

“Decalogue for Smart Regulation”

The Decalogue is meant to provide a checklist for integrating better regulation principles into the process of regulating at EU level. It is not intended to be exhaustive, but to give a quick overview of the most important threads when preparing “smart” regulation.¹

- 1) **Smart Solution.** Legislation may not always be the best solution to a specific problem. Thus, alternatives to legislation (such as providing clear guidance or best practice examples) should be considered first, in order to choose the smartest solution.
- 2) **Cost / Benefit.** For each alternative the correspondent costs and benefits should be evaluated. The benefits must outweigh the costs, and between different options the one with the best ratio should be chosen.
- 3) **Clearness.** The text of the regulation should be drafted in a clear language so as to guarantee an unequivocal interpretation in accordance with the objective of the legislation. Necessary forms, templates, guidelines etc. should likewise be as clear as possible.
- 4) **Conciseness and Comprehensiveness.** The text should be as short as reasonably possible, while containing all the elements necessary for the interpretation and the implementation of the legislation. In appropriate cases, guidance or best practice examples should be provided.
- 5) **Commencement and update.** To the extent possible the commencement date of the implementation of different regulations affecting the same / related sectors or branches should be aligned. Regular reviews should be foreseen in order to ensure that the regulation remains up to date and reflects real needs.
- 6) **Collateral damages.** Each regulation should affect only the people and/or entities concerned by its contents and objectives; any “collateral damages”, e.g. not intended consequences for certain groups or cases, should ideally be avoided.
- 7) **Think Small First (Proportionality).** Each measure should be proportional to the dimension of the subject or of the phenomenon it concerns. In case of particular effects on certain subjects or cases (for instance on smaller entities) exemptions, thresholds, lump sum solutions, accurately adapted regimes etc. should be foreseen.
- 8) **Think Local First (Subsidiarity).** Before thinking about EU-wide solutions, the necessity of action on EU level must be demonstrated. Not every problem in Europe needs to be a task for the EU. *Subsidiarity*
- 9) **Only Once and One Stop Shop.** Regulators should strive to require only essential information to be provided by people and / or entities concerned, and to require this information only once. In addition, authorities should strive to provide one location where all necessary documentation can be accessed and completed.
- 10) **Promoting e-enabling and e-government solutions.** E-government is an essential tool to limit the administrative burdens for people and / or entities concerned by regulation, if adapted to the users’ needs. Regulation should facilitate e-government solutions and promote e-enabling as far as possible.

Stockholm, 12 November 2009

High Level Group of Independent Stakeholders on Administrative Burdens

¹ President Barroso announced at a press conference with Vice-President Verheugen and Dr. Stoiber on 18 September that he would “make smart regulation a ‘Leitmotif’ “.