the Commission cannot go into such a level of detail to fully cover all Member States' circumstances and specific concerns, the next stage is to carry out joint evaluations that could provide information on such Member State specific aspects for the Commission's ex-post evaluations. One member commented that there is a need to identify sectors for evaluations where it will have impact on stakeholders and to commit to involving sub-national levels where they have competence in the area.

WG2 SMEs (Mr Julian Farrel): this working group focused on the best practice sharing among Member States on adapting legislation to minimise regulatory burdens for SMEs, inspired by the Commission Communication of November 2011, which highlighted the reversed burden of proof and lighter regimes for SMEs. As it is often challenging for experts to think of ways to reduce the

burden on SMEs in their area, the aim is to provide examples. The report provides eight groups of lighter regimes: total exemption from entire legislation, partial exemption to parts of legislation, longer transition periods, reduced reporting or record-keeping requirements, reduced fees, simplified inspection regimes, 'de minimis' rules and risk based approaches. WG chair suggested sharing the report through the Best practice library as well as with Member States and the Commission departments.

Discussion:

The Chair thanked the group for the best practice report, but pointed out that more needs to be done to follow up. The next step is the application: if we look at specific examples (e.g. VAT mini-one stop shops) can these be followed-up in practice or are there reasons why it cannot be done? The Commission roadmaps for initiatives with likely significant impacts can also be used for pointing out specific SME aspects. It was suggested that this working group should also try to help ensure that colleagues in Council working groups support lighter regimes for SMEs proposed by the Commission, while at the same time the Commission accepts the responsibility to ensure that its services think more systematically of SME aspects..

WG3 Implementation (Mr Aleš Pecka): as implementation is the responsibility of Member States, this working group focused mainly on identifying common problems in implementation of EU law on the ground and examples of best practice in the Member States. One concrete application could be to look at examples from the ABRPlus list.

Discussion:

The Chair suggested that a useful focus could be to explore to what extent the Commission implementation plans are used in practice. She emphasised that early feedback on implementation issues is important and that Member States should bring this implementation experience already when negotiating new legislative proposals.

10:45-12:00 Member State Best practice presentation

- a) UK DEFRA - Reforming Environmental Regulation in the UK*
- b) NL - Simpler & Better, the Netherlands' program to reform regulations of activities affecting the physical environment*
- c) Identification of future presentations*

a) UK DEFRA - Making environmental protection work better with simpler requirements and less burden

Mr Steven Gleave (DEFRA) presented the reform of environmental regulations in the UK, which aimed at removing unnecessary regulatory burdens and making it easier for businesses to comply with environmental obligations. It included legislation, guidance, information requirements and inspections. There is currently a web of guidance (>6000 documents) spread over multiple websites with no common format or style. There are also frequent instances of duplication. The UK took a user-centred approach focusing on businesses rather than procedures with a simple, clear and quick access to information in one place (www.gov.uk). Expected time savings for business is >80% (~ £1bn savings over 10 years). There are expected to be savings for government too. The example of batteries waste was used to illustrate the reform. A more interactive way of producing and reviewing guidance was introduced. The main recommendations include to stop collecting information where it is not used, reduce the number of transactions, require businesses only to notify important changes (no reporting of low risk activities), allow reporting through an accredited third party (i.e. accredited ecologist) instead of government agencies, and simplify the way in which government collects information.

Discussion: question on how to measure cost savings for public sectors as often this is a good motivator for other departments to undertake such reforms. Mr Gleave explained that public agencies in the UK need to become more efficient, partly because of budget reductions. Defra's budget had reduced by 20% over recent years and this consequently had an impact on agencies'

budgets. Attention is therefore being paid to the number of people working on guidance documents.

b) NL program to reform the regulation of activities affecting the physical environment

Mr Edward Stigter presented the Netherlands' program to reform the regulation of activities affecting the physical environment. Main activities of this programme include (1) creating one new comprehensive Act which regulates all activities affecting the physical environment (replacing 17 acts and incorporating rules from 20 other acts); (2) streamlining the secondary legislation; (3) supporting the implementation on the ground (one stop shop: one digital application, one permit, one single point of contact); (4) promoting good regulatory practices; and (5) providing feedback of findings into possible revisions of EU legislation. For example, there could be opportunities for harmonising, streamlining, integrating and simplifying the EU Directives regarding reporting and inspections or exploring interrelationships between regulations in specific areas (ambient air and noise, water and habitats).

Discussion: a question was raised on examples for simplifying EU legislation. Mr Stigter explained that some key instruments (information requirements, permits, inspections) are defined in the EU legislation in different ways, which makes it difficult to implement this in an integrated way. It should therefore be good to bring together the experts from different areas to see if differences in implementing these permits, inspections, etc. are justified and whether they can be resolved.

c) Identification of future presentations

The Chair invited the HLG-BR members to suggest other best practices or interesting examples of using smart regulation tools. Member from Luxembourg suggested presenting similar programme on environmental law, Spain - the results of the public reforms commission, the Netherlands – the CAR methodology (The Cost Driven Approach to Regulatory Burden), and an additional contribution from Italy.

Operational conclusions:

- **The Chair thanked for the suggestions for best practice presentations. Two of the initiatives could be presented at the next meeting and two – at the second meeting in 2014. The title and short description should be emailed to the Secretariat.**

12:00-12:30 European Commission Smart Regulation initiatives

- **REFIT Communication and Staff Working Document**
- **Communication on strengthening Evaluation**
- **ABRplus**

Presentation by the Commission and discussion

Ms Elizabeth Golberg, Director for Smart Regulation, presented the Commission Smart Regulation initiatives: REFIT Communication and Staff Working Document, Communication on strengthening Evaluation and ABRplus. She explained the concrete results of REFIT: 21 simplification proposal with legislators (including Animal and plant health (2 laws replacing 66), public procurement, clinical trials), 23 new initiatives in preparation (including standard VAT form), 31 evaluations and fitness checks planned and 16 under way, as well as 6 withdrawals and 9 repeals. Strengthening Smart Regulation tools includes work on (1) evaluations (e.g. by improved quality support and scrutiny, pilot joint evaluations with Member States, review of Evaluation Guidelines in 2014 following a public consultation); (2) further improving impact assessment system (e.g. by improved ex-ante assessment of costs and benefits, review IA guidelines in 2014 following a public consultation); (3) improving stakeholder consultation (e.g. by publishing a rolling calendar of planned consultations, wider translation of consultation documents, up-date of minimum consultation standards and guidelines); (4) implementation support (e.g. by more systematic and risk-based approach to conformity assessment as well as

preparation of implementation plans for Directives). Finally, emphasis was placed on the importance of joint responsibility of the three institutions for Smart Regulation, for example, Council and Parliament still need to improve their engagement in implementing the Smart regulation Agenda, for example by carrying out impact assessments for their substantive amendments.

Discussion:

Members welcomed the Commission Communications. One comment encouraged the Commission to look into which repeals have substantive positive impacts on burden reduction for businesses. Another suggestion was that the Commission should keep track of the difference between administrative burdens in the Commission proposal and the final legislation adopted, and that Commission impact assessments should be updated after the adoption of the legislation. Other questions raised the issue how the end users have been involved and how Member States can best input to the REFIT process.

Ms Golberg explained that the EP and Council should assume their responsibility of assessing the costs of amendments and that any tally of net costs of Commission proposals would be just an intellectual exercise, the actual costs depending on Member States' implementation choices. On REFIT, she explained that Member States could firstly contribute to the joint evaluations, as well as provide input to any other evaluation (evaluation calendar to be published) and comment on roadmaps. The Chair explained the Commission's approach to present the programme to SME and micro-enterprise conferences as one way of involving the end users.

12:30-13:00 AOB/Conclusions Demonstration of UK Online Information System on Environmental Law

AOB: a member from the UK informed about a report from the Business Taskforce report on cutting the EU red tape. It includes principles for removing the EU regulatory burden as well as 30 recommendations on specific policies.

The question was also raised whether the Best Practice Library could not also include a tab for "General Smart Regulation Issues", because some submissions were not easy to fit in to one of the given categories (Evaluation, IA, Consultation, Implementation of EU law).

Operational conclusions:

- **The Chair thanked the HLG-BR members that have provided their guidelines on evaluation, impact assessment, consultation and transposition/implementation of legislation for the best practice library (DE, LU, UK). The best practice library is short of actual 'best practices' in each of those areas. As such practical examples can provide the most learning, the HLG-BR members are invited to provide their Member States' examples on evaluation, consultation, impact assessment and transposition/implementation.**
- **An additional tab will be added for "General Smart Regulation Issues" as requested by members.**

The next meeting of the HLG-BR will be scheduled tentatively in April/May 2014.

On-line Information tools to support Defra's management of its regulations

Three tools work together to support the management of the entire policy cycle. The Policy Tracker is a custom built system that allows DEFRA to monitor the development of new policies. It informs what policy work is on-going in different policy departments to improve planning and predictability (it includes the core departments and agencies). DEFRA has also introduced one access point for public consultations and improved feedback (e.g. each consultation question can be shown with a % of the number of consultees who agree or disagree with the proposal). Finally, DEFRA-Lex has been introduced. It is a web-based portal of DEFRA's entire regulatory stock and associated documentation, including consultations, impact assessments, and intended dates for future policy reviews and evaluations.

Enclosures:

- Summaries from the working groups (*to be included as soon as available*)

ANNEX I

Appointment of new members:

- **Austria:** Mr Georg SEPER, Bundesministerium für Wirtschaft, Familie und Jugend Federal Ministry of Economy, Family and Youth.
- **Denmark:** Mr Sune KNUDSEN, Head of division, Danish Business Authority.
- **France:** Ms Célia Vérot, Directrice adjointe au secrétaire général du Gouvernement, chargée de la simplification, Services du Premier Ministre, Ms Chrystèle Naudin-Carastro (*as alternate member*) and Mr Olivier Cortès (*as alternate member*), and Mr Pierre Heilbronn, Secrétaire général adjoint des Affaires Européennes, Services du Premier Ministre, Mr Bertrand Jéhanno, Chef du secteur ‘marché intérieur’ au SGAE (*as alternate member*) and Mr Jean-Luc Daniel, Adjoint au chef du secteur ‘marché intérieur’ au SGAE (*as alternate member*).
- **Italy:** Mr Luigi CARBONE, President of Section of the Italian “Consiglio di Stato” and Member of the Italian Regulatory Authority for Electricity and Gas, Ms Silvia PAPARO, Director General, Department for Public Administration, Office for Administrative Simplifications of the Presidency of Council of Ministers (*as alternate member*) and Ms Maria Francesca ROCCHETTI, Director General, Department of Legal Affairs, Office for Analysis and quality of regulation of the Presidency of Council of Ministers (*as alternate member*).
- **Sweden:** Ms Sofia HERCULES, Head of Section, Division for Entrepreneurship, Ministry of Enterprise, Energy and Communications and Mr Stefan ERNLUND, Director, Unit for Better Regulation, Swedish Agency for Economic and Regional Growth (*as alternate member*).
- **Slovenia:** Mr Matija KODRA, Directorate for Quality of Public Administration, Ministry of the Interior, Ms Janja LENC, Directorate for Quality of Public Administration, Ministry of the Interior (*as alternate member*) and Ms Maja LEVICAR, Directorate for Quality of Public Administration, Ministry of the Interior (*as alternate member*).

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