



Non paper from Sweden ahead of the upcoming Commission Communication on Better Regulation

The Swedish Government welcomes a review of the Better Regulation policy. It is an important step in safeguarding against the EU ending up in the same situation of massive simplification efforts in the future.

Enhancing the EU's competitiveness, growth and innovation require continued efforts to simplify regulatory frameworks, and the tools supporting the legislative procedure need to better reflect the challenges surrounding the current regulatory landscape. It is therefore essential that any reform of the Better Regulation policy clearly reflect a willingness to apply a regulatory restraint ensuring that new rules are introduced only when clearly necessary and that proposals that are presented have an impact assessment that can serve as a solid evidence base throughout the legislative procedure. The Better Regulation policy also needs to be effectively integrated with the tools, mechanisms, and processes of the Single Market. Furthermore, any additional costs related to the overview of the Better Regulation policy should be sourced through reprioritisation within the existing means of the EU budget.

We would like to encourage the Commission to strengthen its work as the guardian of the Treaties and to ensure that all steps of the legislative process are better connected. The legislative cycle is continuous, and each part affects the next. Legislative proposals should be supported by a solid and thorough impact assessment to rely on during negotiations in Council and with the Parliament. It would also make implementation easier for Member States, because they would have a strong foundation to rely on. Enforcement

would also be more straightforward, and the Commission would be better able to identify gaps or mistakes that need to be corrected. Focus should lie on improving how we achieve our commonly agreed policy objectives, where the Commission has a key role to ensure that new rules are necessary, do not overlap with existing one, and are proportionate. Digitalisation also play an integral part to speed up processes and is therefore crucial for the effective and efficient implementation of policies.

In view of the upcoming Communication on Better Regulation, the Swedish Government would like to highlight the following to strengthen this approach.

Ex Ante /Prior to legislation

- **An impact assessment report, in line with current requirements, should always be presented together with a Commission proposal and continue to apply through the legislative process.** Impact assessments must be clearly linked to the proposal and should include a detailed analysis of specific requirements to clarify the regulatory burden. This also enables the co-legislators to analyse added requirements during negotiations. The Competitiveness Check, including ensuring Single Market consistency, must be at the core of the impact assessment. There should however be flexibility built into the procedure allowing the Commission to adjust scope and depth depending on the size of the impacts.
- **Accelerated procedures for urgent legislative proposals should be used only in truly exceptional circumstances.** Their application should be guided by clear and objective criteria and should be accompanied by reinforced ex post evaluations to ensure that policymaking remains firmly grounded in evidence. Even in situations of urgency, such procedures must comply with the fundamental requirements established in the Treaties and in relevant case-law for a transparent, evidence-based and inclusive preparation of urgent legislative proposals.
- **The mandate of the Regulatory Scrutiny Board needs to be reviewed** to better answer to a changing regulatory landscape. This could be done by adding a business branch to the Board, made up of business representatives, to act as a guardian for the business perspective during the legislative procedure.

- **Stakeholder consultations of different kinds constitute a fundamental component of the Impact Assessment process.** It is essential that the consultation processes remain transparent and inclusive. **The Commission should also strive to improve its efforts to provide stakeholders with feedback on the opinions and suggestions they submit.** Many stakeholders have limited time and resources, yet they nonetheless devote considerable time and effort to providing input. However, they often receive no information regarding how their contributions are used. It is essential that stakeholders receive feedback for maintaining their engagement with the Commission and for supporting the continued development and implementation of evidence-based EU-legislation.
- **Effective planning and coordination between the Commission, European Standardisation Organisations, and National Standardisation Bodies** is essential throughout both the impact assessment phase and the implementing stage. This helps make better use of the simplification potential that standardisation offers through essential requirements and voluntary technical standards.

During negotiation

- **The Commissions impact assessments may need to be complemented by impact assessments from co-legislators to better reflect the proposal throughout the legislative process.** It is a shared responsibility of the Commission, the Council and the Parliament to identify and remove unnecessary regulatory burden during the legislative process. Achieving this requires both structural reforms and a common methodological approach. Major amendments introduced during negotiations could be subject to a proportionate, streamlined assessment of potential burden, supported by shared methodologies and digital tools without delaying decision-making.

Implementation/enforcement stage

- **The implementation aspects must be addressed early in the preparation phase of EU legislation and continue throughout the whole legislative process** in order to facilitate a simpler and easier implementation.
- To ensure a correct implementation **the Commission must work more closely and extensively with the Member States**, with their whole toolbox at hand, such as implementing strategies, guidelines, templates and transposition roadmaps. Also, cooperation through workshops with expert groups and similar constellations are crucial to help facilitate Member States to a uniform transposition of legal acts. The Single Market Enforcement Task Force (SMET) has proven to be a useful group and could be a model for other policy areas as well, as suggested by the Commission.
- **Stakeholder dialogues is an important part also in the implementing phase, including ex-post evaluations**, to ensure that stakeholder input meaningfully informs all stages of policymaking.
- **Implementation workshops at different stages of the legislative process could help facilitate Member States transposition of legal acts** while respecting the interinstitutional agreement. Member States should have sufficient time to transpose EU legislation into national law.
- **Ambitious enforcement actions are key for improved implementation.** To achieve compliance, rules must be implemented correctly and on time, and a more active and firm enforcement action by the Commission, as guardian of the Treaty, is crucial. As implementation over minimum level (gold-plating) can lead to fragmentation of the Single Market, Member States are responsible for choosing the least burdensome way of implementation. Addressing the “Terrible ten” could serve as a starting point.