



## Conference

Organised jointly by the T.M.C. Asser Instituut &  
DG Translation / European Commission Representation in the Netherlands

### Better Regulation and EU Lawmaking: One Year On

#### Background Note

Amid concerns about the quality and the amount of legislation produced by the EU, the Juncker Commission pledged to pursue fewer initiatives and instead focus on big political issues. This strategic change in the approach to EU lawmaking seeks to increase EU citizens' trust in European integration. In its Work Programme for 2016, the Commission indeed warns that there is "no time for business as usual" and insists on "doing things differently" and doing "things that really matter".<sup>1</sup>

This conference aims to take stock of the Better Regulation agenda presented by Commission First Vice-President Frans Timmermans on 19 May 2015 in the form of a package of proposals. One of these proposals was the establishment of an independent Regulatory Scrutiny Board, which replaced the Impact Assessment Board as of 1 July 2015. The new Board performs the role of quality control and evaluation of impact assessments carried out by the Commission by means of opinions. The Board's approval is required before the Commission may adopt any draft EU proposal that is subject to an impact assessment. The Regulatory Scrutiny Board also conducts so-called 'fitness checks' of existing legislation. A second proposal under the Better Regulation package provides for the creation of a Regulatory Fitness and Performance Programme (REFIT) Platform to improve EU legislation and make it lighter, simpler and less costly, while ensuring full respect for the principles of subsidiarity and proportionality. Reducing administrative burdens and allowing business and citizens to engage in economic activity more easily are the key goals of the REFIT Platform. The Platform gathers government and stakeholder representatives and is chaired by the Commission First Vice-President himself. A third, and crucial, proposal is the revision of the interinstitutional agreement on better lawmaking. A draft thereof was published in December 2015 and adopted by EU institutions on 15 March 2016.

However, 'getting the legislation right' also means 'getting multilingualism in the EU right'. What is the impact of linguistic diversity for the application of EU law? How should we deal with differing interpretations and translations of legal concepts in different Member States? How can language help to make EU law a stronger medium for bringing Europe closer to the citizens?

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<sup>1</sup> European Commission, COM(2015) 610 of 27 October 2015.

## Objective and Questions

One year after the initiation of the Better Regulation Agenda, the time is ripe to take stock of the developments, challenges and achievements related to its implementation. The conference is divided into two sessions, which address two dimensions that are of great salience for the success of Better Regulation: (a) the impact of Better Regulation on EU lawmaking; and (b) the impact of linguistic diversity within the EU on both Better Regulation and EU lawmaking. The conference seeks to elucidate these aspects by posing the following questions.

What are the key tenets of the renewed push for better regulation? What are the advantages and disadvantages of the institutional arrangements envisaged to ensure the attainment of the goals of better regulation? What elements of it are functioning well and what elements need improvement? How does the Better Regulation Agenda alter the existing ways of making, evaluating and applying EU law? What has been the legal and political effect of this Agenda? How does it improve transparency and public participation? What is the relationship between EU multilingualism and Better Regulation? How do we ensure the effectiveness of EU law throughout the process of translation into 24 languages, despite possible differences in interpretations of the concepts underpinning EU law? How does language affect the transposition of EU law into national legal orders?

This conference gathers experts in this field to discuss these topical institutional, substantive and linguistic aspects of better regulation and EU lawmaking.

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## Programme

### Introduction to the Conference

#### 10:00 Welcome address

*Prof. Dr Janne Nijman*, Academic Director, T.M.C. Asser Instituut and Professor of International Law, University of Amsterdam

#### 10:05 Policy speech I

*Mr Maarten Smit*, Policy Assistant, Cabinet of Frans Timmermans, First Vice-President of the European Commission for Better Regulation, Interinstitutional Relations, Rule of Law and Charter of Fundamental Rights

#### 10:30 Policy speech II

*Mr Gé Linssen*, Deputy Director Regulatory Burden and ICT Policy, Ministry of Economic Affairs, the Netherlands

#### 10:55 Coffee break

### 11:00 Session I – Institutional Aspects of Better Regulation

Chair: *Dr Davor Jancic*, Senior Researcher in EU Law, T.M.C. Asser Instituut

#### 1. Impact Assessment and the Evidence Base for EU Lawmaking

*Mr Erik Akse*, Founding Vice-Chairman of the Impact Assessment Institute, Brussels

#### 2. Interinstitutional Agreement on Better Lawmaking: Changing the Landscape?

*Prof. Dr Linda Senden*, Professor of European Union Law, Europa Instituut, Utrecht University

### 3. Institutionalising EU Regulatory Review

*Prof. Dr Anne Meuwese*, Professor of European and Comparative Public Law, Tilburg University

12:30 Lunch break

### 13:30 Session II – Linguistic Aspects of Better Regulation

Chair: *Mr Hugo Keizer*, Representative of the European Commission in the Netherlands

#### 1. ECJ Case Law on Linguistic Divergences: Interpretation Criteria and Implications for the Translation of EU Legislation

*Dr Lucie Pacho Aljanati*, Research Fellow, Centre for Legal and Institutional Translation Studies, University of Geneva

#### 2. The Challenge of Multilingual Legislation: Language Diversity and Legal Certainty

*Dr Stefaan van der Jeught*, Press Officer, Communication Directorate, European Court of Justice and Associated Researcher, Centre for EU law, Vrije Universiteit Brussel

#### 3. EU Language Policy in Action: Legislative Techniques in the EU Multilingual Revision Process

*Mr Hans Te Winkel*, Quality of Legislation team, Legal Service, European Commission

#### 15:00 Keynote speech

*Dr Danuta Hübner*, Chair of the Committee on Constitutional Affairs, European Parliament and former European Commissioner for Regional Policy (2004-2009)

Reception

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### Information about the conference

**Venue of the conference:** Mandela room, T.M.C. Asser Instituut

**Date of the conference:** 27 May 2016

**Audience:** EU legal scholars, legal translators, policy makers dealing with EU lawmaking

**Publicity:** Twitter #TranslatingEurope, to be used consistently throughout the organisation and announcement of the conference. Video streaming possibility to be explored

**Language of the conference:** English

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