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**The European Commission Work Programme 2014: Highlighting potential impacts**

**HLG Preparatory Meeting, Barcelona  
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## Abbreviations

Commission	European Commission
CoR	Committee of the Regions
EU	European Union
HLG	High Level Group
HLM	High Level Meeting on Governance and the EU
IA	Impact Assessment
LRAs	Local and Regional Authorities
MLG	Multilevel Governance
REFIT	Regulatory Fitness and Performance

## Executive summary

The 2014 Work Programme of the European Commission is analysed in this document, in three initiatives:

1. **2030 Framework for Climate and Energy Policies;**
2. **Resource Efficient and Waste; and**
3. **Regulatory Fitness and Performance (REFIT): Results and Next Steps.**

These policy dossiers have been selected by the Steering Committee of the High Level Network on Governance and the EU, because they appear to have potential important impacts for the regional and local levels as well as regarding the internal coordination mechanisms within the Member States.

The High Level Group (hereafter 'HLG') commissioned the European Institute of Public Administration (hereafter 'EIPA') to provide scientific input on the chosen dossiers, in order to identify at an early stage those aspects with an impact on local and regional governance. The Group intends a coordinated work to feed into the knowledge sharing and awareness rising needed to feed into the construction of the analysed policies.

The **2030 Framework** will likely affect local and regional authorities (hereafter 'LRAs') directly and importantly. It intends to provide long term perspective on how the EU will move ahead from its 2020 climate and energy targets, a field where the LRAs are important implementing actors. Nonetheless, the Initiative itself is more addressed to the other European institutions rather than to the Member States and LRAs. As a result, if the Initiative will change important aspects of the legislation that the LRAs must anticipate, there will be follow-up proposals which will probably affect more importantly the LRAs. In this respect, it is recommended 1) to advocate for more involvement of the LRAs in the decision-making, and 2) to monitor very closely the results of the initiative, especially the follow-up proposals.

Even though the **Resource Efficient and Waste Initiative** will certainly have an important impact on LRAs, it is at a very early stage, so that it is difficult to undertake any *ex-ante* action. As a result, it is recommended to make a follow-up of this policy field. It could also be interesting to conduct a study of the instruments used by high performing cities and regions to promote waste prevention and recycling in order to identify good practices across Europe.

Finally, as regards **REFIT**, it is of high relevance for LRAs and for the HLG as it involves fields where LRAs hold some responsibilities. Since REFIT is a long-term programme offering a new regulatory approach of EU legislation, it could be the occasion to foster the implementation of the multilevel governance principles in the EU decision-making process. At the *ex ante* stage, the HLG could echo the concerns of the CoR and advocate for more involvement of the LRAs in the decision-making process, notably with regard to the inclusion of their interests in the Commission's IAs. Furthermore, it is recommended to call on the European Commission, *via* the forthcoming Dutch presidency of the Council, to launch a targeted consultation aimed at LRAs in order to identify which are the 'Top 10' burdensome areas of EU legislation for them. It could also be interesting to conduct analyses in order to assess 1) how EU legislation can be simplified for LRAs; and 2) how can LRAs participate in the simplification of EU legislation and in the reduction of regulatory burdens, notably by identifying good implementation practices at local and regional level.

## **Introduction**

EIPA has been assigned to perform an analysis of the Work Programme of the European Commission (hereafter 'Commission') for 2014 selected by the HLG.

After members of the HLG had screened the 2014 Commission Work Programme and highlighted the priority policy dossiers having an impact at regional and local level, a shortlist of priority dossiers was forwarded to EIPA, which is attached in Annex I.

EIPA herewith provides its preliminary scientific input of the dossiers listed and highlights the policy fields most relevant as regards both their impact on LRAs as well as the feasibility of any sort of deeper analysis at this stage (year 2014) of the policy making process.

EIPA inputs aim at giving a general overview of the content and potential impact of the measure under scrutiny. It places the potential role of the HLG within the context of its mission statement. In order to provide an advice on whether the dossier might be of interest for the group, EIPA follows a set of indicators as described below (see 'Methodology').

## **Mission statement**

The High Level Meeting on Governance and the EU (hereafter 'HLM') is the informal governmental platform for dialogue and knowledge-sharing on how Member States deal with administrative (multilevel) governance of the European policy making. The group is formed by the central ministries responsible for regional and local affairs. It aims to identify at the early stage “new” policy areas with an impact on local and regional governance, and convey a coordinated opinion within the group to feed into the construction of both the national positioning process and the Commission impact assessments.

As a result, the dossiers selected by the Group are from policy fields with expected impacts on local and regional government that require active participation and coordination among the Member States, combined with good partnership with their regional and local levels in order to take advantage of the opportunities of the different consultation processes, legislative revisions, public hearings etc., which directly affect the daily life of citizens.

# Methodology

This report is based on desk research, i.e., the analysis of the documents published by the European Institutions, academics, think tanks as well as the European associations and networks dealing with the relevant dossier in the current period.

In agreement with the contractors, the selected policy dossiers for the 2014 Commission Work Programme are the following:

1. 2030 Framework for Climate and Energy Policies;
2. Resource Efficient and Waste; and
3. Regulatory Fitness and Performance (REFIT): Results and Next Steps.

For each of them, a common list of indicators and a common grid of analysis have been used in order to assess the relevance of the policy dossier for the local and regional levels.

## Indicators

A list of indicators was set in order to determine whether the policy dossier is of relevance for the HLG. In this respect, the dossiers are analysed following a set of questions, streaming from general principles to more detailed indicators. These indicators are presented below.

The indicators to be taken into consideration in general terms are:

- Does the policy dossier affects multilevel governance ('MLG'), i.e., is it an exclusive or a shared competence?
- Is the initiative a legislative or a non-legislative measure?
- Is the measure upcoming / ongoing?
- Type of *ex ante* impact during the decision-making (economic governance, multilevel governance or both and administrative burdens);
- Implementation burdens and impacts – especially *ex post* administrative and financial impact.

At a second stage, a more concrete detail analysis is done. We start by justifying why this field/sector has a great importance for the local and regional levels, by following these criteria:

- Do LRAs have competences in the field?
- Does an initiative provide with political opportunities for decentralisation and the application of the proximity principle?
- Have the Committee of the Regions (CoR) and the ECOSOR been consulted in this policy field? Have they published an opinion?

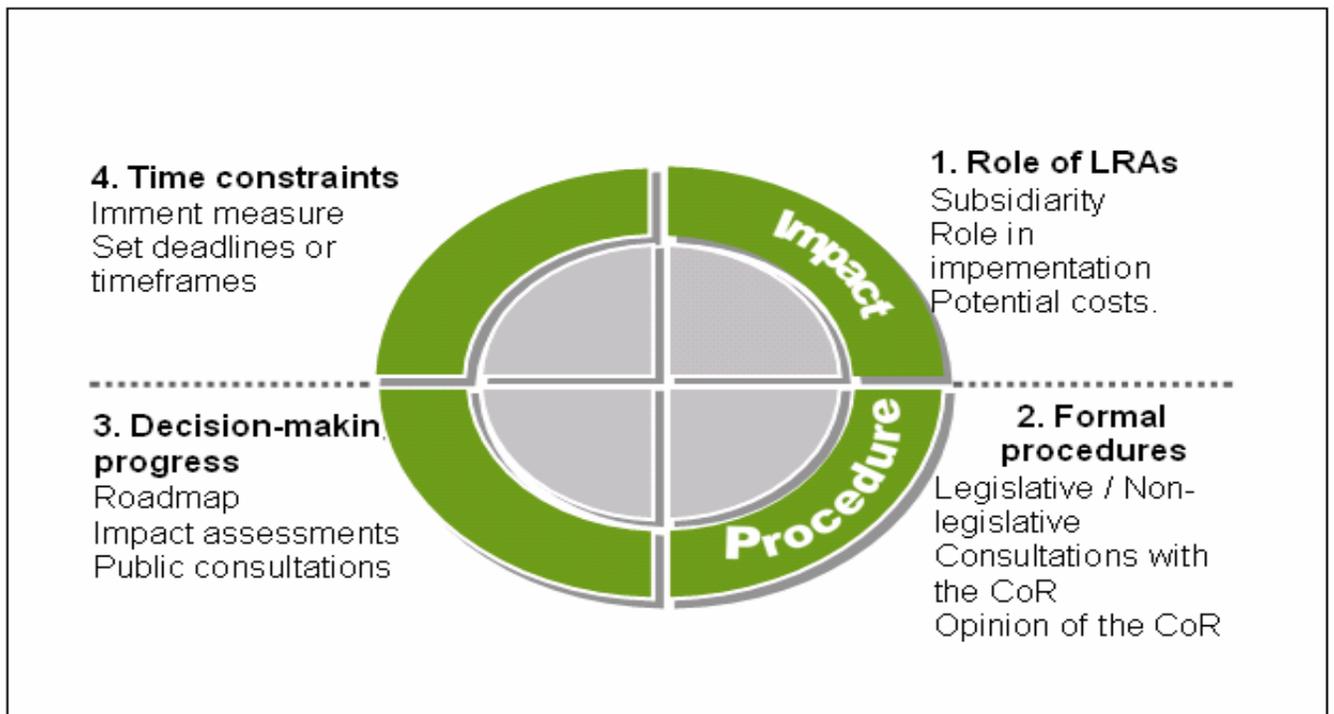
We then continue by justifying why those policy measures may affect the local and regional levels:

- Does this measure imply national – and local / regional – transposition?
- Does that imply any administrative burden for LRAs?

- May this measure have an impact on local and regional funding? On the finance of the LRAs?
- Does this measure foresee cross-border cooperation, instruments such as EGTC, partnership contracts...?
- Is this measure likely to have a competitiveness impact between European regions?
- May this measure have an impact on mobility of people?

What is the legal extent of the measure? How constraining is the measure?

- Is the measure legislative or non-legislative?
- Is this imminent or for later?
- Is it a regulation or a directive? (If this is a directive, the Member States enjoys more freedom in its implementation)



### Grid of analysis

Role of LRAs	Subsidiarity	
	Role of LRAs in the implementation	
	LRAs directly affected	
	Potential costs and burden impacts	
Formal procedure	Legislative measure	
	Mandatory consultation of the CoR	
	Opinion of the CoR	
Progress of the initiative	IA carried out	
	Public consultation	
	Roadmap published	
Time constraints	Imminent measure	

## **Agenda**

EIPA will prepare a summary of the different dossiers listed, based upon which it will elaborate a general overview of the pre-selected dossiers and provide an indication on whether these dossiers may have an important impact on LRAs.

The overall results of EIPA's analysis will be submitted in draft format on the 25th January 2014 to the Dutch representatives (as well as to the Austrian representative in the group, in charge of hosting the next Steering Group meeting) for subsequent discussions.

It is foreseen that the final outcome of the discussions and the report approved by the Dutch Government will be disseminated among the members of the group during the second and third week of February, and that the final report will be submitted and defended by EIPA at the Steering Group in Schloss Gracht on 4 March 2014.

## Project team

### **Project Leader - Expert: Gracia Vara Arribas**

Gracia Vara Arribas (ES) is an expert at the European Institute of Public Administration in Barcelona. Lawyer practicing law in Galicia for almost ten years (1986-1995), she was granted the ICEX scholarship by the Spanish Ministry of External Affairs to conduct comparative legal studies for the Spanish Government at its Embassy in The Hague (1990-1991). She gained her Master of Laws (LLM) in comparative, European and international law at the Maastricht University (1995-1996).

She specializes in European law, regional participation in decision making, and the legal aspects of European Integration, with special attention towards regional and local governance (Multilevel Governance) Under her direction, several impact assessment and evaluation studies of EU Laws at regional level have been carried out, commissioned by the EU Presidencies (UK 2006 and SE 2009) and for different Member States (SE, NO, UK, FR, NL, DE). In 2009 she was commissioned by the Dutch Ministry of Interior to evaluate the impact of the Lisbon Treaty on the Dutch Provinces and Municipalities. She has also worked as a consultant for the Committee of the Regions, and the UK Office of the Deputy Prime Minister. She has co-edited two books on the EU and sub national entities - "Tripartite Arrangements: An Effective Tool for Multilevel Governance?" (EIPA 2005) and "The role of Regional Parliaments in the Early Warning System" (Website of the Committee of the Regions – Studies 2011) - authored several policy reports on the topic and published numerous articles on the European Union and the Regions.

### **Research support: Bettina Steible**

Bettina Steible (FR) is a researcher and a PhD candidate at the Autonomous University of Barcelona since 2012. Prior to that (2011-2012), she served as a research assistant at the European Institute of Public Administration (EIPA Barcelona).

She holds a Bachelor in European and International Law and a Master 1 in Public Law from the Montpellier 1 University, as well as a joint Master in European Law and Policy from the Autonomous University of Barcelona, Montpellier I University, Milan University and Szczecin University. She spent seven months at UC Berkeley as a visiting scholar.

She specialises in European law, EU decision-making procedures and institutions, human rights law, international law, as well as Multilevel Governance and decentralisation in Europe.

### **Finances: Raymond Pelzer**

# 2030 Framework for Climate and Energy Policies

## *Background*

The EU's future energy and climate policy is high on the agenda because of different factors. The current targets in this field are set by a comprehensive framework for climate and energy policies primarily relating to sustainability until 2020; nonetheless, the Europe 2020 Strategy is only an intermediate step. As regards climate change, the long term goal is to limit temperature changes to 2 degrees compared to pre-industrial levels.

Moreover, the energy sector requires important levels of investment to build new generating capacity, to modernise transmission networks and to prepare for the integration of larger amounts of energy from renewable sources.

In addition, the Kyoto Protocol is to be replaced in 2015: if the EU wants to play a leadership role in the forthcoming global climate change talks, it must first agree on its own targets.

Against this background, a debate is taking place at the European level in order to set new targets for 2030. Some support ambitious energy and climate targets, while some others argue that energy prices should not be increased in a recession. In this respect, a key issue is what targets and what kind of targets the EU should set for 2030 and beyond. These issues have been discussed by the Council in Dublin on 22-24 April 2013 and by the European Council at a special summit in Brussels on 22 May 2013. The Commission has unveiled the 2030 package on 22 January 2014 (COM (2014) 15 final). EU leaders plan to discuss it at their regular spring summit in March 2014.

The 2030 Framework draws on the lessons from the current legal framework, from the achievements, failures and areas where there is room for improvement. It should take into account international developments and spur stronger international climate action. Finally, it must identify how best to maximise synergies and deal with trade-offs between the objectives of competitiveness, security of energy supply and sustainability. The Commission has agreed on a 40% cut in greenhouse gas emissions (compared to 1990 levels), to achieve at least a 27% share of renewable energy consumption. Energy efficiency is to play a vital role, but no specific target at this point.

The Framework also takes into account the longer term perspective which the Commission laid out in 2011 in the Roadmap for moving to a competitive low carbon economy in 2050<sup>1</sup>, the Energy Roadmap 2050<sup>2</sup>, and the Transport White Paper<sup>3</sup>.

## *Identified problems*

The current policies are not sufficient to achieve the transition to a sustainable, secure and competitive low carbon economy and energy system, as the analysis within the context of the

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<sup>1</sup> [http://ec.europa.eu/clima/policies/roadmap/index\\_en.htm](http://ec.europa.eu/clima/policies/roadmap/index_en.htm).

<sup>2</sup> [http://ec.europa.eu/energy/energy2020/roadmap/index\\_en.htm](http://ec.europa.eu/energy/energy2020/roadmap/index_en.htm).

<sup>3</sup> [http://ec.europa.eu/transport/themes/strategies/2011\\_white\\_paper\\_en.htm](http://ec.europa.eu/transport/themes/strategies/2011_white_paper_en.htm).

2050 Roadmaps has shown. In this regard, several factors urge the EU Member State to agree on a 2030 Framework:

- Long investment cycles mean that infrastructure funded in the near term will still be in place in 2030 so that investors need certainty and reduced regulatory risk;
- Clarifying the objectives for 2030 will support progress towards a competitive economy and a secure energy system;
- An international agreement is expected by the end of 2015 so that the EU will have to agree on a series of issues ahead of this date to be able to engage actively with third countries.

Besides, other issues in the energy sector must be tackled:

- The dependency of many Member States on one or a limited number of oil / gas suppliers;
- The growing importance of the electricity grid's stability with the development of renewable sources of energy;
- Competitiveness and affordability of energy and electricity are of increasing concern;
- The fast growth of renewables puts many support schemes under pressure to reduce expenditure in line with technology cost decreases.

In sum, the fundamental issue is how to define a 2030 Framework for climate and energy policies that would make the EU comply with its 2050 objectives while giving clarity to Member States and investors as well as ensuring security of energy supplies and competitiveness.

### ***Objectives***

The general policy objectives of the initiative are:

- 1) to contribute to meeting the EU's objective of 80-95% GHG emission reductions in 2050 compared to 1990 in the context of necessary reductions by developed countries as a group;
- 2) To foster long term competitiveness, security of supply and sustainability.

The specific objectives of the initiative are:

- 1) To provide a long-term perspective for investment until 2030 in order to give more certainty to MS and to investors;
- 2) To achieve a more sustainable, secure and competitive EU energy system post 2020; and
- 3) To make sure that the EU post 2020 is on track to meet the 2050 emissions objectives and 2030 milestones as indicated by the 2050 roadmaps.

### ***Proposed actions***

Generally speaking, the following issues were flagged in the Green Paper on Framing 2030 Climate and Energy Policy<sup>4</sup> as important for further policy consideration:

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<sup>4</sup> COM(2013) 169 final.

- Targets up to 2030;
- The coherent further development of key policy instruments in the various sectors, including the role of international carbon credits;
- Fostering competitiveness of the EU economy (e.g. ensuring security of energy supplies and affordability of energy and competitiveness of EU energy prices, fostering growth and innovation in low-carbon technologies, addressing the risk of carbon leakage, competitiveness of various sectors);
- The differing capacity of Member States and if the solutions applied in the climate and package to achieve effective cooperation and an equitable sharing of the required efforts (via target differentiation, auctioning revenue distribution, cooperation mechanisms, flexibilities) should be maintained.

Options addressing these issues are not mutually exclusive.

### ***Public consultations***

The Green Paper on Framing 2030 Climate and Energy Policy<sup>5</sup> adopted by the Commission in March 2013 launched a public consultation on what the 2030 framework should contain. It set out for consultation four key issues the Framework needs to address: targets, coherence of instruments, fostering competitiveness of the EU economy and security of supply. It aimed at collecting the views of stakeholders, Member States and EU institutions. Several LRAs and associations took part in the consultation process, thus demonstrating the importance of the initiative for these levels of governance.

The consultation started on 28 March and ran until 2 July 2013.

An online consultation on the '2015 International Climate Change Agreement: Shaping international climate policy beyond 2020' also took place from 26 March 2013 to 26 June 2013. Its purpose was to initiate a debate with Member States, EU institutions and stakeholders on how best to shape the international climate regime between 2020 and 2030. A few LRAs participated in the consultation, namely the City of Vienna and the 'Energy Cities' Association. The responses received fed into the development of the EU's negotiating position.

### ***Potential impact on LRAs***

An Impact Assessment (hereafter 'IA') is being carried out for this initiative. The IA work started in April 2013. However, the IAs of the 2050 Low Carbon Economy and Energy Roadmaps already provide details about the costs and benefits covering economic, social, and environmental parameters, which can be used to assess the impact of the initiative on LRAs.

It is worth noticing that the Green Paper on Framing 2030 Climate and Energy Policy<sup>6</sup> does not refer to LRAs. Yet, the framework will likely have an important impact on LRAs to the extent that these levels of governance are often in charge of spatial and urban planning, building of infrastructure, public transportation, etc. Moreover, cities are responsible for an important part of the GHG emissions and are directly aimed at by new regulations in this matter.

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<sup>5</sup> COM(2013) 169 final.

<sup>6</sup> COM(2013) 169 final.

As evidenced in the Roadmap<sup>7</sup>, the transition of the energy system towards a low carbon economy will affect everyone, including LRAs. However, the initiative itself is mainly addressed to other European institutions since its concrete impacts will result from follow-up proposals and implementation<sup>8</sup>.

- *Potential costs*

There are costs associated to the transition of the energy system that will certainly have an impact on LRAs, including: increased investment needs in electricity generation and energy networks, costs linked to purchase/construction of more energy efficient buildings, equipment and vehicles, faster renovation of existing buildings, etc. This concern was highlighted on the occasion of the public consultation. There is a broad consensus that public support for low carbon investment must become more cost-effective through improving policy coherence and harmonisation across Europe.

These costs will be compensated by the benefits expected, including, in relation with LRAs, reduced GHG emissions, lower import dependence on fossil fuels and lower fossil fuel bills, growth in low carbon technology sectors, decrease in air and other environmental pollution and health co-benefits.

- *Impact on administrative burdens*

As regards climate change and given that a similar coordinated 2020 policy framework already exists, no significant impact on administrative burden is expected, and rather potentials for simplification may be expected.

As regards energy, the measures to be considered may have positive impacts on simplification and administrative burden compared to the 2020 framework, according to the Roadmap<sup>9</sup>.

- *LRAs' involvement in implementation*

As stressed above, the transition of the energy system to a low-carbon economy will require the LRAs' cooperation in their implementation. Actually, in their contribution to the online consultation<sup>10</sup>, the Association 'Energy Cities' highlights the fact that local authorities are implementing climate and energy policies which are delivering concrete results.

The fact that the LRAs are involved in the implementation stresses the necessity to include them in the designing and implementation of the climate and energy policy framework.

### ***Opinion of the CoR***

The CoR published a draft opinion on the 2030 framework<sup>11</sup> adopted by the Plenary on 30-31 January 2014.

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<sup>7</sup> [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2013\\_clima\\_007\\_energy\\_climate\\_framework\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2013_clima_007_energy_climate_framework_en.pdf).

<sup>8</sup> [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2013\\_clima\\_007\\_energy\\_climate\\_framework\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2013_clima_007_energy_climate_framework_en.pdf).

<sup>9</sup> [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2013\\_clima\\_007\\_energy\\_climate\\_framework\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2013_clima_007_energy_climate_framework_en.pdf).

<sup>10</sup> [http://ec.europa.eu/clima/consultations/articles/0020/public/energycities\\_en.pdf](http://ec.europa.eu/clima/consultations/articles/0020/public/energycities_en.pdf).

<sup>11</sup> Draft opinion of the Committee of the Regions – Green Paper on Framing 2030 Climate and Energy Policy, CdR 5810-2013.

In its draft opinion and with regard to MLG systems, the CoR expresses concern about the lack of funding opportunities at local and regional level and about the ongoing economic crisis, to the extent that it hinders the central task of LRAs in mitigating climate change and developing opportunities to adapt to it.

Furthermore, the CoR puts much emphasis on the particular role of LRAs in the climate and energy policies. It recalls that LRAs are the main actors in charge of long-term spatial planning and of the basic infrastructure that provide the conditions for residents and businesses to adopt appropriate behaviours to reduce emissions: clean water, sewage and waste processing, energy production and distribution, ICT networks, roads, public transport and options for using soft transport. It underlines that LRAs have broad relevance and an important role to play in mitigating climate change, preparing for and adapting to changes, and addressing energy issues.

The CoR highlights examples where LRAs have launched ambitious programmes and practical projects to slow climate change on their own initiative; it underlines the necessity to strengthen the impact of EU initiatives for local sustainability as well as the adaptation network for LRAs that has been proposed in the EU strategy on adapting climate change<sup>12</sup>.

Finally, the CoR regrets the fact that LRAs and the climate protection and energy saving measures they have already implemented are not mentioned in the Green Paper on Framing 2030 Climate and Energy Policy.

### **Conclusion**

Role of LRAs	Subsidiarity	Yes
	Role of LRAs in the implementation	Yes – although the main addressees are the other European institutions
	LRAs directly affected	Yes – it is explicitly stated in the Roadmap
	Potential costs and burden impacts	Yes – costs are expected but administrative simplification is foreseen
Formal procedure	Legislative measure	Legislative and non-legislative
	Mandatory consultation of the CoR	No – optional referral pursuant to art. 307 TFEU
	Opinion of the CoR	Yes, draft opinion, to be adopted by the Plenary on 30-31 January 2014
Progress of the initiative	IA carried out	Yes - ongoing
	Public consultation	Yes – public consultation was conducted from 28 March to 2 July 2013; online consultation took place from 26 March 2013

<sup>12</sup> In its Communication on an EU Strategy on adaptation to climate change (COM(2013) 216 final), the Commission refers to networks of LRAs that promote adaptation measures – especially urban adaptation strategies – to climate change (pp.6-7).

		to 26 June 2013
	Roadmap published	Yes – published in July 2013
Time constraints	Imminent measure	Yes – published on 22 January 2014

***Suggested follow-up***

The dossier on the 2030 Framework is of very high importance for local and regional authorities and of high relevance for the HLG. Nevertheless, this initiative is more addressed to the other European institutions rather than to the Member States and sub-levels of governance.

As a result, the HLG:

- should follow very closely the results of the initiative, especially the follow-up proposals insofar as these will certainly have concrete impacts on LRAs;
- could also advocate for more involvement of the LRAs in the decision-making since the correct transposition and implementation of the initiative will depend on the LRAs to some extent.

# Resource Efficient and Waste Initiative

## *Background*

The Roadmap to Resource Efficient Europe<sup>13</sup> underlines how to transform the EU economy into a sustainable one by 2050. It proposes ways to increase resource productivity and decouple economic growth from resource use and its environmental impact. The Roadmap provides a framework in which future actions can be designed and implemented coherently. It sets out a vision for the structural and technological change needed up to 2050, with milestones to be reached by 2020. It seeks to review the existing prevention, re-use, recycling, recovery and landfill diversion targets to move towards an economy based on re-use and recycling, with residual waste close to zero in 2014.

As evidenced in the 2014 Commission Work Programme, the Resource Efficient and Waste Initiative will build on progress in implementation of the Roadmap to Resource Efficient Europe and set out the key building blocks needed to unlock EU economic potential to be more productive whilst using fewer resources and advancing towards a circular economy.

The Resource Efficient and Waste Initiative will include:

- conclusions drawn from the development of suitable indicators and targets;
- the review of the key targets in EU waste legislation (in line with the review clauses in the Waste Framework Directive, the Landfill Directive and the Packaging Directive); and
- carry out an *ex-post* evaluation of waste stream directives, including an assessment of options to enhance coherence between them.

## *Potential impact on LRAs*

So far, no IA has been planned for this initiative. However, one can reason by analogy with the existing tools in order to assess the potential impact that the Resource Efficient and Waste Initiative may have on LRAs.

- *LRAs' involvement in implementation*

This new initiative grouping Resource Efficiency and Waste is of very high concern for LRAs since they are the main implementing actors. As a result, the implementation of the initiative will require the LRAs' full cooperation. In this respect, it is reasonable to think that new targets in EU waste legislation will entail an adaptation of the LRAs' current practices.

- *Impact on administrative burdens and potential costs*

The initiative will have with high probability administrative and financial impact on LRAs, especially with regard to waste management which will become instrumental to LRAs in the forthcoming years.

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<sup>13</sup> COM(2011) 571 final.

## ***Opinion of the CoR***

In the absence of any concrete document issued by the Commission for this new initiative, the CoR has not published an Opinion.

Nonetheless, one may refer to the Opinion CdR 140/2011<sup>14</sup> where the CoR asked the Commission to intensify its efforts towards a zero waste society by introducing binding EU waste prevention targets and by tightening the current recycling targets. Moreover, it is worth noticing that the CoR emphasised the fact that pioneering cities and regions already go beyond the minimum European recycling and landfill diversion targets and that the instruments used by these high performing cities and regions to promote waste prevention and recycling should be used as examples for other authorities.

## ***Conclusion***

Role of LRAs	Subsidiarity	Yes
	Role of LRAs in the implementation	Yes
	LRAs directly affected	Yes
	Potential costs and burden impacts	To be determined, potential financial burden
Formal procedure	Legislative measure	Yes
	Mandatory consultation of the CoR	Yes
	Opinion of the CoR	No
Progress of the initiative	IA carried out	No
	Public consultation	No
	Roadmap published	No
Time constraints	Imminent measure	No

## ***Suggested follow-up***

The dossier on the Resource Efficient and Waste legislation is of a high concern for LRAs and of high relevance for the HLG.

However, this dossier is at the very early stage: no roadmap has been published; no impact assessment is planned for the moment; no public consultation has taken place so far.

As a result:

- Further information on actions is needed to determine the concrete impact for LRAs. In this regard, it could be relevant to wait for the Roadmap and/or the Impact Assessment to be published before taking any action;
- The assessment of this dossier appears to be less urgent; and

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<sup>14</sup> Opinion of the CoR on a Resource-efficient Europe – Flagship Initiative under the Europe 2020 Strategy, CdR 140/2011.

- The HLG Platform will be updated regarding this dossier.

It could also be interesting to undertake a more detailed analysis of the instruments used by high performing cities and regions to promote waste prevention and recycling in order to identify good practices across Europe.

# Regulatory Fitness and Performance (REFIT): Results and Next Steps

## *Background*

With its Communication on EU Regulatory Fitness of 12 December 2012<sup>15</sup>, the European Commission launched a new Regulatory Fitness and Performance Programme (hereafter 'REFIT') to screen the entire relevant legislative *acquis* as well as to identify burdens, gaps and inconsistencies in order to correct them.

In the European policy making cycle, and in order to ensure that EU action is effective, the Commission assesses the impact of policies, legislation, trade agreements and other measures at every stage - from planning to implementation and review. We have to distinguish three phases:

1. Before the EU takes action
  - a. The Commission publishes **roadmaps** describing planned initiatives
  - b. **Commission impact assessments** examine potential economic, social and environmental consequences.
2. After EU action
  - a. following implementation, initiatives are **evaluated** to check their performance
  - b. **REFIT (Regulatory Fitness and Performance Programme)** identifies opportunities to reduce regulatory burdens and simplify existing laws.
3. Public consultations
  - a. At various stages of the process, businesses, private individuals and organisations can express their views through **public consultations**.

**Therefore the objective of REFIT within the policy making cycle, is two-fold:**

- 1) to make EU laws clearer and easier to understand, i.e. simplification, and
- 2) to lessen the reporting, monitoring and other requirements imposed by EU laws and make it easier for businesses to meet them, i.e. to reduce regulatory burdens: cutting red tape.

The Commission publishes scoreboards to show how the European institutions and national governments are progressing towards these goals: within this frame, the Commission published a Communication on the Results and Next Steps<sup>16</sup> on 2 October 2013 in which it identifies where the Commission will take action and where it has decided that no action is needed for the time being.

As regards the year 2014 and within the frame of REFIT, the Commission Work Programme refers to 21 concrete proposals which were previously presented in the Commission Communication on the Results and Next Steps.

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<sup>15</sup> COM(2012) 746 final.

<sup>16</sup> COM(2013) 685 final.

Out of these 21 proposals, there are 15 new initiatives to simplify, reduce regulatory costs and consolidate legislation. They cover many different areas: employment<sup>17</sup>, health and consumer policy<sup>18</sup>, statistics<sup>19</sup>, internal market<sup>20</sup>, agriculture<sup>21</sup>, trade<sup>22</sup>, mobility and transport<sup>23</sup>, as well as fisheries and maritime affairs<sup>24</sup>.

The six remaining proposals repeal EU legislation in the field of enterprise and industry<sup>25</sup>, health and consumer policy<sup>26</sup>, statistics<sup>27</sup>, home affairs<sup>28</sup>, mobility and transports<sup>29</sup> as well as energy<sup>30</sup>.

### ***Public consultations***

An online consultation on how to best cut red tape is currently taking place within the frame of the REFIT programme, on the website of the European Commission, at the following address:

[http://ec.europa.eu/smart-regulation/refit/simplification/consultation/consultation\\_en.htm#up](http://ec.europa.eu/smart-regulation/refit/simplification/consultation/consultation_en.htm#up).

No deadline for submitting contributions is specified on the Commission's website.

Prior to that, a targeted online consultation took place from 28.09.2012 to 21.12.2012 on the “Top 10 most burdensome EU legislative acts for SMEs”. Respondents replied using one or several of the following questions: identifying the areas where EU regulation is the most burdensome; choosing from a list of legislative acts the one(s) they find the most burdensome or reporting on other regulatory requirements which they find burdensome; identifying an example of a piece of legislation which has been successfully revised and is now less burdensome. The objective of the consultation was to make focused and tailor-made revisions of the identified legislative acts on the basis of these responses, in the framework of the REFIT exercise.

In this respect, the Commission published its Communication to address the Top 10 most burdensome pieces of EU legislation<sup>31</sup> on 18 June 2013. It describes areas where the EU has already acted and where legislative change is needed. It is worth noticing that the SMEs' concerns that are not included in the 'Top ten list' are examined in the REFIT programme.

This practice could be used as an example of cooperation between the Commission and the addressees of EU legislation. In this respect, it could be transposed to LRAs: the HLG could call

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<sup>17</sup> Recast and merger of three Directives in the area of information and consultation of workers.

<sup>18</sup> Revision of Food Hygiene legislation; Simplification of the veterinary medicines legislation.

<sup>19</sup> Framework Regulation for Integrating Business Statistics (FRIBS); Framework Regulation for integrating social statistics; Reform of the Farm Survey System.

<sup>20</sup> Recast of eight Directives in company law.

<sup>21</sup> Revision and simplification of State Aid rules in the agricultural sector; Revision and simplification of the legal framework for organic farming.

<sup>22</sup> Codification of twenty-six Council Regulations following the adoption of the two enabling regulations relating to common commercial policy; Export for Recovery of non-hazardous waste Regulation 1418/2007.

<sup>23</sup> Simplification of provisions on access to the international road haulage market.

<sup>24</sup> Fishing Authorisation Regulation; Technical measures for the protection of marine organisms.

<sup>25</sup> Directive 1999/45/EC on the classification, packaging and labelling of dangerous preparations.

<sup>26</sup> Repeal of Council directive on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food.

<sup>27</sup> Regulation on Steel Statistics.

<sup>28</sup> Council Decision concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information.

<sup>29</sup> Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles; Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles.

<sup>30</sup> Council Decision on the setting of a Community target for a reduction in the consumption of primary sources of energy in the event of difficulties in the supply of crude oil and petroleum products.

<sup>31</sup> Com(2013) 446.

on the European Commission to launch a targeted consultation aimed at LRAs in order to identify which are the 'Top 10' burdensome areas of EU legislation for them.

### ***Potential impact on LRAs***

Since REFIT is the Commission dominating regulatory initiative for the years to come, it covers many different policies, including fields of particular relevance for LRAs. As a result, even though the stated objective is to simplify and reduce burdens, it will likely change the LRAs' practices and will probably have an important administrative and financial impact on them. Now REFIT is mainly focused on SME's, but a focus on LRA's could broaden the perspective in favour of tackling LRA's specific relevant impacts of European legislation.

- *LRAs' involvement in implementation*

LRAs have competence in some fields covered by REFIT; they will therefore be involved in some aspects of REFIT's implementation.

- *Impact on administrative burdens and potential costs*

One of the main objectives of REFIT is actually to reduce administrative burdens on Member States and businesses. Another important objective of REFIT, notably in view of the persisting economic crisis, is to focus more attention on reducing the cost of legislation.

Even though the CoR rightly recalls that this simplification at the national level should not become an excuse for increasing the burden for other levels of governance<sup>32</sup>, it is more likely that all the levels of governance will benefit from REFIT's simplification and that administrative burdens will be reduced for LRAs as well.

That being said, the revision/simplification/recast of the existing legislation will necessarily have an important impact on LRAs insofar as they will need to adapt their current practices to the new legislative framework.

### ***Opinion of the CoR***

The CoR adopted an Opinion on the EU Regulatory Fitness (REFIT) on 30 May 2013<sup>33</sup>, but not on the Communication on the Results and Next Steps<sup>34</sup>.

Generally speaking, the CoR welcomes the proposal to systematically identify and transparently carry out initiatives that are intended to result in significant regulatory cost reduction and simplification. On the other hand, the CoR highlights on different occasions the necessity to involve LRAs in the decision-making process and insists on the fact that better regulation should be pursued in the spirit of multilevel governance. It emphasises that it is instrumental to take into account the LRAs' "valuable experience" in the application of EU rules when designing new legislation in order to keep it fit for purpose.

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<sup>32</sup> CoR Opinion on the EU Regulatory Fitness (REFIT), 30 May 2013, CdR 1389-2013.

<sup>33</sup> CoR Opinion on the EU Regulatory Fitness (REFIT), 30 May 2013, CdR 1389-2013.

<sup>34</sup> COM(2013) 685 final.

The CoR addresses several recommendations regarding some specific aspects of the Communication and in relation with multilevel governance systems.

In this respect, the CoR insists that fitness checks should involve input from all levels of government in the principal sectors that are of concern to LRAs.

As regards administrative burdens, the CoR recommends to include areas of relevance for LRAs such as licensing or authorisations in the Action Programme for Reducing Administrative Burden and reiterates the significance of simplification for streamlining the regulatory environment, especially for LRAs, since their resources for the implementation of legislation are often limited and/or diminishing.

Regarding IAs, the CoR recalls that they should include the territorial dimension of major policy options, in accordance with the recognition of territorial cohesion as one of the objectives of the Union (TEU, art. 3). The CoR invites the Commission to consider the CoR as an institutional partner in IAs and urges the European Parliament and Council to seek the CoR's assistance when performing IAs of substantive legislative amendments. Finally, the CoR requests to be involved in the update of the IA guidelines to be conducted in 2014 and to include LRAs' interests in the Impact Assessment Board.

With respect to the subsidiarity principle, the CoR urges the Commission and Parliament to take into consideration the views of the regional parliaments with legislative powers, notably by using the REGPEX platform as a source of information. It also points out that the Commission's implementation assistance to Member States should take into account the local and regional specificities as well.

### ***Progress of the initiative***

So far, out of the 15 proposals above-mentioned, eight roadmaps covering seven initiatives have been published:

- Framework Regulation for Integrating Business Statistics (FRIBS);
- Simplification of the veterinary medicines legislation: Animal medicines;
- Simplification of the veterinary medicines legislation: Revision of medicated feed;
- Recast of Council zootechnical legislation and alignment to the procedures referred to in Articles 290 and 291 of TFEU;
- Revision of Food Hygiene Legislation: Composite products and meat inspection;
- Conservation of fisheries resources through technical measures for the protection of marine organisms;
- Replacement of Council Regulation (EC) N°1006/2008 on fishing authorisations; and
- Simplification of cabotage rules in road transport.

It appears from these roadmaps that LRAs will not be much affected by these specific proposals.

So far, seven IAs have been planned: out of these seven roadmaps, no IA is foreseen regarding the recast of 'Council zootechnical legislation and alignment to the procedures referred to in Articles 290 and 291 of TFEU'.

### ***Conclusion***

Role of LRAs	Subsidiarity	Yes
	Role of LRAs in the implementation	Yes
	LRAs directly affected	Yes
	Potential costs and burden impacts	Yes – although the stated goal is to simplify
Formal procedure	Legislative measure	The Communication is not legislative, but the 21 concrete proposals will be.
	Mandatory consultation of the CoR	No – Optional referral pursuant to art. 307(1) TFEU
	Opinion of the CoR	Yes – but on COM(2012) 756 final
Progress of the initiative	IA carried out	7 IAs planned
	Public consultation	Yes – ongoing
	Roadmap published	8 roadmaps published for 2014
Time constraints	Imminent measure	Ongoing process

### *Suggested follow up*

REFIT is the dominating regulatory initiative of the Commission for 2013 and the years to come. As such, it is of high relevance for LRAs and for the HLG as it involves fields where LRAs hold some responsibilities.

As regards the year 2014, out of the 15 new initiatives, only seven are covered by roadmaps. Still, it appears from these roadmaps that these seven initiatives will not affect much the LRAs. As a consequence, it is recommended to wait until the IAs are published before taking any decision of action in relation with the concrete initiatives.

On the other hand, since REFIT is a long-term programme covering many different sectors of EU legislation, there is room for action at a larger scale.

In this regard, as REFIT offers a new regulatory approach of EU legislation, it could be the occasion to foster the implementation of the multilevel governance principles in the EU decision-making process. At the *ex ante* stage, the HLG should reflect inter alia upon the concerns of the CoR and so instigating the facilitation of a more sound and efficient use of the expertise of the LRA's in this context.

Following the example of the 'Top ten most burdensome pieces of EU legislation, as identified by SMEs', the HLG – *via* the forthcoming Dutch presidency of the Council – could call on the European Commission to launch a targeted consultation aimed at LRAs in order to identify which are the 'Top 10' burdensome areas of EU legislation for them.

In this regard, it could also be interesting to assess: how EU legislation can be simplified for LRAs; and how can LRAs participate in the simplification of EU legislation and in the reduction of regulatory burdens, notably by identifying good implementation practices at the regional and local levels.

## Annex 1 - List of priority dossiers 2014

COM(2013)739 - ANNEXES				
PAGE	N°	TITLE	TYPE	DESCRIPTION OF SCOPE
6	3	2030 framework for climate and energy policies	L   N-L	The initiative will frame energy and climate policies beyond 2020 for the period up to 2030 to provide a long-term perspective for investments, achieve a more sustainable, secure and competitive EU energy system and ensure that the EU post 2020 is on track to meet climate and energy objectives.
8	14	Resource efficiency and waste	L	The initiative will build on progress in implementation of the Roadmap to Resource Efficient Europe and set out the key building blocks needed to unlock EU economic potential to be more productive whilst using fewer resources and advancing towards a circular economy. It will include conclusions drawn from the development of suitable indicators and targets; and the review of the key targets in EU waste legislation (in line with the review clauses in the Waste Framework Directive, the Landfill Directive and the Packaging Directive) and carry out an ex-post evaluation of waste stream directives, including an assessment of options to enhance coherence between them.

REFIT				
COM(2013)68 5	Regulatory Fitness and Performance (REFIT): Results and Next Steps	L   N-L  L	This Communication sets out the results of the screening published by the Commission in August 2013. It identifies where the Commission will take action and where, in the interests of regulatory fitness, it has decided that no action is needed for the time being. It identifies the challenges faced in the course of the	REFIT is the dominating regulatory initiative of the Commission in 2013 and the years to come. It will have with high probability administrative and financial impact on local and regional authorities.

		first phase of implementation of the REFIT programme and provides an outlook on the next steps. The annex sets out the regulatory fitness actions which are being implemented or which are proposed to the co-legislators.	
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