



Workshop

“The EU Better Regulation Agenda: Critical Reflections”

1. Theme

Since 2003, partially as a response to complaints about the complexity of EU regulation from Member States such as the UK and the Netherlands, the European Commission has been engaged in the Better Regulation agenda (which as of 2012 comprises a part also known as REFIT), supported and encouraged by the European Council. The objective is to ensure that all EU level legislation is ‘fit for purpose’ and does not impose unnecessary regulatory burdens. The Better Regulation agenda is directed at both existing and new legislation. It has led the Commission to ‘review’ the EU *acquis*, possibly leading to recasts or repeals of EU acts. Furthermore, it imposes an obligation of ‘impact assessment’ on the Commission for all proposals of new legislation.

While the principle of both such *ex ante* and *ex post* policy evaluation can be defended as good governance, it has also been argued that in practice the analytical framework of these Reviews and Impact Assessments demands the economic costs of a certain measure to be outweighed by economic benefits, regardless of whether the measure in question has a primarily economic objective. Indeed, while ‘cutting red tape’ exercises are, in theory, neutral, in that they do not deny the importance of legislation to protect non-economic interests but only insist that such has to be done in an adequate and proportionate way, and while a case can certainly be made that the quality of EU legislation matters as it affects the credibility and levels of popular support for European integration as well as the compliance and enforceability of the rules, critics have argued that the Better Regulation Agenda puts rules that have been adopted to protect social, cultural, environmental and other non-economic interests on the defence.

2. Aims

This workshop intends to bring together scholars, politicians, policy makers and civil society actors to reflect on the impact of the Better Regulation Agenda, pushing beyond rhetoric towards a deeper and more meaningful understanding of both the merits and the risks of this highly powerful policy agenda.

Selected contributions will be published in either an edited volume, or as a special journal edition, to be determined.

3. Date

The single-day workshop will take place on Monday 10th of October 2016.

Coffee and lunch will be included for all participants. Dinner (the evening before, 09/10/2016) is reserved for speakers and panellists.



College of Europe
Collège d'Europe



Natolin

European Legal Studies
Etudes Européennes Juridiques

Workshop Programme

“The EU Better Regulation Agenda: Critical Reflections”

Monday 10/10/2016

Registration

09:15 – 09:30

Welcome & Introduction

Inge Govaere, Director, European Legal Studies Department, College of Europe and Professor, Ghent University

09:30 – 09:35

Sacha Garben, Professor, European Legal Studies Department, College of Europe

09:35 – 09:45

First session – Better Regulation: the current state of play

Chaired by Sacha Garben, Professor, European Legal Studies Department, College of Europe

09:45 – 12:30

Better Regulation and REFIT – the big picture

Colin Scott, Principal, College of Social Sciences and Law and Professor of EU Regulation & Governance, University College Dublin

09:50 – 10:10

The Problem of Quality in EU legislation: what on earth is really wrong?

Helen Xanthaki, Professor, IALS London University

10:10 – 10:30

Proceduralizing subsidiarity and proportionality: the use of impact assessment in the case law of the European Court of Justice

Julian Nowag, Senior Lecturer, Lund University

10:30 – 10:50

Panel-lead discussion

Jean-Baptiste Laignelot, Director “Institutional Questions”, Council Legal Service

María José Martínez Iglesias, Director, Legislative Affairs, Legal Service, European Parliament

Andrea Renda, Head of the Regulatory Affairs Programme, CEPS

Ben Smulders, Head of Cabinet, Vice-President Timmermans

10:50 – 12:00

Sandwich lunch for all participants

12:00 – 13:00

Brief address

Jörg Monar, Rector, College of Europe

13:00 – 13:10

Second session – Better Regulation: controversies, opportunities and challenges

Chaired by Philip Marsden, Deputy Chairman, Competition and Markets Authority, Professor, College of Europe (TBC)

13:10 – 15:25

Better Regulation, REFIT and cost benefit analysis: opportunities and challenges, for what and for whom?

Alberto Alemanno, Professor, HEC Paris

13:15 – 13:35

Better Regulation and the Future of EU Regulatory Law and Politics

Mark Dawson, Professor, Hertie School of Governance

13:35 – 13:55

Panel-led discussion

Paul De Clerck, Coordinator at Friends of the Earth Europe, BEUC, Better Regulation Watchdog Member (TBC)

Pieter de Pous, EU Policy Director at the European Environmental Bureau, BEUC, Better Regulation Watchdog Member (TBC)

Luc Hendrickx, Director Enterprise Policy and External Relations, UEAPME

Veronica Nilsson, General Deputy Secretary, ETUC

Tara Palmeri, Reporter, POLITICO (TBC)

Jean-Eric Paquet, Deputy Secretary-General, European Commission

Cécile Toubeau, Senior policy officer, green group Transport & Environment

13:55 – 15:25

Coffee break for all participants

15:25– 15:45

Third session – Better Regulation in context

Chaired by Inge Govaere, Professor of EU law, Ghent University and Director of Studies, College of Europe

15:45 – 18:00

Repatriation and Better Regulation – a legal perspective

Robert Zbiral, Head of Department, Law Faculty, Palacky University

15:50 – 16:10

Detailed and prescriptive rules: Eurolegalism and the Better Regulation agenda

Daniel Kelemen, Professor of Political Science and Jean Monnet Chair in European Union Politics at Rutgers University

16:10 – 16:30

On de-regulation and re-regulation

Sacha Garben, Professor, European Legal Studies Department, College of Europe

16:30 – 16:50

Panel-lead discussion

Jean-Baptiste Laignelot, Director “Institutional Questions”, Council Legal Service

María José Martínez Iglesias, Director, Legislative Affairs, Legal Service, European Parliament

Andrea Renda, Head of the Regulatory Affairs Programme, CEPS

Ben Smulders, Head of Cabinet, Vice-President Timmermans

16:50 – 18:00

CLOSING REMARKS

Inge Govaere, Professor of EU law, Ghent University and Director of Studies, College of Europe

18:00 – 18:10