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**BETREG
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WORKING PAPER

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NOTE

From:	Presidency
To:	Working Party on Competitiveness and Growth (Better Regulation)
Subject:	Note, reflecting the discussions in the EU Council Working Party on Better Regulation in regards to the Stocktaking Exercise of the European Commission

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reflecting the discussions in the EU Council Working Party on Better Regulation in regards to the Stocktaking Exercise of the European Commission

Aim of the document: the purpose of this Note is to reflect the discussions in the EU Council Working Party on Better Regulation related to the future of the Better Regulation Agenda, in the context of the Stocktaking Exercise of the European Commission finalized with the publication by the Commission of the Communication: *Better regulation: taking stock and sustaining our commitment*¹.

Methodological considerations: This document is based on a survey² taken by the Romanian Presidency, in which a questionnaire was sent to all representatives of the Member States in the Working Party. The questionnaire was organized in 9 sections, reflecting the same 9 sections used by the Commission during its survey last year when gathering feedback from the Member States in order to prepare the Communication. The Member States were asked to fill in their top three proposals for improvements in each of the following sections:

1. The Commission's general approach to improving regulation (BR – Toolbox, Planning);
2. Consulting the public and interested parties;
 - a. REFIT Programme;
 - b. REFIT Platform;
3. Evaluating existing EU laws (ex-post evaluations);

¹ Doc. 8648/19 + ADD 1

² The questionnaire was sent to all 28 Member States at Working Party level and 23 of them have responded to the survey. 5 of the Member States have not answered the questionnaire. It should be noted that 3 Member States chose not to take part in this survey because they have doubts about the necessity and the methodology. Firstly, these Member States consider that the Council should first carefully examine the Commission's stocktaking Communication before launching any separate and potentially overlapping stocktaking exercise. Furthermore, a number of important concepts referred to in the survey have not been sufficiently defined and may thus lead to confusion. For example, the concept of "burden reduction targets" can have different meanings and interpretations, just as it is not clear if the reduction relates to all burdens or only unnecessary ones, or what is exactly meant by "burden" in the first place. In the view of these Member States, this raises significant questions about the usefulness of this survey and the meaningfulness of its results. Lastly, these Member States would prefer a qualitative approach that takes into account the complexity and granularity of the important issues at hand.

4. Simplification of legislation and cutting red-tape;
5. Assessing new Commission proposals (RIA, Evidence-based policy making, Environmental, economic and social impacts);
6. Scrutinising the quality of impact assessments and evaluations (RSB);
7. Subsidiarity and proportionality;
8. Implementation and enforcement;
9. Further policy areas and/or sectors for simplification.

The present **Note** reflects **only the main proposals** arising from the survey for each of the 9 sections and those that have been highlighted horizontally during several sections, **based on the number of countries** that have raised those particular topics. However, **Annex 1** to this Note **contains all the proposals** filled in by the respondents irrespective of the number of countries making those particular proposals. In our view, the number criterion for presenting the proposals is **strictly quantitative, not qualitative**. A low number of countries making a particular proposal does not mean that the proposal is not important or that maybe other countries would not support such a proposal. The other way around, a high number of countries supporting a particular proposal does not imply that all the countries are in favour of it.

Furthermore, after analysing the answers received, the Presidency considered necessary to add a **2nd Annex** to the Note, containing the **top 15 proposals** made by the Member States, irrespective of the Questionnaire Section in which the proposal was made. We aggregated these proposals based on their substantial similarity and by counting the total number of countries making them. This means that if a country has made a similar proposal in several sections, it was **counted only once**.

Last, but not least, as stated in the beginning, the aim of the Note is **only to reflect the main discussions** in the Working Party and the priorities of Member States in the field of Better Regulation, and **not to commit** the Working Party as a whole to a particular proposal or another.

Main results

Main horizontal topics

Reduction targets for administrative burden

The proposal of reduction targets for administrative burden has been made only in relation to section 4.

Simplification of legislation and cutting red-tape, but it has appeared also in relation to the Commission's general approach to improving regulation, and to the improvement of the REFIT programme.

Digital-by-default and future-proof regulation in compliance with the innovation principle

Complying with the innovation principle, focusing on digitalization and making sure that new regulation is digital-by-default and future-proof have been mentioned by several MS as crucial to the Better Regulation Agenda as they affect all topics described under the 9 sections of the survey.

Focus on SMEs

Last, but not least, the theme of SMEs consultation and support for SMEs has been also highlighted by many MS as being of outmost importance as SMEs form the back-bone of the EU economy.

1. The Commission's general approach to improving regulation (BR – Toolbox, Planning)

Member States generally consider that an *ambitious better regulation policy* should remain a key priority of the next Commission and that the agenda as a whole should be improved, enhanced and consolidated, reflecting a clear vision and strategy. An important focus should be put on improving the *overall quality of impact assessments*, by increased quantification of impacts, as well as on revising, improving, and especially on rigorously applying in practice the *Better Regulation Toolbox* in a coordinated, structured, transparent, and user-friendly manner. The system of roadmaps and inception impact assessments should be better defined. Furthermore, improving and intensifying the work on *burden reduction* should remain a constant and ambitious preoccupation for the future Commission.

2. Consulting the public and interested parties

On a general note, several MS consider that it is important to improve the *clarity* and the *neutrality* of the questionnaires used by the Commission in order to ensure an objective and bias-free consultation. A stronger emphasis should be put on the representativeness of consultations and actions should be taken in order to avoid biased results.

It has been also pointed out that the Commission should consult more with Member States. Also, citizens and companies should benefit from an improved access to information and practical advice on the application of EU law. There is also a need to improve the *feedback* to consulted stakeholder in terms of both content (justification) and timing (celerity). Furthermore, *consultation of SMEs* should remain a priority.

a. REFIT Programme

In order to further improve the REFIT Programme priority should be given to *introducing reduction targets*, to *better quantifying the obtained results*, and to the *improvement of the REFIT Scoreboard* in terms of user-friendliness, clarity and quantification of savings. The goal of the program should also envisage the removal of barriers to digitalization, innovation and competitiveness.

b. REFIT Platform

The views of the Member States regarding the REFIT Platform have been unanimously expressed in the Joint Position Paper on the future of the REFIT-Platform (Annex 3). As outlined in the Joint Position Paper, the Member States believe that the REFIT-Platform shall be continued in its current structure. Many Member States highlight the importance of enhancing the visibility, awareness, and communication in relation to the Platform and to the Lighten the Load website, both in terms of content as well as in terms of range and visibility. In addition to this, some MS feel there is a need to *improve the efficiency, workflow of the Platform generally*, while reducing the number of meetings of Member States representatives. However, there should be more time available for Platform Members (Stakeholder and MS groups) to send input. At the same time, the Platform should *deliver quicker tangible outcomes*. Last, but not least, there is also room for improvement in terms of *follow-up and feedback* in the Platform, in the sense of making them more concrete, tangible and traceable.

3. Evaluating existing EU laws (ex-post evaluations)

Consistently respecting the evaluate-first principle should be a must and should be improved. At the same time, more ex-post evaluations should be carried out in order to quantify the impact of policies on regulatory burden, stressing not just the burden but also the benefits. The focus should be on reducing costs for businesses wherever

feasible. Ex-post evaluations of existing regulations should be improved and properly made use of. They should become the starting point for any new draft regulation.

4. Simplification of legislation and cutting red-tape

In terms of legislative simplification and cutting red-tape, the majority of MS view the introduction of burden reduction targets as the step forward. One important way of achieving burden reduction and simplification is to increase the use of digitisation for instance by promoting digital by default regulation. Furthermore, the potential for simplifying legislation should not be underestimated with due focus on repealing of non-relevant legislation, reducing of EU legislative density and by generally making legislation easier to understand.

5. Assessing new Commission proposals (RIA, Evidence-based policy making, Environmental, economic and social impacts)

In what regards the new proposals of the Commission, a significant number of MS consider that *Impact Assessments* should be carried out *for all new proposals*. The quality of the IAs requires continuous improvements mainly when it comes to quantification of impacts, ensuring links between calculations and policy choices and giving sufficient consideration to different options for EU action. Concomitantly, the application of the SME test should be more effective and rigorous. Efforts should be continued so that the newly issued EU regulation is efficient, simple, clear, targeted and better fit for purpose. Again, the *importance of digital impacts* is highlighted, the key-concept being *digital by default*.

6. Scrutinising the quality of impact assessments and evaluations (RSB)

Scrutinising the quality of impact assessments and evaluations is of paramount importance if we want to increase the quality of European regulation. In this sense, many MS consider that an *increased independence of the RSB* is necessary. This could be achieved by including only external and independent members in the RSB, by providing the RSB with an *independent dedicated secretariat*, as well as by giving the RSB the necessary resources and capacities to *scrutinize all proposals that have a RIA* and to review the evidence and analysis supporting new and amended policy at all stages. Overall, the RSB's role and activity have to be improved and consolidated.

7. Subsidiarity and proportionality

Complying with the principles of subsidiarity and proportionality should be a high priority and their implementation should be made as clear and concrete as possible. To this end, clear definitions of subsidiarity and proportionality are needed. With respect to subsidiarity the Treaty of the Functioning of the EU underlines two criteria which have to be fulfilled in order for the EU to take action in areas of shared competences: (1) non-sufficient achievement on sub-EU-level as well as (2) a better achievement on EU-level. In addition, during the decision-making process, due consideration has to be given to national circumstances, characteristics, traditions, and capacities by increasingly involving regional and local authorities. In this respect, the work of the Task Force on Subsidiarity and Proportionality has to be taken into account and further continued.

8. Implementation and enforcement

Implementation and enforcement are crucial if the Better Regulation Agenda is to be a success. In this sense, they should be priorities and taken into account over the whole lifecycle of a legislative act – from preparation to ex-post evaluation. Rules of implementation have to be clear, efficient and effective. To this end, present *monitoring systems* have to be improved and the *re-use of data* has to be facilitated. Implementation has to be transparent, fair and proportionate and based on a *continuous dialogue* between the Commission and the MS. This would

significantly help *identifying the reasons* for lack of or poor implementation and thus, would add to better compliance.

9. Further policy areas and/or sectors for simplification

A significant number of Member States feel that *digital-by default and future-proof regulation, digitalization* and complying with *the innovation principle* should become more present in the decision-making process. On a different note, there is also a sense that there should be more focus on the issue of delegated and execution acts and on the Impact Assessment of significant amendments at the level of the EU Council.

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Survey section	Proposal	No. of countries
1. The Commission's general approach to improving regulation (BR – Toolbox, Planning)	Revise/improve and better apply the Toolbox kit . Use the input from RSB.	8
	Make further efforts to improve the quality of the Impact Assessments conducted by the European Commission	6
	Continue and enhance the better regulation policy and agenda	5
	Continue and improve the work on burden reduction	4
	More extensive consultations	3
	Retain and build on REFIT . Focus on areas most burdensome for SMEs .	3
	Introduction of burden reduction targets	2
	More coordination and a more structured use of the toolbox	2
	Translate the BR toolbox in all EU languages	2
	More transparency regarding BR agenda, better communication on toolbox as well as on IA and more user friendly tools for better interaction in consultations	2
	Integrate the Innovation Principle into the BR toolbox	2
	Carry out more pilots	1
	Well-targeted, goal oriented regulations which support EU's global growth	1
	Respect the Innovation Principle	1
	Horizontal prioritization of digital-by-default and future-proof regulation	1
	Need of a network/forum in the EC to discuss BR within MS – transversal themes, guidelines, organizational and best practices – holistic approach	1
	EC & Eurostat common framework to improve IA at EU and MS level	1
	Publish the results of the REFIT Platform at least twice a year	1
	Communication of new legislative initiatives' early stage documents (inception IAs and Roadmaps) should be improved (website)	1
2. Consulting the public and interested parties	Clarity and neutrality of questionnaires, neutrality of process, avoid biased results	7
	Better feedback to stakeholder and justification – content wise	6
	Focus on SMEs consultation	4
	Better feedback to stakeholders – response time wise (more diligent)	3
	Visibility of REFIT/REFIT Scoreboard proof of reductions	3
	Better visibility and promotion of BR process among stakeholder	2
	Consultation as means of increasing range of policy options	2
	Improving the visibility of the Lighten the Load website	2
	More time for consultation	2
	Easy access to information on the application of EU law – solving disputes/settlements	1
	Complement the current permanent " Lighten the Load " suggestion format with a series of thematic, fixed-term consultations on specific sectors of regulation or life events.	1
	Improving " Have your Say " website and visibility	1
	RSB scrutiny on consultation process	1
	Burden Reduction quantitative measurement – better communication stakeholders	1
	Better representativeness /participation of stakeholders	1
	Multilingual input options from stakeholders	1
	Translation of the questionnaires in all languages	1
(a) REFIT Programme	Improve REFIT Scoreboard – user-friendliness, clarity, cost saving data for each REFIT action	4
	Quantification of results and more traceable	4
	Introduction of burden reduction targets at EU level – especially for SMEs, not just in terms of costs, but linked to ambitions. Consider one-in, one-out principle in relation to reduction targets to reduce bureaucracy	3
	Improved consultation and feedback , increased representativeness of the platform and focus on avoiding supporting preferences of particular interest groups	4
	Fitness Checks & REFIT evaluations – focus on simplification outcomes	3
	Should aim the removal of barriers to digitization, innovation and competitiveness	3
	Support continued & more ambitious REFIT	3
	More transparency and communication on REFIT Programme	2
	Earlier and repeated stakeholder consultation/more comprehensive roadmaps and inception IA, including consultation on draft proposals and draft IA	1
	More open questions in consultation to avoid bias	1
	EC should consult more MS in terms of capacity and resources of implementation	1
	Support SMEs & Micro-businesses	1
	Support joint statement on REFIT	1
(b) REFIT Platform	EC should adopt REFIT Platform Opinion on Stakeholder Consultation & Engagement generally, not just singular aspects	1
	Improve the visibility, communication and awareness of the Platform as part of the Better Regulation Agenda, including via the LTL website and targeted campaigns + also engage with national initiatives for burden reduction. Explore the possibility of sharing LTL information in the SOLVIT system. Improve awareness, transparency, visibility & communication of Platform, via publicity campaigns and LTL website , including improved IAs, and more tangible and concrete	13

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	information on results, such cost saving data. Improve LTL website and its visibility (campaigns, posts, hashtags on social networks and media, advertising campaigns)	
	Better follow-up and feedback , more concrete, tangible and traceable	6
	Improve efficiency, workflow of the Platform generally, and reduce number of meetings of the Stakeholder Group and representatives of the MS, however allow for more time for Platform Members (Stakeholder and MS groups) to send input. At the same time, the Platform should deliver quicker tangible outcomes .	6
	Joint Position on REFIT – and make use of the document under the new Commission	5
	Better representativeness of the Platform (expertise) and involvement of more stakeholders and government experts . Suggestions should be more balanced geographically as well.	5
	Better involvement of the Member States in the process, including exchange of best-practices within MS	4
	Focus on proposals for simplifying existing EU-regulation and reducing burdens for citizens, business and public authorities , need for concrete suggestions for burden reduction	4
	More transparency related to the selection of the members of the Stakeholder Group and a need for geographical balance in membership .	3
	Continue REFIT	3
	Increase accessibility of the Platform by using all official languages on the LTL website , not just English	3
	Consider special focus on specific key policy areas and test grouping submissions for consideration on a thematic/sectoral basis	3
	Receiving information and feedback on important horizontal issues	2
	REFIT Scoreboard should better reflect follow-up information – concrete, quantifiable	2
	Including best options from REFIT Platform in the EC Work Programme	2
	The existing exclusion criteria of the REFIT-Platform should be maintained and respected	1
	Extend mandate of REFIT Platform	1
	Only one citizens/consumer representative in the stakeholder group – EC should strengthen work with stakeholders and civil society regarding existing examples of law implementation and proposal of simplification	1
	Report mechanism from the responsible DG (with a particular piece of legislation) to the REFIT Platform regarding stage of legislation revision and feedback on use of opinion	1
	Stakeholder Group able to formulate final conclusions after 2 nd consultation based on MS positions	1
	The REFIT platform must continue on focusing on regulatory simplifications and should not deal with proposing new legislation	1
	The Platform should examine submissions with significant impacts .	1
	Platform's website could easily host an interactive section dedicated to follow-up actions	1
3. Evaluating existing EU laws (ex-post evaluations)	Better use of evaluations of existing regulations	7
	Respect the evaluate-first principle	6
	More ex-post evaluation on the impacts on regulatory burden	4
	A common, simplified methodology for impact assessments and evaluations	4
	More transparent system	2
	Grant the RSB the right to scrutinize ex-post reviews	2
	Evaluate existing legislation with regards to an innovation friendly approach	2
	More co-operation with national authorities for evaluating existing EU laws, more systematic evaluations in full cooperation with MS	2
	Promote the simplifications achieved	2
	Improve the quantification of the compliance costs and benefits	2
	MS should be more fully involved when collecting evidences for IA – presently RIA do not reflect differences and particularities among countries	2
	Fit for digital age	1
	Outcome-oriented evaluations	1
	Discuss ex-post evaluations in European Council as full-scale as possible	1
	Take on board stakeholder feedback	1
	A detailed impact assessment of the legislative proposal should be carried out and regular ex-post legislative work should be carried out an assessment, including a detailed assessment of each Member State	1
	Conduct public surveys and discuss them with member states	1
	Evaluation the extent to which EU laws contribute to economic, social and environmental development, in line with UN Sustainable Development Goals	1
	Create a targeted methodology and a clear work program for ex-post evaluations, prioritizing high-impact legislation	1
	Define quality standards for the great variety of ex post reviews other than evaluations	1
4. Simplification of legislation and cutting red-tape	Introduction of burden reduction targets	14
	Digital by default regulation	4
	Simplifying and reducing the legislation	4
	Focus on innovation	3
	Impact assessments regarding regulatory burdens	3
	Strengthen the REFIT platform and increase the quality of the scoreboard	3
	Improve the quantification of the reached simplification	2
	Common methodology to measure the cost of administrative burdens	1
	More future-proof legislation	1

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	Analysing the introduction of the one in two out principle	1
	A best practice guide	1
	Better involvement of MS in RIA for more quantification of RIA results	1
	Transparent consultations and feedback	1
	Consider the introduction of a regulatory offsetting mechanism for EU legislation , in order to cap regulatory burdens for citizens, businesses and administrations	1
5. Assessing new Commission proposals (RIA, Evidence-based policy making, Environmental, economic and social impacts)	Impact assessments on all proposals	11
	Better and more rigorous application of the SME test	5
	Improve quality of IAs	4
	Digital impacts – assessing IA in digital issues by default	4
	Different circumstances and special characteristics of the member states need to be considered	4
	Improve the level of quantification in the impact assessments	3
	User friendly tools of RIA	2
	Review the possible effects of the initiatives which do not fall under the criteria of the IA	1
	Standardise the appropriate use of cost/benefit analysis in RIA	1
	Fitness checks should be used more active to analyse the result of the political decision-making	1
	More transparency /clear understanding of new Commission proposals	1
	Establish transparent, reviewable criteria to define the minimum requirements for the IA's quality	1
	Ensure that the Commission proposal reduces bias	1
	Attention to the design and methodology of impact assessments, ensuring clarity and disclosure of sources and data or evidence	1
	Tools of BR Guidelines & toolbox to be put in practice to address the issue of innovation in IA	1
	RIAs should be broader in scope , encompassing a wider appraisal of impacts of proposals such as social or environmental impacts	1
	Focus on simplification to enhance competitiveness	1
	Attention for the implementation of the planned regulation is needed already when carrying out the impact assessments.	1
	More systematic assessment of new legislation in full cooperation with MS	1
	Common strategy of EC and EUROSTAT – harmonized tables with parameters for calculating administrative burden	1
	Ensure the equal treatment of all policy areas when assessing new proposals	1
	Assessing the extent to which new Commission Proposals mainstream UN Sustainable Development Goals	1
	Enhance and simplify consultation, increase transparency and improve on the methodologies used	1
	Impact Assessment should be performed in case of expected significant impacts , while reasons for not carrying out IA should be given.	1
	During negotiations provide additional data and evidence in case of incomplete or unclear IAs	1
6. Scrutinising the quality of impact assessments and evaluations (RSB)	Increasing the independence of the RSB	7
	Strengthen the role and improve the work of the RSB	6
	More resources for RSB	5
	Dedicated secretariat	5
	Increase the quality and quantity of the evaluations	4
	Compliance with the evaluate first principle	4
	Effective application of SME test	3
	IA's should be examined with regard to the Innovation principle	2
	Clarify consequences of failing a scrutiny	1
	Expanding the scope of the RSB in the inter-service consultation process	1
	Standardised methodology for scrutiny	1
	Improving the quality through a quality management programme	1
	RSB should do more to share best practice cost/benefits assessments and good quality SME tests to drive up capability across Commission services.	1
	An ex-ante digital check can be carried out by the Regulatory Scrutiny Board	1
	Diversify the experts that make up the RSB	1
	Increasing the transparency of the RSB	1
	The RSB should be composed of external and independent members only	1
	Strengthening RSB mandate to include all ex post evaluations and clearly defining scope and powers, in order to ensure greater independence of scrutiny	1
7. Subsidiarity and proportionality	High priority on complying with the principles of subsidiarity and proportionality , and making their implementation as plain as concrete as possible. Clear definitions in the area of competence criteria are a must.	8
	National circumstances, traditions, capacities and characteristics should be given proper weight during the decision-making process. Regional and local authorities should be involved to a larger extent	5
	The work of the Task Force on Subsidiarity and Proportionality has to be taken into account and further continued	4
	Sufficient time should be allowed for national actors for impact assessment of EU regulation and when engaged in subsidiarity control (increase from 8 to 12 weeks; exclude Christmas/New Year period from the eight-week period for national Parliaments to submit opinions). National subsidiarity-control should also cover proportionality and legal basis	4
	There should be a strong focus on the EU added value criteria for regulating, but the principle of subsidiarity should not be limited to this issue alone.	3

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	Avoid unnecessary complexity of EU legislation and put more emphasis on implementation of existing legislation rather than enacting new legislation. The principle of “doing less more efficiently” should also be applied	3
	Discussing subsidiarity and proportionality issues and involving local and regional actors in the REFIT Platform should not be done at the expense of the presence in the Platform of national governments representatives	3
	New mechanism for evaluating existing legislation with regards to added EU value & better description of added value of EU Better Regulation by use of a common grid	2
	Reduce the use of delegated and implementing acts to allow for more flexibility for MS	1
	Promote dialogue between all relevant actors at EU and national level	1
	More effective linkage and information sharing between platforms of regional parliaments	1
	Make use of annual reports to promote accountability and transparency in terms of compliance to the principles of subsidiarity and proportionality at EU level	1
	Introduction of a red card procedure enabling national Parliaments to block unwanted EU legislation	1
8. Implementation and enforcement	Implementation and enforcement are important and should be priorities. Ensuring efficient implementation of the EU legislation must be taken into account over the whole lifecycle of a legislative act from preparation to ex-post evaluations. The implementing rules must be clear, efficient and effective.	3
	Transparent, fair and proportionate implementation based on targeting significant sectors and repeated non-compliances. Dialogue between EC and MS is necessary to identify causes. EC and MS could jointly evaluate implementation for best practices and future better implementation	3
	Improving present monitoring systems and facilitate re-use of data not to increase burden on MS. A standard for evaluation clauses could be defined, without regulating strictly how MS should collect data, for more efficient implementation at national level	3
	Political ownership from EC, MS, Council/appointing a Vice-President for better regulation, implementation and enforcement	2
	More transparency, consultations with MSs and stakeholders and concrete guidelines for implementation and enforcement . Follow-up information should be clear and easily digestible so as to make implementation and enforcement as transparent as possible	2
	Mechanisms of transparent transpositions should be discussed and enhanced	2
	Consider negative gold-plating at national level	2
	Implementation plans so that implementation of Union law can be facilitated and executed in a timely manner. Any significant regional impacts could be included in implementation plans, proportionately and as the case may be	1
	Clear, concise and widely available follow-up to REFIT Platform opinions	1
	Improved access of citizens and businesses to information related to the application of EU law	1
	Avoid divergences in national implementation of legislation	1
	Repeat already tested initiatives like the action programme for reducing administrative burden and the SME test , and evaluate implementation in MS for best practices	1
	More time for draft legislation as process is more complicated due to increased number of experts	1
	Better implementation of existing legislation rather than issuing new legislation	1
	A Single Market Scoreboard 2.0 should focus more on the qualitative implementation of Single Market directives by applying different weight to different directives depending on their critical nature. Moreover, the Single Market Scoreboard 2.0. should take into account how regulations are transposed, applied and enforced across Member States Single Market. Scoreboard 2.0 and Single Market implementation reviews	1
	More detailed information on the methodology followed for the performance of completeness and conformity check	1
	Formalisation of the communication between the Commission services and the Member States , esp. political dialogue.	1
9. Further policy areas and/or sectors for simplification	Digital-by default and future-proof regulation, innovation principle, digitalization	3
	Focus on the issue of delegated acts and implementation , Delegated and Execution Acts – simplified IA exercise – proportionality rule - all proposals with RIA should be scrutinised by the RSB – including the proportionality rule	2
	Making use of existing research, studies and analysis in Better Regulation	1
	Follow-up on REFIT Programme and Platform	1
	IA of significant amendments at Council Level	1
	Re-use of existing data	1
	Increased evidence-based decision-making during trialogue	1
	EU Funding	1
	Financial Services	1
	Single Market	1
	Environment & Health and social services	2
	Hiring employees	1
	One-stop-shop imposed by EC on all MS	1
	Analyse allocation of costs of regulation burden	1

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Other comments:

- We have found that in some circumstances desired result can be achieved also via non-regulatory approaches. Therefore, we endeavour to **regulate only where necessary**, and try to find smart ways to encourage, support and enable people to make better choices, and innovative ways to stimulate growth;
- The next Commission should **continue ambitious Better Regulation policy and further develop Better Regulation tools** and processes together with the Member States. Sound regulatory environment is a prerequisite for European businesses to grow and wellbeing of European citizens. More broadly, sound regulatory environment is a key factor for sustainable growth of the EU as well as an asset in global competition;
- The Consultation does not mention the efforts on **innovation-friendly regulation** or the Innovation Principle which should be considered at par with the **Precautionary Principle**. This call is also evident in the Competitiveness Council Conclusions of May 2016. Ways and means of embedding and **mainstreaming the innovation principle in the policy-making process** will need to be explored, designed and implemented. We expect a concomitant effort from the European Commission on **pro-innovation regulation**. Progress registered recent years on pro-innovation regulation initiatives must be sustained and communicated;
- Engage earlier in the policy making process with stakeholders beyond traditional methods such as online questionnaires and the submission of papers. This could be done through the introduction of bespoke digital tools digital or more open, collaborative approaches. One could consider '**Consultation Hubs**' hosted on digital platforms.

Annex 2

Top proposals
made by the 23 Member States that filled in the questionnaire

Proposal	No. of countries making the proposal
Introducing burden reduction targets at EU level	15
Improving the visibility, communication and awareness of the REFIT Platform, including via LTL website	13
Focus on digital by default regulation and application of the innovation principle	11
Conduct impact assessments on all EC proposals	11
Make further efforts to improve the quality of the Impact Assessments conducted by the European Commission	9
Revise/improve and better apply the Better Reregulation Toolbox kit	8
Give high priority to complying with the principles of subsidiarity and proportionality, and making their implementation as plain as concrete as possible. Clear definitions in the area of competence criteria are a must.	8
Provide more clarity and neutrality of questionnaires used during the consultation process in order to avoid biased results	7
Make better use of the evaluations of existing regulations	7
Increase the independence of the Regulatory Scrutiny Board, among other through a dedicated secretariat	7
Improve consultation and provide better support for SMEs	7
Increase the capacity and resources of the Regulatory Scrutiny Board	6
Provide better feedback to the stakeholders during the consultation process and proper justification for not including their views, when the case	6
Provide better follow-up and feedback on the REFIT Platform	6
Make further efforts for a better implementation of the evaluate-first principle	6