



## EUROPEAN COMMISSION

*Brussels, 15.2.2016  
C(2016) 921 final*

*Dear Chair,*

*The Commission would like to thank the Riksdag for its Opinion on the Commission's Communication "Better regulation for better results – An EU agenda" {COM(2015) 215 final}.*

*The Better Regulation package was presented by the Commission on 19 May 2015. It sets out measures to deliver better results for citizens and businesses through better EU rules. These measures focus on greater transparency around decision-making, reinforced public consultation, improved impact assessments and evaluations and a new approach to reviewing the existing stock of EU legislation.*

*The Commission welcomes the broad support of the Riksdag for the goals of better regulation and takes note of its comments. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its measures.*

*The Commission notes the concerns of the Riksdag regarding the risk of lowering EU standards as a consequence of simplification efforts. 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 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. Simplification efforts aim at reducing unnecessary burden, without compromising the EU's social, health and environmental standards or the protection of its consumers. The Commission's Better Regulation guidelines stipulate that the 'think small first' principle be applied and that lighter regimes for small and medium-sized enterprises (SMEs) or exemptions for microenterprises of certain provisions be considered when developing policy options. However, the appropriateness of exemptions for micro-enterprises must be assessed on a case-by-case basis, taking account of the pre-condition that the goals of the initiative, other Treaty-based goals and fundamental rights are not undermined.*

*Mr Andreas Nordlén  
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*cc.: Mr Urban Ahlin  
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*With regard to the comment of the Riksdag about a "closed negotiating culture" and the use of informal trilogues between representatives of the European Parliament, the Council and the Commission, the Commission would like to recall that trilogues do not replace the formal procedures between these institutions. Rather, they complement them and ensure swifter and smoother progress on legislative files. It is the responsibility of the institutions to define the mandates of their representatives at these trilogue meetings and to make sure that they report back in full transparency to their respective institutions. As part of the Interinstitutional Agreement on Better Lawmaking for which a provisional agreement between the European Parliament, the Council and the Commission was concluded in December 2015, the three institutions agreed to ensure transparency and communication to the public during the whole legislative cycle.*

*The Commission appreciates the Riksdag's encouragement to measure and monitor the impact of simplification at EU level, including at the implementation level by Member States. The Commission is committed, through the EU Regulatory Fitness and Performance Programme (REFIT), to improve existing legislation and measure the impact of EU measures via an ongoing dialogue with Member States and stakeholders. In that context, it produces an annual scoreboard to provide the state of play of simplification initiatives and an assessment of their outcomes.*

*Finally, in reply to the Riksdag's comments on subsidiarity and proportionality justifications in Explanatory Memoranda, the Commission would like to stress that providing clear and comprehensible reasoning on subsidiarity and proportionality is something to which this Commission attaches particular importance. The principles of subsidiarity and proportionality are at the heart of the Commission's Better Regulation agenda. The Better Regulation package contains improved and more operational guidance for Commission services on how to prepare the subsidiarity reasoning in Commission impact assessments and in the explanatory memorandum accompanying its legislative proposals.*

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

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*