

Better Regulation and EU Lawmaking: One Year On

One year after the initiation of the Better Regulation Agenda, and one year after the 2015 conference on Better Regulation, the T.M.C. Asser Instituut hosted a follow up conference to discuss and analyse developments in this crucial policy field. The conference, co-organised with the European Commission Representation in the Netherlands, aimed at highlighting two different aspects of EU lawmaking: on the one hand, 'getting the legislation right'; and, on the other, 'getting multilingualism in the EU right'. The programme reflected this twofold goal, with the first session focusing on the Institutional Aspects of Better Regulation and the second session on its Linguistic Aspects.

The conference started with the welcoming address of Prof. Dr Janne Nijman, Academic Director of the T.M.C. Asser Instituut, who introduced Mr Maarten Smit, policy assistant at the Cabinet of Frans Timmermans, First-Vice President of the European Commission for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights. In his policy speech, Mr Smit highlighted the priorities of Juncker's agenda, the fundamental strategic filtering role of Vice-Presidents and the Commission's strong focus on new ways of working. New ways, he stressed, deserve new methods: abandoning old proposals that are blocked in the system; removing regulatory burdens; and concentrating on policy fields where the EU can effectively make a difference. These goals are to be achieved through an inclusive process and transparent and efficient participation of stakeholders and other EU institutions. The second policy speech was given by Mr Gé Linssen, Deputy Director for Regulatory Burden and ICT Policy at the Ministry of Economic Affairs of the Netherlands. He analysed the Council's commitment to better policy making and explained the conclusions reached by the Competitiveness Council that took place the day before (26 May 2016). The Council adopted conclusions on 'Better Regulation to Strengthen Competitiveness', which highlighted the link between smarter and better regulation, on the one hand; and innovation, the role of SMEs and growth, on the other.

Davor Jancic, senior researcher at the T.M.C. Asser Instituut, chaired the first session on Institutional Aspects of Better Regulation. An initial contribution on the conduct, fitness, and evidence base of impact assessments carried out by EU institutions was given by Mr Erik Akse, Founding Vice-Chairman of the Impact Assessment Institute (IAI, Brussels). The scrutiny of impact assessment studies by the IAI shows that data reliability and transparency of sources need to be improved, although the 2015 Better Regulation Framework can be regarded as a useful blueprint, in particular thanks to the new 2016 Interinstitutional Agreement on Better Lawmaking. In her speech, Prof. Dr Linda Senden (Utrecht University) concentrated on the changes brought by this agreement, underlining its strong points (e.g. its procedure-oriented approach) and the chances missed to improve it further (e.g. no explicit reference to the policy cycle and to the shared responsibility of the Member States). The third speaker was Prof. Dr Anne Meuwese (Tilburg University), who focused on the institutional aspects of EU regulatory review, on the external and internal roles of impact assessments and their added value.



Mr Hugo Keizer, Representative of the European Commission in the Netherlands, chaired the second session on the Linguistic Aspects of Better Regulation. The three panellists focused on the translation problem of EU legislation. Dr Lucie Pacho Aljanati, research fellow at the Centre for Legal and Institutional Translation Studies (University of Geneva) presented the conclusions of her PhD dissertation on the ECJ case law on linguistic divergences and the importance of uniform interpretation and application of EU law. Dr Stefaan van der Jeught, Press Officer at the European Court of Justice and associate researcher at the Centre for EU law (VU Brussel), emphasised the challenge of multilingual legislation with regard to language diversity and legal certainty. These challenges were then demonstrated on concrete examples by Mr Hans Te Winkel of the European Commission's Quality of Legislation Team, who presented the challenges arising from the practice of drafting EU legislation in a 24-language organisation such as the EU.

Closing the conference was Prof. Dr Danuta Hübner, Chair of the Committee on Constitutional Affairs of the European Parliament and former European Commissioner for Regional Policy, who delivered a keynote speech on her role as the European Parliament's rapporteur for the Interinstitutional Agreement on Better Lawmaking and on the latest developments in relations between EU institutions towards enhancing the lawmaking process and the democratic legitimacy of the EU in general.

The conference saw a very active participation of many researchers and practitioners, who engaged in a lively discussion with the speakers during four Q&A sessions.