

Maroš Šefčovič  
Vice-President, Interinstitutional Relations and Foresight  
European Commission  
Rue de la Loi / Wetstraat 200  
1049 Brussels  
Belgium

17 September 2020

Dear Vice-President Šefčovič,

**Subject: Green 10 and the European Trade Union Confederation call for a Better Regulation agenda that prioritises sustainable development**

We are writing to you as the Green 10 together with the European Trade Union Confederation ahead of the publication of the **Communication reforming the European Commission's better regulation rules**, announced in the Commission Work Programme for 2020 and expected for October 2020.

**Environmental, health and social regulations, rules and standards are essential to protecting people and planet** and fostering wellbeing. They are crucial to addressing issues that concern Europeans the most, such as halting the climate and sanitary crisis, improving people's health, ensuring safe and decent working conditions for all, and preserving the environment and nature. Regulation should be addressed in a more positive manner compared to the current Better Regulation agenda. Regulation should further be addressed as a medium to long-term investment in society and its people. The current focus on short-term costs and benefits is misleading, counterproductive and does not bring the necessary objective evidence to support informed decision-making.

**We believe the Better Regulation agenda's purpose should be to ensure the EU delivers quality legislation** that is evidence-based, coherent, and made in the public interest, contributing to delivering on the EU's international commitments on human rights, the Paris Agreement and the 2030 Agenda for Sustainable Development. It should ensure that there is broad, representative, transparent and structured stakeholder engagement in the development of EU legislation and policies.

**Changing the Better Regulation agenda is an opportunity to align the Commission's internal toolbox with these important commitments.**

In particular, we would like to highlight the following five points as crucial for a sustainable Better Regulation agenda:

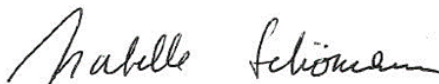
1. A "Think Sustainability First" approach should be adopted in the Better Regulation agenda, going a step further than the 'do no harm' approach proposed in the European Green Deal. The better regulation toolbox should make this operational by setting out the concrete and binding criteria that are needed throughout the policy cycle to ensure an inclusive sustainability dimension is the central compass of all EU legislation, and avoid that progress and good legislation in one area is undermined by harmful policies and incentives in others. The respect for international human rights instruments and the Charter of Fundamental Rights of the European Union, the SDGs and the Paris Agreement are cumulative prerequisites for any legislative proposal, and as such they deserve in-depth analysis in each impact assessment.

2. Impact assessments should equally consider impacts across all three dimensions of sustainable development – economic, social, and environmental – with the same level of detailed analysis and accuracy, taking into account both qualitative and quantitative evidence.
3. The proposed ‘one in, one out’ approach should be seriously reconsidered and abandoned, as it clearly undermines the EU’s ability to properly respond to the needs to recover from the crisis induced by COVID-19 in a fair and sustainable way. Similarly, EU flagship initiatives such as the Green Deal and the European Pillar for Social Rights require quality legislation to deliver. The ‘one in, one out’ logic is unfit for purpose and lacks evidence base and democratic support. The EU should refrain from engaging in such damaging practises at the expense of democracy. So did also the Commission, when it recognised in its stocktaking exercise on better regulation in 2019 that upfront reduction targets were not effective and run counter to the very objectives of the Better Regulation agenda itself as well as to the fundamental values and policy objectives of the Union. The EU should distance itself from the negative narrative on costs and burdens, and much more focus on the necessary investment any regulation should bring.
4. The impact of feedback from stakeholder consultations on policy proposals should be made clearer and ensure due regard to the representativity of different interests, in order to ensure greater trust from citizens as well as greater transparency. Furthermore, any consultation in the social policy field should be carried out in full respect of the specific social partner procedure set out by the Treaties.
5. Democratic processes and debates should be informed by a sound Better Regulation agenda, which ensures that decision-makers have a solid basis of evidence, through robust impact assessments or evaluations, on which to make decisions without pre-empting the democratic debate and restricting the legislative room of manoeuvre of the European Parliament and the Council.

We further believe the European Commission should take forward a “Better Implementation” agenda. The *acquis communautaire* is only as strong as its implementation on the ground. Given the current numbers of infringements and other indications for non-compliance, in particular with social and environmental EU law (as seen in the current Annual Implementation Report published by the Secretariat General), we consider it due time to put stronger focus on this issue, with a proper agenda and improved staffing.

We hope these elements are useful as you finalise the preparation of the Better Regulation communication, and we would welcome the opportunity to meet with you and members of your team to exchange views ahead of its publication.

Yours sincerely,



Isabelle Schömann  
ETUC Confederal Secretary  
European Trade Union Confederation



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