



**COUNCIL OF
THE EUROPEAN UNION**



Council Conclusions on better regulation

***2891st COMPETITIVENESS
(INTERNAL MARKET, INDUSTRY and RESEARCH) Council meeting
Brussels, 25 September 2008***

The Council adopted the following conclusions:

"THE COUNCIL,

1. RECALLING the second strategic review of "Better Regulation" in the European Union of 30 January 2008, the conclusions of the 2008 Spring European Council and the conclusions adopted by the Competitiveness Council on 29 May 2008;
2. STRESSING the major role of Better Regulation, which aims at improving the quality of EU legislation through, in particular, the reduction of the administrative burden, simplification and impact assessments, in order to strengthen EU competitiveness and to deliver sustainable growth and jobs in the context of the renewed Lisbon-strategy reform agenda;
3. ACKNOWLEDGES that Better Regulation represents inter alia, while respecting the *acquis communautaire*, a means of assessing correctly on each occasion the need for and relevance of a legislative initiative; CONSIDERS that this is also important in order to highlight, for citizens and businesses, the added value of an action at EU level by explaining the advantages and disadvantages of it; RECALLS that the European Union has been able to make progress in particular by means of harmonisation and mutual recognition; CONSIDERS that the use of these instruments has enabled the internal market to grow stronger by removing the obstacles harmful to trade in the EU and by improving the conditions for citizens' confidence in the operation of the internal market; BELIEVES that, with due regard to the subsidiarity and proportionality principles, these instruments remain relevant for these purposes, together with other policy tools, as appropriate.

P R E S S

4. ACKNOWLEDGES that much work is already under way on Better Regulation at both a European and Member State level and work on this should continue to be pursued vigorously; BELIEVES that the reduction of the administrative burden stemming from EU legislation is of utmost importance to reduce unnecessary costs for businesses, especially SMEs; HAS TAKEN NOTE with interest of the work of the High Level Group of Independent Stakeholders on Administrative Burdens; RECALLS the ambitious 25% reduction target of administrative burden arising from EU legislation by 2012 and recognises that significant work must be undertaken to achieve this target; ACKNOWLEDGES the relevance, in this context, of fast-track actions and BELIEVES that they are especially effective when they are chosen with the stakeholders in a concerted manner and on the basis of clear criteria; WELCOMES in this regard the new Better Regulation aspects of the "Small Business Act" for Europe;
5. CONSIDERS that simplification of the regulatory environment is also an important aspect of the Better Regulation strategy and can, while respecting the *acquis communautaire*, provide businesses and citizens with tangible benefits; UNDERLINES the importance of embedding effective use of impact assessment in the EU legislative process; RECALLS lastly that substantial changes resulting from negotiations in the Council should undergo impact analyses, if appropriate, in line with the Interinstitutional Agreement on Better Lawmaking of 2003; in this context, the General Secretariat of the Council has an important role to play, within the facilities and resources to which it has access and, where appropriate, with support of the Commission's or the Member States' expertise;

Access to law

6. CONSIDERS that efforts aimed at Better Regulation will be all the more effective in practice if citizens and businesses also benefit from easier conditions of access in their own language to EU legislation;
7. EMPHASISES in this context the need to make EU legislation easier to read and understand and to facilitate practical access to such legislation for all stakeholders so that they are in a better position to know the rights and opportunities at their disposal; BELIEVES that this is a vital element in enabling European citizens to make a better assessment of "A Europe of Results" and to back up the efforts made by the European Union institutions to get closer to citizens; CONSIDERS that improved access to EU Legislation, by definition multilingual, can also constitute a useful factor in promoting the latter in the world and a useful means of fostering a regulatory dialogue with third countries; ACKNOWLEDGES, for these reasons, that access-to-law issues are an important complement to the "Better Regulation" strategy;
8. RECALLS, on this basis, and in the context of the 2003 Interinstitutional Agreement on better law-making, the importance the institutions attach to greater transparency and accessibility of the law through new communication technologies and public access to EUR-Lex; consequently INVITES the other European institutions to join in supporting the work of the Office for Official Publications of the European Communities; CALLS ON the latter resolutely to continue improving electronic means of access to the European law in force, on the basis of good practices and by lending support to the coordination of the European institutions' practices regarding the dissemination of legal data;
9. CALLS FOR work on improving the Internet sites concerning European law to give priority to emphasising use of the most efficient and most ergonomic search tools, and to making available in all official EU languages all the legislative texts in a consolidated form, including

all their subsequent amendments; HOPES that work continues on improving the link between EUR-Lex and the Member States' national legislation databases, as made possible by N-LEX; this link should provide users with access to the rule of law on a particular matter throughout the European Union, directly and regardless of the source of the rule; SUPPORTS in this connection the substantial work of the Council Working Party on Legal Data Processing;

10. WOULD LIKE alerts to be issued concerning the publication on line of the daily editions of the Official Journal of the European Union so that European law is disseminated on a regular basis, and concerning the publication of new contents corresponding to the profile defined by the user; CONSIDERS that these arrangements would make regulatory watchfulness easier, something which is of particular importance for the SMEs;
11. WELCOMES the efforts already made by the Commission which, in order to make the law more accessible, now couples the on-line publication on EUROPA of recently adopted acts with summaries intended for as many citizens as possible and BELIEVES that efforts along these lines should be stepped up including user-friendly accessibility in all official EU languages; ACKNOWLEDGES that, in addition to access to legislation, there is an important role for practical and clear guidance explaining what the implications are for business and citizens in non legal terms;
12. CONSIDERS that the EU institutions should commit themselves to joint endeavours to promote electronic access to the law, while ensuring that citizens and businesses are consulted;
13. INVITES the Commission to report, within the existing reporting framework, on important achievements in this area by 2010;

Concluding remarks

14. CONSIDERS that the accessibility of the law also presupposes that legislation is simple, clear, consistent and easily understandable in all official EU languages and RECALLS to this end that the requirements in terms of quality of drafting, a guarantee of legal certainty, is a significant dimension of "Better Regulation";
 15. RECALLS finally that the Better Regulation agenda must be understood in a forward-looking sense and does not relate only to the stage when the rule is drafted but to the whole regulatory cycle including its actual application; in this context the European Union institutions and the Member States must continue to combine their efforts aimed at Better Regulation."
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