



Strasbourg, 19.5.2015
C(2015) 3260 final

COMMUNICATION TO THE COMMISSION

The REFIT Platform Structure and Functioning

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1. WHY A REFIT PLATFORM?

The Commission has been actively seeking stakeholder input on how to improve EU legislation. In the past, this work was supported by two separate high-level groups on better regulation and administrative burden reduction, one made up of Member State experts and the other of business and other stakeholders.

In its Communication *Better regulation for better results - an EU agenda*¹, the Commission announces its intention to take this process a step further by setting up a standing arrangement to conduct an ongoing dialogue with Member States and stakeholders on improving EU legislation in the context of the Regulatory Fitness and Performance Programme (REFIT).

The REFIT Platform (the "Platform") proposed in this Communication draws on international best practice (e.g. the Danish Business Forum and the UK Red Tape Challenge) and lessons learned from past EU experience. The Platform will bring together Member State experts and a balanced representation of experts from business, social partners and civil society appointed through an open call for proposals to support an inclusive, transparent and pragmatic process. The European Economic and Social Committee and the Committee of the Regions will also be represented by one expert each.

The main tasks of the REFIT Platform will be to:

- *invite and collect suggestions for regulatory burden reduction from Member States and stakeholders;*
- *assess the merit of these suggestions in terms of their potential for reducing regulatory burden stemming from EU legislation (or its implementation at Member State level) without affecting the legislative objectives pursued;*
- *agree, on this basis, on those suggestions that should be brought to the attention of the Commission services and/or the national, regional or local authorities responsible while communicating views on them; and*
- *communicate the outcome of Commission services or Member State authorities consideration of the suggestions back to the stakeholder.*

In *Better regulation for better results - an EU agenda*, the Commission gives a political commitment to publish the comments of its services on the Platform's suggestions. It commits itself to taking action where appropriate, possibly involving its policy planning (e.g. launching an evaluation or impact assessment with a view to taking a policy decision by a certain date), or explaining why it intends to take no action.

In the Communication, the Commission invites Member States to do the same for any suggestions the Platform addresses to them.

¹ COM (2015) 215

This document describes the structure and functioning of the Platform.

2. STRUCTURE OF THE PLATFORM AND FREQUENCY OF MEETINGS

The Platform will consist of two standing groups, one for Member State experts (government group) and one for representatives of business, social partners and civil society (stakeholder group). The former will consist of 28 high-level experts (one from each Member State) and the latter of up to 20 business people (including from SMEs), representatives of social partners, NGOs and the European Economic and Social Committee and the Committee of the Regions.

The First Vice-President will chair the Platform and preside over an annual joint meeting of both groups. The chair of the Regulatory Scrutiny Board will act as his deputy and chair separate meetings of the two groups. If the chair of the Regulatory Scrutiny Board is not able to chair a group meeting the First Vice-President will nominate a senior management official as replacement. With the agreement of the chair, the groups may establish working parties and liaise with existing sectoral Commission expert groups. While the Commission will act as chair, the work should be driven by the members. Specific files will be delegated to a 'lead member', who will then act as *rapporteur*. The groups' rules of procedure will be the same as those of the Commission's expert groups².

The Commission Secretariat-General will act as secretariat for the Platform and its work will be supported by a CIRCABC site.³ Prior to each meeting, the Commission will provide an annotated agenda and background information on each topic under discussion. The Secretariat-General will forward incoming suggestions to the Commission service concerned and request the necessary input for the background information and annotated agenda. During the deliberations of the Platform or its groups a representative from the Commission service concerned should be present to be able to respond to questions that may arise.

The Platform groups will meet on a regular basis and the Platform's activities will be discussed and evaluated at the annual joint meeting.

3. MEMBERSHIP OF THE REFIT PLATFORM

The Commission will invite the European Economic and Social Committee and the Committee of the Regions to nominate a high-level expert to the stakeholder group each as their representative. The other members of the stakeholder group will be selected broadly to represent sectors, interests and regions in Europe and will have direct experience of applying EU legislation. The Commission on a proposal from the First Vice-President, will appoint them in their personal capacity or to represent a common interest shared by a number of stakeholders. This will be done through a public call for expressions of interest, following standard Commission practice.

The Commission will invite each Member State to nominate a high-level expert on better regulation as their representative in the government group. It is expected that the experts will be officials at the level of Deputy Director-General.

² Communication from the President to the Commission: Framework for Commission expert groups: horizontal rules and public register. C(2010)7649 final

³ <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp>.

The members of both groups will be appointed for the duration of the Platform mandate, i.e. this Commission's term of office. In the event of resignation, a replacement can be appointed. Membership will not be remunerated, but travel costs will be reimbursed and other indemnities paid in accordance with standard Commission rules.

4. TASKS

The groups will invite and analyse suggestions on regulatory and administrative burden reduction arising from Union regulation and its implementation and application in Member States.

When inviting suggestions, the groups should call for them to be clear, specific, reasoned and evidence-based. Suggestions should not put into question the objectives of the relevant legislation or concern issues subject to action by the Commission to ensure respect for EU law (e.g. infringement procedures). They should be supported where possible by a quantitative estimate of the regulatory burden involved and targeted reduction sought. Individual Platform members may also make suggestions for burden reduction.

In addition, the Platform should actively invite suggestions for burden reduction in particular areas of interest. For this purpose, it will discuss specific themes (e.g. sectoral legislation or cross-cutting issues such as 'barriers to digitisation' or 'to innovation') on the basis of a schedule published in advance so as to allow stakeholder input.

The role of each group will be to assess the suggestions received in terms of clarity, specificity and potential to reduce the regulatory burden stemming from EU legislation (or its implementation at Member State level) without impeding pursuit of the legislative objectives. The secretariat will ask the groups to classify the suggestions on the basis of their specific content (e.g. whether they refer to burdens arising primarily from EU legislation *per se* or from its implementation by Member States). Both groups will be informed of all suggestions and be able to comment and request the referral of the suggestion to the Commission services or the Member State concerned.

Once the group in question has assessed the merit of a suggestion, the chair will refer the suggestions addressed to the Commission and the assessment and comments to the Commission service concerned. The government group will refer the suggestions addressed to a Member State, and the assessment and comments, of either or both groups, to the Member State concerned.

If a group decides not to pursue a suggestion, the reasoned explanation of the group will be communicated by the chair to the person who submitted the suggestion.

The Commission may consult the Platform on any matter relating to its better regulation work and the REFIT Programme. The Commission may also ask both groups for information and evidence in the context of its monitoring of the implementation of any REFIT initiative with a view to collecting evidence on the basis of which to measure the impact of the initiative on the ground.

The Platform's assessment of suggestions and the Commission services' response will be handled as pragmatically and flexibly as possible in view of the complexity and nature of the file. The Platform may be able to comment swiftly on suggestions that are straightforward, focused or well presented, while it may require more time to collect additional views and assessments from members, Commission services or Member State

authorities before taking a position on more complex or wider-ranging suggestions. Immediate action could be taken on some initiatives, while the Commission or Member States may need longer to prepare the launch of evaluations or legislative proposals.

5. COMMUNICATION

The REFIT Platform will work in a fully transparent way. This involve the publication on a dedicated website of all suggestions, comments from the clusters, input from their members or external parties, summary minutes of meetings and comments by Commission and Member State authorities as regards follow-up to the suggestions.

The external interface should be ensured via a dedicated website, preferably with its own distinct visual identity.