

Klagen über europäische Regulierung – Erfahrungen der REFIT Plattform



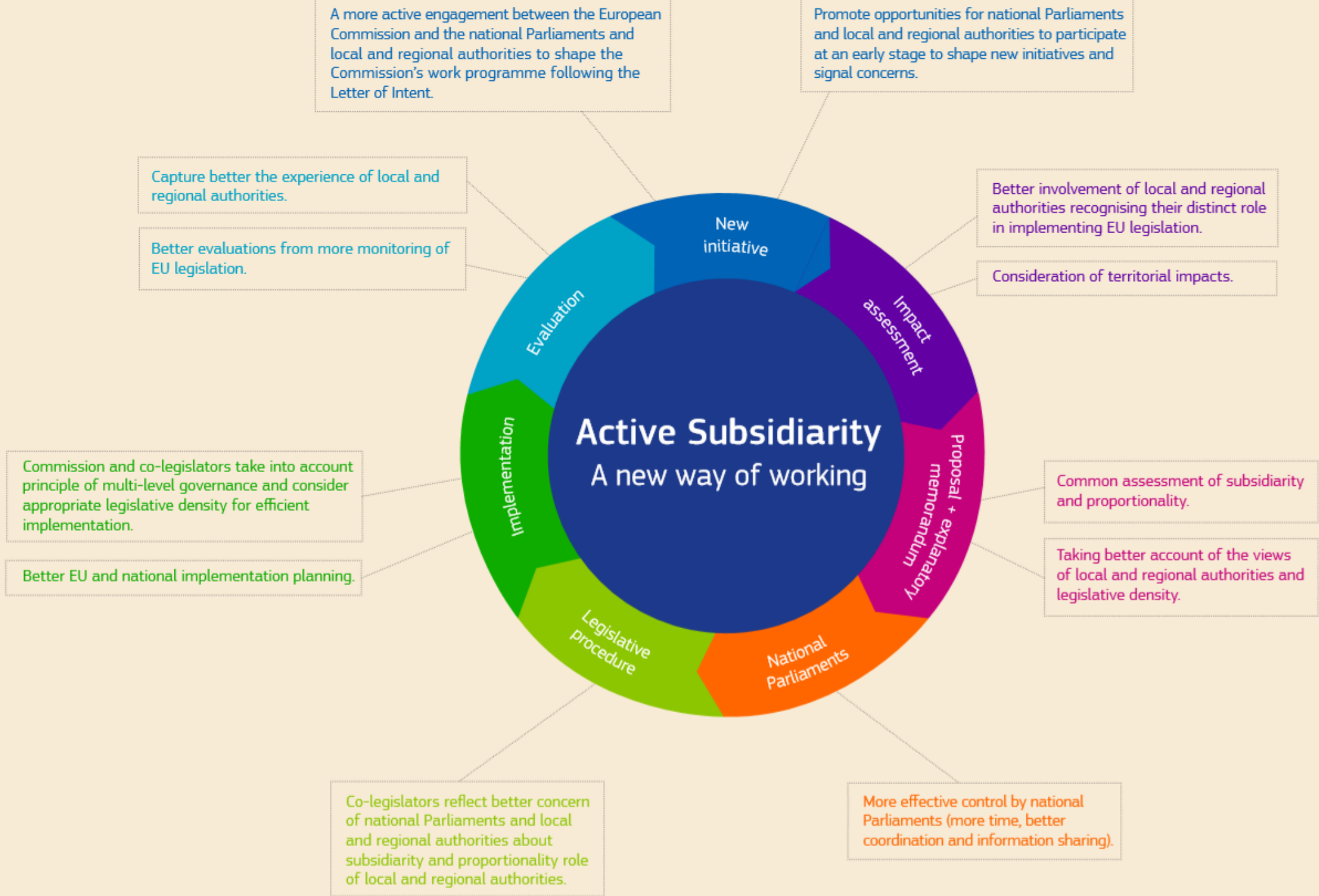
(1) Europäische Perspektive: „Better Regulation“

Report of the Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently” (10. Juli 2018)

- Effizienter Ressourceneinsatz in der EU durch bessere Einbindung aller Elemente des Mehrebenensystems
- „Aktive Subsidiarität“ soll dazu führen, dass die Betroffenen die Politikaktionen der EU besser verstehen und annehmen können.
- Ein EU-Mehrwert wurde für alle vertraglich definierten Gemeinschaftskompetenzen erkannt, eine Re-Delegation an nationale Ebenen nicht als begründet erkannt.

Active Subsidiarity

A new way of working



(2) Ex-ante Assessment: “Evaluate First Principle”

„Impact Assessment Board“ (IAB 2006): überprüfte über 700 impact assessments, 40 vH waren neu einzureichen

- Bewertungskriterien: Wirksamkeit, Effizienz, Kohärenz, Relevanz, EU-Mehrwert
- “impact assessment”, “major evaluations” und “fitness checks”:
“comprehensive reviews that assess interfaces and cumulative costs”

“Regulatory Scrutiny Board“ (RSB 2015):

- “Assessments of the of the quality of draft impact assessments. They are not assessment of the legislative proposals.”
- “The Board gives advice and opinions to the political level of the Commission.”
- Unabhängigkeit, Teil des Generalsekretariats, Regelung für „conflict of interest“, Transparenz

(3a) Ex-post Assessment “Lighten the Load”

REFIT Platform (RP Mai 2015): “How to make the EU regulation more efficient and effective while reducing burden and without undermining policy objectives”

- Exclusion criteria:
 - (1) issues currently being examined by EU Parliament or EU Council,
 - (2) issues covered by recent legislative proposals which only entered into application less than two years ago (period too short for experience),
 - (3) issues of ongoing consultations of social partners,
 - (4) issues which concern the implementation of EU law in one or only a few Member States.

- Guiding principles:
 - (1) transparency
 - (2) inclusiveness
 - (3) responsiveness (respond to all suggestions received)

(3b) Ex-post Assessment “Lighten the Load”

REFIT Platform: “How to make the EU regulation more efficient and effective while reducing burden and without undermining policy objectives”

- The members of the RP have been able to agree on most of the issues brought to their attention. Topics of the RP have also been used as a selection criterion for the RSB in deciding what to scrutinize.
- RP remain focused and avoid issuing opinions that propose new regulation
- RP must not interfere with ongoing legislative processes and a duplication/parallelism of work with the council

(3c) Ex-post Assessment “Lighten the Load” – RP Workflow

1. Suggestions are submitted

2. Secretariat makes all suggestions available to the Platform and undertakes a first screening on behalf of the Platform

2a. Not relevant suggestions are referred to the EU helpdesk or answered directly by commission service

2b. Relevant suggestions

3. Stakeholder group (StG) reporters suggest priorities for the preparation of new Platform opinions

4. Government group (GoG) considers SG prioritisation & identifies those on which it is interested to contribute.

5. Secretariat replies on behalf of the Platform

6. StG reporters prepares draft op., shares it with StG

6. GoG finalises its input to draft opinions

7. Secretariat consolidates input from both groups

8. Final adoption of opinions

9. COM communicates follow-up actions

(3d) Ex-post Assessment “Lighten the Load”

Beispiele

- State Aid rules of land sale / Definition of Enterprise
- Tax obstacles to the cross-border provision of occupational pensions

Prof. Dr. Michael Hüther
Institut der deutschen Wirtschaft

