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NOTE

From: Presidency
To: Delegations
Subject: Quantification: Lessons learned

Delegations will find in Annex a Presidency discussion note on the Quantification: Lessons learned.

Discussion note on quantification

1. The issue of the quantification of regulatory burden reduction will be on the agenda in the morning of the meeting of the Working Party on Competitiveness and Growth (Better Regulation) of 15 March,. Several presentations will be given. Mr. Bex from the Netherlands will give a presentation on the methodology that could be used. A representative from Denmark will give a presentation of the Danish approach to quantification. The Commission will give a presentation of its work on ex ante and ex post quantification. This note presents a guideline for the discussion that will follow these presentations. The goal is to exchange lessons learned, to discuss the methods to quantify and to identify possible next steps.
2. The Competitiveness Council of December 2014 says: “.:WELCOMES the first edition of the annual REFIT scoreboard that allows for the assessment of progress made in all policy areas and for each initiative identified by the Commission, including actions taken by the Council and the European Parliament. At the same time, in order to increase the information about REFIT results and to make REFIT monitoring more effective, CALLS on the Commission to integrate an annual assessment of the main quantitative and qualitative benefits and costs produced for end-users into the REFIT scoreboard, especially in terms of regulatory burden reductions”. And: “..- to publish an annual report on the likely impacts of its proposals as shown in the IAs produced in the previous year, in order to increase the clarity and transparency of available information on the expected effects of proposed legislation. The report should be integrated into the REFIT scoreboard in order to track changes as introduced in the legislative process and subsequent implementation process: it should also provide a list of IAs where competitiveness proofing was applied”.

3. The Interinstitutional Agreement on Better Regulation says: “The Commission undertakes to present annually an overview, including an annual burden survey, as a contribution to its regulatory fitness programme (REFIT), of the results of the Union’s efforts to simplify legislation and avoid overregulation and reduce administrative burdens.” Also: “Based on the institutions’ impact assessment and evaluation work and input from Member States and stakeholders, and while taking into account the costs and benefits of EU regulation, the Commission will, wherever possible, quantify the regulatory burden reduction or savings potential of individual proposals or legislative acts”.
4. Starting from the Competitiveness Council of 2014 and the text of the Interinstitutional Agreement, the main question is: what can be done to achieve a step forward in the quantification of regulatory burden?
5. It seems important that not only do the Impact Assessments of the Commission (wherever possible) include a quantification of the regulatory burden reduction of individual proposals or legislative acts, but also that the Council and the European Parliament carry out impact assessments in relation to their substantial amendments of the Commission’s proposal. This is also said in the Interinstitutional Agreement, as well as that these impact assessments include a quantification of their impact on regulatory burden. What can be done to ensure this? What is the opinion of Member States and the Commission on this?
6. Concerning next steps, first there should be clarity about the methods that can be used for quantification. Are existing methods the way forward, or do we need to look at new methods? What is the opinion of Member States and the Commission on this?
7. Another step concerns getting the relevant data. Can Member States and stakeholders work together with the Commission to achieve this? Can the consultation process be helpful to get the relevant data? What is the opinion of Member States and the Commission on this?
8. Are there any other practical barriers to progress in the quantification of regulatory burden? And how can these barriers be overcome? Barriers are for example the capacity for making quantifications and the ‘work burdens’ for governments and companies. What are the views of Member States and the Commission on this?