

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

Cathrine Hernández

*9 Respondent's last name

Festersen

*10 Respondent's professional email address

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*11 Name of the organisation

UNI Europa

*12 Postal address of the organisation

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1000 Brussels

*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

* 14 If "other", please specify:

European sectoral trade union federation for service sector employees

* 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

Elaborated responses to the following questions (Q):

Q28: The Better Regulation agenda is supposed to improve democracy, not to replace democratic institutional mechanisms. Yet, this is not our experience:

The specific role given to the social partners in the TFEU needs to always be respected when new legislation is prepared by the European Commission; as well as the specific consultation process as based on Article 153, 154 and 155 TFEU.

This inherent and lawful respect for Article 155 we have seen ignored: The agenda actually makes EU decision-making less democratic and adds red tape at the expense of working citizens. A clear example being the social partner agreement on the health and safety of hairdressers – the European Commission has declined the proposal of the social partners to transpose the framework agreement into legislation. An agreement which was reached between the social partners to reduce the enumerated risks. Better regulation should not interfere with Article 155 TFEU.

Moreover, our experience with the Better Regulation agenda is that the decision-making process is rather more complex, opaque, and biased towards favouring commercial interests and that deregulation is prioritized above quality and impact. We see this in the over-representation of industry interests in the European Commission-backed expert groups.

Q29+30: The attention to social and fundamental rights is too weak.

Q31: Subsidiarity should not be used as an excuse for avoiding difficult decisions.

The role of subsidiarity is also expressed through the role of social dialogues and social partners which has been weakened for some time (cf. answer to Q28)

Q32: Simplifying EU law should not be an end in itself; instead content which benefits citizens, as consumers, and workers should be the objective.

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

Roadmaps should be accompanied by more detailed annexes and IIA consultations should allow for longer and more in-depth responses. Moreover, it should be clearer why some initiatives are followed-up whereas others are not.

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	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Public consultations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to comment on draft delegated and implementing acts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Opportunity to comment on Commission legislative proposals	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Opportunity to suggest ways to improve existing laws (Lighten the Load)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

37 Please feel free to explain your answer.

2000 character(s) maximum

Public consultations must remain complementary to the other institutional channels and should not replace or supersede the Treaty provisions on social dialogue, this includes respecting Article 155 TFEU. On all social and labour matters, social partners should be involved in the legislative process from the initial stage onwards. Trade unions should be consulted on a par with representatives of industry.

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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Length of questionnaires	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Neutrality of questionnaires	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Opportunity to make relevant comments or provide supporting material	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Availability of different language versions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Length of consultation period (12 weeks)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

39 Please feel free to explain your answer.

2000 character(s) maximum

Questions are often framed in a way that will encourage a specific answer, furthermore, the format of the questionnaires are not allowing the best regulation possible: Often there is little space to elaborate, no opportunity to add sources via footnotes for instance and there are too many tables to tick. Sometimes comments are limited considerably in character capacity, while other comment fields allow for long elaborations. The 12 weeks response time is enough, yet the timing of the consultations should also take vacation periods into account.

***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

- The tables are often summarised in a simple way, for instance, "satisfied" and "very satisfied" are put together without further elaboration on how many or few respondents have answered either of these options.
- The report summaries are too long.
- The time that it takes before the summary is finished and published is too long. People who have responded to the consultations should the opportunity to be automatically notified when the summary is published.
- The size an organization reflects is not represented. Answers are counted 1 answer equals 1 voice, this means that single citizen counts as much as an organisation representing 7 million citizens.
- The weight placed on the different responses should be clarified.

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

- Respect Article 153, 154 and 155 TFEU.
- Also, the size of the organisation should be recognised when evaluating the answers to a consultation.
- The reasons for why some initiatives are followed up by the Commission and others are not should be clarified better.

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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Usefulness of evaluations for policy-making	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Transparent information about all relevant impacts (benefits and costs) of existing legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Focus on simplification and cutting unnecessary costs ('REFIT programme')	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

44 Please feel free to explain your answer.

2000 character(s) maximum

In our view REFIT 's main emphasis remains on cutting red tape, regulatory burdens for business with a view to generate pro-business proposals, the way so-called regulatory costs are measured can be very limited, ignoring the long-term social or environmental gains of regulations.

There must be also more transparency of how vested interests are represented, often the same commercial interests are represented via different organisations.

Another problem is the follow up process and thus decision-making remains unclear.

***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

The platform is very effective in identifying areas of legislation where costs for businesses can be cut. Whether these costs are unnecessary can be questionable. In some proposals it is difficult to see how the policy objectives can be preserved if the proposals are adopted. This is not ensured just by adding a sentence saying that the objectives of the piece of legislation should be preserved.

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

The policy objective should serve the general interest in other words the social, economic and environmental impact of regulations needs (i.e. including employment, not just growth).

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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Assessment of the potential for simplifying existing legislation and cutting unnecessary costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Usefulness to inform the Commission's decision-making	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Usefulness to inform the European Parliament's and the Council's decision-making	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

49 Please feel free to explain your answer.

2000 character(s) maximum

Often the information is not detailed enough on the social and human rights aspect. Just assessing simplification and costs is not at all satisfying.

The Commissions impact assessment criteria must be clearer, more transparent and multidimensional i.e. increasingly address social, economic, environmental dimensions. The criteria must serve broader democratic objectives including at the workplace level, the impact assessment should also weigh short-term gains/cost against long-term costs and benefits, this also includes the cost of non-action.

The lack of clear and transparent rules on EC's decision-making process regarding the implementation of social partner agreements negotiated in line with Article 155.2 TFEU is a very serious concern.

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

Social, environmental, quantity and quality employment/jobs, quality of social dialogue and trade union rights impact should be increasingly addressed.

Regarding cost analysis, short-term cost should be weighed against long-term social, economic and environmental gains.

51 What more can the Commission do to justify its proposals with regard to [subsidiarity](#) and [proportionality](#)?

2000 character(s) maximum

We want to underline that EU Social Dialogue is a form of "vertical subsidiarity" that needs to be much better taken into account by the Commission.

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

- Clearer criteria including those as mentioned above.
- Stricter rules on conflict of interest regarding the authors of impact assessments.
- The long-term cost of non-action for workers, the environment, and the different groups of vulnerable workers (including considering gender gaps) needs to be better taken into account.

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.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is sufficient regulatory scrutiny of EU impact assessments and evaluations.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory scrutiny adds value to the overall regulatory process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The Regulatory Scrutiny Board is impartial.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board opinions are informative.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board opinions promote evidence-based policies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board increases the quality of Commission proposals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board increases transparency of Commission policy-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Regulatory Scrutiny Board increases accountability of Commission policy-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

3000 character(s) maximum

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
- Consultation
- Evaluation
- Impact assessment
- Scrutiny of regulatory proposals
- How the different 'better regulation' tools work together
- Other

* 58

If "other", please specify:

500 character(s) maximum

Considering the aim of the legislative initiative, the costs of not legislating on a given issue should be addressed. Also, the social and fundamental rights issues should be addressed better.

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

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

Contact

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