



EUROPEAN COMMISSION

QUESTIONS AND ANSWERS ON THE BETTER REGULATION COMMUNICATION

Brussels, 29 April 2021

What is Better Regulation?

The European Commission is responsible for planning, preparing and proposing new European Union laws. This also includes improving existing EU legislation. The [Better Regulation](#) agenda is the Commission's regulatory approach to designing and evaluating EU policies and laws transparently, which is based on evidence and informed by the views of citizens and stakeholders, such as businesses, public administrations, researchers and experts.

The purpose of Better Regulation is to make EU laws simpler, more targeted and easier to comply with. The Commission has a long history of reducing regulatory burdens, starting in 2002. The approach to burden reduction has evolved over the years and has been systemised with the REFIT programme.

To achieve better results, simplify laws and tailor policies better to those who may be affected, the Commission opened up policy and law-making to citizens, businesses and stakeholders already in 2015 with the [Have Your Say portal](#) giving access to all public consultations.

Why is the Commission presenting this Communication?

Given the opportunities and challenges that lie ahead in the COVID-19 recovery and the green and digital transitions, it is more important than ever to legislate as efficiently as possible, with an eye on the future. Creating the best policies possible is a shared objective and responsibility of all EU institutions, Member States, local and regional authorities.

What are the main upcoming improvements to Better Regulation?

The Commission is proposing a number of improvements:

- A more streamlined, inclusive and simpler consultation system, based on a **single 'Call for Evidence'**, and clearer questionnaires, on the [Have Your Say portal](#).
- **Introducing a 'one in, one out' approach**, to minimise burdens for citizens and businesses by paying special attention to the implications and costs of applying legislation, especially for small and medium-sized enterprises. This principle ensures that any newly introduced burdens are offset by removing equivalent burdens in the same policy area.
- Mainstreaming **the United Nations Sustainable Development Goals**, to ensure that all legislative proposals contribute to the 2030 sustainable development agenda.
- Improving the way in which better regulation addresses and supports sustainability and digital transformation.

- **Integrating strategic foresight into policymaking.** Foresight is a key element in creating future-proof policies in all sectors, with particular focus on the green, digital, geopolitical and socio-economic areas.

What does the introduction of a single 'Call for Evidence' entail?

The Commission will consolidate consultations into a single 'Call for Evidence' on the [Have Your Say portal](#). It will combine the two steps that have until now come one after the other: feedback on roadmaps / inception impact assessments, which will continue to be published on *Have Your Say* as calls for evidence, and public consultations based on questionnaires.

Calls for evidence will consist of a description of the initiative and, when relevant, include a link to the public consultation. They will be available in all official EU languages. People will have 12 weeks to respond.

What is the 'one in, one out' approach and how will it work?

The 'one-in, one-out' approach consists of offsetting any new burden for citizens and businesses resulting from the Commission's proposals by removing an equivalent existing burden in the same policy area. The objectives of the 'one in, one out' approach is to ensure that regulation achieves benefits, is targeted, easy to comply with and does not add unnecessary regulatory burden. The implementation of the approach will raise awareness among policymakers about the costs of EU legislation, and have a better view of burdens in each policy area. With the introduction of the 'one in, one out' approach, we want to ensure that we achieve our policy objectives, while also paying close attention to *how* we do so.

The Commission will pilot the 'one in, one out' approach in the second half of the 2021 [Commission Work Programme](#), and then apply it to all relevant proposals as of 2022. It will report on its implementation in the [Annual Burden Survey](#).

How flexible is the 'one in, one out' approach?

For costs included in the scope of the 'one in, one out' approach, the following arrangements make the system more flexible:

- **flexibility within the reporting period** – if an 'out' cannot be identified in the same year's work programme, it will be reported in the next year;
- **'trading' in certain exceptional circumstances across policy areas** – if the proposed legislation that imposes costs ('in') is deemed to be necessary, but it is not possible to find an 'out' in the same area (for instance regulation in emerging policy areas where it is necessary to fill a regulatory gap), the Commission can decide to take the 'out' from a different policy area; and,
- **exemptions in certain exceptional circumstances** – if there is political will to regulate but it is not possible to identify an offset in the same area, the Commission can decide to exempt the regulation from the 'one in, one out' approach.

How will better regulation support the twin transition and sustainable development goals?

Better regulation is an important tool to support sustainability and progress towards a common vision and appropriate actions for the EU to succeed in the Digital Decade. It will support digital transformation and the 'do no significant harm' principle in the following way:

- Stakeholder consultations explicitly cover environmental and digital aspects where this is relevant;
- The assessment of the preferred option in impact assessments will be expanded to cover the analysis of the 'do no significant harm' and 'digital by default' principles.
- All relevant evaluations will contain a specific question about whether environmental impacts could be further minimised and whether more could be done for a successful digital transformation.
- The explanatory memorandum accompanying all legislative proposals will explain how each initiative upholds the 'do no significant harm' principle and contributes to achieving the European way for a digital society and economy.

Moreover, we will identify relevant UN sustainable development goals for each proposal and examine how the initiative will support their achievement. Links to the SDGs will be included throughout evaluations and impact assessments.

How will strategic foresight be integrated into EU policymaking?

As strategic foresight informs major policy initiatives, it will become an integral part of the Commission's Better Regulation agenda. Policy areas subject to rapid structural change will take account of major emerging trends, including those identified in the [2020 Strategic Foresight Report](#).

In practical terms, strategic foresight will be taken up in the [Better Regulation toolbox](#), for example being included in impact assessments and major evaluations for key strategic initiatives. For instance, certain reference foresight scenarios may serve as a common future framework for policy proposals. In turn, the [Regulatory Scrutiny Board](#) will take into account the strategic foresight dimension when scrutinising the Commission's impact assessments and major evaluations.

What is the Fit for Future Platform and how does it help improve EU laws?

The Fit for Future Platform, a high-level expert group, brings together the expertise of public administrations, social partners, small and large businesses, and consumer, health, environmental and other nongovernmental organisations in regular meetings to improve existing EU legislation. The Fit for Future Platform will help the Commission identify opportunities for simplification, burden reduction potential and ways to modernise legislation. In this way, it helps the Commission to ensure that EU policies are futureproof, identify opportunities for digitalisation and pay particular attention to 'legislative density'.

How will the evidence underpinning legislative proposals become more accessible?

Transparency is fundamental to ensure that people can play an active part in the policymaking process. In line with the Commission's digital strategy, access to the evidence behind every legislative proposal will be improved. The objective is to ensure that for any legislative act all related published studies, evaluations, datasets and other relevant information will be easy to find and access.

The Commission will streamline our various evidence registers and portals, such as the [EU Bookshop](#) and [Have Your Say portal](#), and the links between them. In addition, we will gradually make internal databases and repositories publicly accessible. The Commission will reach out to the Parliament and the Council to set up a common evidence register, the Joint Legislative Portal, which will allow anyone interested in EU policymaking to find easily all the evidence underpinning a given initiative.

What is the Regulatory Scrutiny Board and how will it be strengthened?

The [Regulatory Scrutiny Board](#) is an independent body within the Commission that advises the College of Commissioners. Its main role is to provide central quality control of the impact assessments and major evaluations the Commission proposes. The Board works by reviewing and issuing opinions and recommendations on the evidence supporting Commission's regulatory work. This enables the Commission to take decisions based on the best available information and stakeholders' views.

The Regulatory Scrutiny Board will engage more with similar bodies in Member States to nurture a common approach to Better Regulation. The Board also engages in outreach activities. It will seek to raise awareness of its work outside Brussels and thereby strengthen trust in the quality of the Commission's work. The Board will play a prominent role in scrutinising impact assessments and evaluations in the light of the 'one in, one out' approach, strategic foresight and appropriate consideration of the various effects of the COVID-19 crisis.

What is the link between Better Regulation and the recovery?

The post-pandemic recovery will entail paradigm shifts in policymaking and investments on an unprecedented scale that will shape the world for the next generation. It is essential to go about this strategically, so that we not only recover, but also make the world a better, more resilient place than it was before. Therefore, all our legislative proposals should use the best available evidence, be future proof and minimise burdens for citizens and businesses.

How can citizens and businesses already contribute to the EU policymaking process?

Anyone can contribute and share their ideas and suggestions on Commission initiatives on the [Have Your Say portal](#), as they take shape before and after adoption. The [Have Your Say: Simplify! portal](#) is dedicated to submissions and feedback on how to simplify and reduce burdens of existing EU laws.

What are the results of the Better Regulation agenda on simplification?

The progress of the [Regulatory Fitness and Performance \(REFIT\) Programme](#) is tracked on the [online REFIT Scoreboard](#) that presents an overview of all burden reduction and simplification efforts since 2015. Highlights and results of the regulatory activity are published in the Annual Burden Survey.

The 2019 Annual Burden Survey is available [here](#).

For further information

[Press release](#)

[The 2021 Better Regulation Communication](#)

[The 2019 Stocktaking exercise](#)

[The Better Regulation agenda](#)

[The law-making process in the EU](#)

[The Have Your Say portal](#)

[The Fit for Future Platform](#)

[REFIT – making EU law simpler, less costly and future proof](#)