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#### NOTE

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From:	Presidency
To:	Permanent Representatives Committee
Subject:	<b>Preparation for the Council meeting "Competitiveness on 26 and 27 May 2016"</b> <b>Draft Council Conclusions on "Better Regulation to strengthen competitiveness" (Non-legislative activity)</b> - Adoption

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Delegations will find in Annex a Presidency note in view of the COMPET Council's debate on Better Regulation on 26 May 2016.

**PRESIDENCY DISCUSSION NOTE ON BETTER REGULATION**

Almost exactly one year ago, on 19 May 2015, the Commission published its Better Regulation package with the Communication “Better Regulation for better results, an EU agenda”. This package, including the - recently adopted - Inter-Institutional Agreement on Better Law making of 13 April 2016, constitutes an important milestone in how the European Union has significantly reassessed and improved its approach to better regulation, with a view of delivering better results for European citizens, businesses, consumers and other stakeholders.

To mark this occasion, the aim of the Presidency for the policy debate at the Competitiveness Council on 26 May 2016 is for Ministers in the presence of First Vice President Timmermans to take stock of progress made so far in the better regulation agenda, and to discuss aspects of better regulation that could be further enhanced, particular with a view of making the approach to better regulation even more future proof and enabling for innovation.

In this respect, the Council is invited to adopt the draft council conclusions ‘Better Regulation to strengthen Competitiveness’, which cover a number of the above mentioned aspects.

During the policy debate, the Presidency invites the Ministers to reflect on two questions in particular:

1. The May 2015 Commission Communication introduced a number of important new improvements in the Commission’s approach to Better regulation. These include the creation of a more independent Regulatory Scrutiny Board, the installation of the REFIT Platform, better involvement of stakeholders over the whole policy life cycle, new guidelines for impact assessments, a renewed ambitious approach to REFIT, and a proposal for a renewed Inter-Institutional Agreement, which was recently adopted by the three institutions.

*In the view of the Council, which elements of the new approach to Better Regulation have contributed most to delivering tangible and sustainable benefits for citizens, businesses and society as a whole? Which elements could be further strengthened to this end?*

2. An important challenge for the EU is how the approach to Better Regulation can be further enhanced to be ‘future proof’. One of the issues in this regard is innovation, particularly against the background of the digitisation of the European economy. Innovation is the key to future competitiveness, growth and jobs in the EU, which has already been addressed in the renewed impact assessment guidelines of the Commission. To maximise the EU’s potential for innovation, particularly in the context of digitisation, the presence of a regulatory framework that enables - and not unnecessarily hinders – innovation is of critical importance. Such regulatory framework should be clear and predictable, to support investment in innovation, and at the same time open and flexible to accommodate both rapid technological and non technological change. It should fully unleash the potential of the scale that the Single Market for EU28 offers, and at the same time attempt to be as technologically neutral and outcome-oriented to allow innovators to contribute to new solutions to public policy goals.

*Ministers are invited to share their ideas and national best practices on policy approaches which ensure that innovation is placed at the heart of the European policy making process.*

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