Stocktaking of the Commission's 'better regulation' approach

Fields marked with * are mandatory.

Introduction

The European Commission is committed to being 'big on big things' and smaller on things where EU action does not add value. To help to deliver on this commitment, the Commission has put in place a 'better regulation' agenda based on three key pillars: stakeholder engagement throughout the policy cycle; evaluation to ensure that the current body of EU law remains fit for purpose; and impact assessment to ensure that new proposals reach their policy goals in the most efficient way without imposing unnecessary burdens.

Since 2015, the Commission has revamped the 'better regulation' framework to make it more effective. The results of this revision include:

- *further efforts to increase the transparency, legitimacy and accountability of our work, in particular as regards the consultation process throughout the policy cycle, including the possibility for the general public and interested parties to provide feedback on proposals, and increased availability of languages*
- *an independent Regulatory Scrutiny Board which checks the quality of the Commission's impact assessments and major evaluations*
- *a new online tool – 'Lighten the Load' – which enables those affected by EU legislation to put forward their views, plus any criticisms and ideas for improvement they may have, so as to simplify and improve existing EU laws*
- *a platform of experts including representatives of NGOs, interest groups and national governments – the 'REFIT platform' – to advise the Commission on how to make EU laws simpler and less costly without watering down the intended objectives*

The Commission is aware that further improvements can be made. We would like to hear your views on those aspects of the better regulation framework that work well and those where you think it should be improved.

The results of this public consultation will inform the Commission stocktaking of its better regulation framework which it will publish in Spring 2019.

The questionnaire is divided into 7 short sections. Most questions are optional. You can upload a position paper at the end should you so wish.

Relevant links:

- the Commission's 2017 communication on 'Completing the Better Regulation Agenda: Better solution for better results'
- the Commission's better regulation agenda

- the Commission's better regulation guidelines and toolbox
- the Commission's central consultation page ('Have your say')
- Regulatory Scrutiny Board
- the Commission's REFIT Programme
- REFIT platform
- Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently'

About you

*1 You are replying

- ○ as an individual in your personal capacity
- ◉ in your professional capacity or on behalf of an organisation

*8 Respondent's first name

Paul

*9 Respondent's last name

Thompson

*10 Respondent's professional email address

paul.thompson@efaa.com

*11 Name of the organisation

European Federation of Accountants and Auditors for SMEs

*12 Postal address of the organisation

Rue Jacques de Lalaing, 4
B-1040 Brussels
Belgium

*13 Type of organisation

Please select the answer option that fits best.

- ○ Private enterprise
- ○ Professional consultancy, law firm, self-employed consultant
- ◉ Trade, business or professional association
- ○ Non-governmental organisation, platform or network
- ○ Research and academia
- ○ Churches and religious communities

- ○ Regional or local authority (public or mixed)
- ○ International or national public authority
- ○ Other

*16 Please specify the type of organisation.

- ○ Chamber of commerce
- ○ Business organisation
- ○ Trade Union
- ◉ Represenative of professions or crafts
- ○ Other

*22 Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?

- ◉ Yes
- ○ No
- ○ Not applicable

*23 If so, please indicate your Register ID number.

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*24 Country of organisation's headquarters

- ○ Austria
- ◉ Belgium
- ○ Bulgaria
- ○ Croatia
- ○ Cyprus
- ○ Czech Republic
- ○ Denmark
- ○ Estonia
- ○ Finland
- ○ France
- ○ Germany
- ○ Greece
- ○ Hungary
- ○ Ireland
- ○ Italy
- ○ Latvia
- ○ Lithuania
- ○ Luxembourg
- ○ Malta
- ○ Netherlands
- ○ Poland
- ○ Portugal

- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

*26 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001

- **can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- **can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

1. The Commission and better regulation – general questions

This section focuses on the Commission's general approach to improving regulation (later sections will go into more detail).

*27 **Are you informed about the Commission's plans early enough to be able to take part in the policy-making process?**

- Yes, fully
- Yes, mostly
- Sometimes
- No, not usually
- No, not at all
- Don't know

*28 **Are you satisfied with how the Commission involves members of the public, businesses, non-governmental organisations and other interest groups?**

- Yes, very satisfied
- Yes, satisfied
- Neither satisfied nor dissatisfied
- No, dissatisfied
- No, very dissatisfied
- Don't know

*29 **Does the Commission provide enough evidence (e.g. evaluations, impact assessments) to back up its proposals?**

- Yes, always
- Yes, mostly

- (●) Partially
- ( ) No, not usually
- ( ) No, not at all
- ( ) Don't know

*30
Does the Commission take environmental and social impacts sufficiently into account when putting forward policy proposals (in addition to economic impacts)?

- ( ) Yes, always
- ( ) Yes, mostly
- (●) Partially
- ( ) No, not usually
- ( ) No, not at all
- ( ) Don't know

*31 **Does the Commission take subsidiarity and the role of national, regional, and local authorities sufficiently into account when putting forward policy proposals?**

- ( ) Yes, always
- ( ) Yes, mostly
- (●) Partially
- ( ) No, not usually
- ( ) No, not at all
- ( ) Don't know

*32 **Are you satisfied with the Commission's efforts to simplify existing EU laws and to reduce costs where possible (REFIT)?**

- ( ) Yes, very satisfied
- ( ) Yes, satisfied
- (●) Neither satisfied nor dissatisfied
- ( ) No, dissatisfied
- ( ) No, very dissatisfied
- ( ) Don't know

33 **Please feel free to explain your answers. We would like to know what works well (and should be kept) and what doesn't (and needs review).**

3000 character(s) maximum

We feat that the focus is on the reduction of quantity of regulation, as measured by volume of provisions, rather than the burden of the regulation. We also suspect that in cutting some regulation insufficient attention is paid to the benefits of the regulation.

2. Consulting the public and interested parties

When preparing new or revising existing laws and regulations, the Commission asks interested parties for their ideas and views as well as for factual information. The idea is to give those likely to be affected by EU policies an opportunity to be heard.

Members of the public and representatives of interest groups can provide input throughout the policymaking process in a number of ways (all of which you can find on the Commission's central consultation page, Have Your Say). They can:

- comment on roadmaps and inception impact assessments (these documents present the Commission's initial ideas, announce the launch of an impact assessment process or explain its absence and also provide an overview of the planned public and targeted consultations)
- participate in public consultations
- comment on legislative proposals
- comment on draft delegated or implementing acts (these acts complement existing laws to update them or to help implement them)
- suggest ways to improve existing laws, via the 'Lighten the Load' tool

Individual Commission departments also regularly hold targeted consultations of stakeholders through events, working groups, or questionnaires published on the respective department's web page or sent to experts.

The aim of this section is to identify what parts of the stakeholder consultation processes are working well and find out how the Commission can improve them further.

* 34 **Are roadmaps and inception impact assessments useful to help you prepare your participation in the policy-making process?**

- ○ Yes, fully
- ◉ Yes, mostly
- ○ Partially
- ○ No, mostly not
- ○ No, not at all
- ○ Don't know

35 **Please feel free to explain your answer.**

2000 character(s) maximum

We do however believe that many less informed stakeholders impacted by the regulation, such as SMEs, fail to either notice policy that stands to affect them or else do but feel they lack the capacity to participate.

36 **Are you satisfied with the following opportunities to contribute to the policy-making process?**

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know	I am not aware of this tool / opportunity
* Opportunity to **comment on roadmaps and inception impact assessments**	○	○	◉	○	○	○	○
* **Public consultations**	○	○	◉	○	○	○	○
* Opportunity to **comment on draft delegated and implementing acts**	○	○	◉	○	○	○	○
* Opportunity to **comment on Commission legislative proposals**	○	○	◉	○	○	○	○
* Opportunity to **suggest ways to improve existing laws (Lighten the Load)**	○	○	◉	○	○	○	○

37 **Please feel free to explain your answer.**

2000 character(s) maximum

As stated above SMEs often lack the awreness or understanding as to how they can participate in policy making. Perhaps a short guide, broadly publicised at the inception stage, could suggest how SMEs with limited capacity might engage.

38 **Are you satisfied with the following aspects of the Commission's *public* consultations?**

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* **Clarity of questionnaires**	○	◉	○	○	○	○
* **Length of questionnaires**	○	○	○	◉	○	○
* **Neutrality of questionnaires**	○	◉	○	○	○	○
* **Opportunity to make relevant comments or provide supporting material**	○	○	◉	○	○	○
* **Availability of different language versions**	○	○	◉	○	○	○
* **Length of consultation period** (12 weeks)	○	○	◉	○	○	○

39 **Please feel free to explain your answer.**

2000 character(s) maximum

Surveys are often quite long and this of itself will distract SMEs from responding. To make matters worse some surveys seem to leave SME issues to last by which point SMEs would have lost interest. It would be better if surveys were scalable - starting with SME considerations and issues and then moving onto issues more relevant to PIEs.

* 40 **Are you satisfied with how the Commission reports on the results of its public consultations and the other opportunities to comment?**

- ○ Yes, very satisfied
- ○ Yes, satisfied
- ◉ Neither satisfied nor dissatisfied
- ○ No, dissatisfied
- ○ No, very dissatisfied
- ○ Don't know

41 **Please feel free to explain your answer.**

2000 character(s) maximum

Reports often leave SME issues to last. These issues need to be up front.

42 **Do you have any other ideas for improving the Commission's stakeholder consultation practices?** We would like to hear examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

Scalbale surveys as described above. SMEs coudl then avoid having to read and respond to the entire survey. To help combat non or low response from SMEs perhaps an SME focus group could be employed.

3. Evaluating existing EU laws

The Commission regularly assesses how well existing EU measures - laws, policies, and financial programmes, for instance – are working.

An assessment of existing EU measures is called an '**evaluation**' (and, where several EU measures are examined collectively, a 'fitness check'). Assessments enable the Commission to decide whether particular EU measures are still justified, or whether they need to be simplified or improved (e.g. to cut out unnecessary regulatory costs or inconsistencies, adapt measures to take account of new developments, make them work better, or even repeal them).

The REFIT programme and the REFIT platform help the Commission identify the areas where it needs to focus its efforts, to simplify legislation and reduce any burdens caused by EU action. The state of play of such initiatives are tracked by the REFIT Scoreboard.

43 **Are you satisfied with the following aspects of the Commission's evaluations?**

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* **Transparent assessment of what works and what doesn’t**	○	◉	○	○	○	○
* **Usefulness of evaluations for policy-making**	○	○	◉	○	○	○
* **Transparent information about all relevant impacts (benefits and costs) of existing legislation**	○	○	◉	○	○	○
* **Focus on simplification and cutting unnecessary costs (‘REFIT programme’)**	○	○	◉	○	○	○

44 **Please feel free to explain your answer.**

2000 character(s) maximum

Please see above. Usefulness is limited due to the low or non response from SMEs. In the pursuit of cost cutting we fear that insufficient attention is paid to the benefits of regulation that is a candidate for cutting.

*45 **Is the REFIT platform effective in identifying areas where legislation can be simplified and unnecessary costs cut while preserving policy objectives?**

- Yes, fully
- Yes, mostly
- Partially
- No, not usually
- No, not at all
- Don't know

46 **Please feel free to explain your answer.**

2000 character(s) maximum

Please see above.

47 **Do you have any further ideas about how to improve the Commission's evaluations?** Please feel free to share examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

We welcome the SME test and would like to see this front and centre in evaluations rather than an end of evaluation after thought.

4. Assessing new Commission proposals

Impact assessments support the Commission's policy proposals. They assess:

- the pros and cons of a range of policy options designed to address one or more problems, using evidence from previous evaluations and consultations
- conformity with the principles of subsidiarity and proportionality
- potential for simplifying existing legislation and cutting any unnecessary regulatory costs, in line with the Commission's REFIT programme.

All impact assessments are published on a central web page. Members of the public and people with a special interest in the issue at hand can comment on impact assessments accompanying legislative proposals.

48 **Are you satisfied with the following aspects of the Commission's impact assessments?**

	Yes, very satisfied	Yes, satisfied	Neither satisfied nor dissatisfied	No, dissatisfied	No, very dissatisfied	Don't know
* **Transparent information about all the relevant impacts (benefits and costs) of different policy alternatives**	○	○	◉	○	○	○
* **Assessment of the potential for simplifying existing legislation and cutting unnecessary costs**	○	○	◉	○	○	○
* **Usefulness to inform the Commission's decision-making**	○	○	◉	○	○	○
* **Usefulness to inform the European Parliament’s and the Council’s decision-making**	○	○	◉	○	○	○

49 **Please feel free to explain your answer.**

2000 character(s) maximum

Please see above. We question whether these pay sufficient attention to SMEs and hence have limited usefulness.

50 **Do the Commission's impact assessments analyse the most relevant and important issues?** (e.g. impacts on SMEs via the SME test, etc.)

2000 character(s) maximum

We question whether such tests are as prominent, regular and robust as they can be.

51 **What more can the Commission do to justify its proposals with regard to subsidiarity and proportionality?**

2000 character(s) maximum

No comments.

52 **Do you have any further ideas about how to improve the Commission's impact assessments?** Please feel free to share examples of good practice from both EU and non-EU countries.

3000 character(s) maximum

No further comments.

5. Scrutinising the quality of impact assessments and evaluations

The Regulatory Scrutiny Board (RSB) became operational in 2016. It is appointed by the President of the Commission. It has 7 full-time members, of which 3 are externally recruited. The Board quality controls impact assessments and major evaluations. It ensures that facts and stakeholder views are fairly presented to decision-makers. Its opinions are published.

53 **Please indicate the level of your agreement with each of the following statements:**

	I strongly agree	I tend to agree	I tend to disagree	I strongly disagree	Don't know
I am familiar with the Regulatory Scrutiny Board.	○	○	○	○	◉
There is sufficient regulatory scrutiny of EU impact assessments and evaluations.	○	◉	○	○	○
Regulatory scrutiny adds value to the overall regulatory process.	○	◉	○	○	○
The Regulatory Scrutiny Board is impartial.	○	○	○	○	◉
The Regulatory Scrutiny Board opinions are informative.	○	○	○	○	◉
The Regulatory Scrutiny Board opinions promote evidence-based policies.	○	○	○	○	◉
The Regulatory Scrutiny Board increases the quality of Commission proposals.	○	○	○	○	◉
The Regulatory Scrutiny Board increases transparency of Commission policy-making.	○	○	○	○	◉
The Regulatory Scrutiny Board increases accountability of Commission policy-making.	○	○	○	○	◉

54 **Do you have any comments on the Regulatory Scrutiny Board?**

3000 character(s) maximum

We had not heard of the RSB.

6. Final questions

55 **Please select up to three areas where the Commission has made (relatively more) progress since 2014, if any.**

at most 3 choice(s)

- ☑ Transparency of the policy-making process
- ☐ Consultation
- ☐ Evaluation
- ☐ Impact assessment
- ☐ Scrutiny of regulatory proposals
- ☐ How the different 'better regulation' tools work together

- [ ] Other

57 **Please select up to three areas where the Commission should make improvements in the future.**

at most 3 choice(s)

- [ ] Transparency of the policy-making process
- [x] Consultation
- [x] Evaluation
- [x] Impact assessment
- [ ] Scrutiny of regulatory proposals
- [ ] How the different 'better regulation' tools work together
- [ ] Other

59 **How could the Commission simplify its better regulation approach to ensure the timely development of proposals while ensuring that these continue to be based on evidence?**

3000 character(s) maximum

Greater weight and prominence to SMEs as well as means of them participating without having to complete long and complex surveys.

7. Document upload and final comments

60 **Please feel free to upload a concise document, such as a position paper. The maximum file size is 1MB.**

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is optional and serves as additional background reading to better understand your position.

61 **If you wish to add any further information relevant to this questionnaire, please feel free to do so here.**

3000 character(s) maximum

We fear that SMEs, arguably the most populous and significant stakeholder, to be insufficiently involved in the policy making process due to various factors - lack of awareness, insufficient time and capacity etc. The result is the risk policy fails to adequately address this group. The onus is on the Commission and associations like ours to encourage and garner SME input.

Contact

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