



EUROPEAN COMMISSION

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C(2016) 170 final*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on its proposal for an Interinstitutional Agreement on Better Regulation {COM(2015) 216 final}.

The Better Regulation package was presented by the Commission on 19 May 2015. It outlines the proposed measures to deliver better results for citizens and businesses through better EU rules. To this end, the package includes a proposal for the revision of the 2003 Interinstitutional Agreement on Better Law Making. It also explains how the Commission intends to further open up policy-making and interact better with stakeholders. The measures proposed focus on greater transparency around decision-making, wider public consultation, improved impact assessments and a new approach to reviewing the existing stock of EU legislation.

As regards a new Interinstitutional Agreement on Better Law Making, the Commission is pleased to inform the Camera Deputaților that the negotiators of the European Parliament, the Council and the Commission have in principle reached an agreement. However, any new agreement would have to be formally endorsed by each of the three institutions and this is expected to happen in the first quarter of 2016.

The Commission welcomes the broad support of the Camera Deputaților for the goals of better regulation and has taken note of its concerns. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and trusts that these will allay the concerns of the Camera Deputaților.

With regard to the concerns of the Camera Deputaților about the risk of excessive insistence on simplification and cutting red tape, the Commission would like to stress that better regulation is not about deregulation and that it does not question established policy goals. Better regulation is simply about achieving these goals in the most effective and efficient way, that is with the least burden and without sacrificing the protection of the public interest. It is also about the Commission acting in a more transparent way and connecting better with citizens and those affected by Union legislation.

The Commission also remarks the Camera Deputaților's concerns with regard to risk assessment. Assessing risks is complex and often requires in-depth expertise and specialist

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knowledge spanning various policy fields. In addition to in-house expertise, the Commission mobilises broad scientific expertise provided by permanent bodies or services at EU level, such as decentralised agencies or scientific committees set up by the Commission to assess risks. The Commission then decides on risk management measures on the basis of the assessment by these experts, supported by an impact assessment where relevant. It should also be recognised that the Better Regulation Guidelines are accompanied by a Better Regulation Toolbox of which one tool (nr 12) is specifically dedicated to risk assessment and management. It explains the key concepts and how risk assessments can contribute to impact assessment.

The Camera Deputaţilor asks for a clarification of certain methodological issues, such as the circumstances in which cost-benefit analysis would be necessary or those in which multi-criteria would be most appropriate. The Commission recalls that the above-mentioned toolbox also contains a specific tool (nr 57) on multi-criteria analysis. The tool specifies that multi-criteria analysis is appropriate when the information necessary for a proper cost-benefit analysis is not available or where it is controversial or volatile. This occurs, for example, when robust methods to monetise different impacts are not available.

With regard to Camera Deputaţilor's concern that not all proposals will be accompanied by an impact assessment, the Commission would like to refer to the Better Regulation Guidelines, which specify that an impact assessment is not needed when there is little or no policy choice available to the Commission, or the impacts are small or cannot be identified clearly. In those situations, the reasons for the absence of an impact assessment will be explained in the explanatory memorandum that accompanies the proposal. The same explanatory memorandum will present the content of the proposal and explain the underlying rationale.

Moreover, when planning an initiative, the Commission prepares roadmaps or inception impact assessments that explain what the Commission is considering. A roadmap describes the problem to be tackled and the objectives to be achieved. It sets out why EU action may be needed and its added value. It also outlines the policy options being considered. An inception impact assessment is a more developed roadmap for initiatives subject to an impact assessment. It sets out in greater detail the description of the problem, any issues related to subsidiarity, the policy objectives and options as well as a preliminary identification of likely impacts of each option. All roadmaps and inception impact assessments are published on the Commission's website¹ so that all interested parties are informed and can provide initial feedback, including on the Commission's intention to carry out an impact assessment or not, and why.

With regard to the Camera Deputaţilor's observations about delegated acts the Commission would like to emphasise, as foreseen in the new Interinstitutional Agreement on Better Law Making, that Member State experts will always be consulted on a draft delegated act. The public will also be able to comment on draft delegated acts, alongside consultation of Member States experts. There are some clearly defined exceptions where for example the Commission has little or no discretion over the content or where extensive public

¹ http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm

consultation has already taken place during the preparation of the measure. These exceptions are clearly spelled out in the Better Regulation Guidelines.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*