



Strasbourg, 19.5.2015
C(2015) 3261 final

COMMISSION DECISION
of 19.5.2015
establishing the REFIT Platform

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) The Communication *Better Regulation for Better Results — An EU Agenda*¹ announces the Commission's intention to ensure a transparent approach towards implementing its work on better regulation. This approach will involve Member States and stakeholders in an ongoing dialogue on how to improve Union legislation in the context of the Regulatory Fitness and Performance (REFIT) Programme².
- (2) It is therefore necessary to set up a REFIT Platform to conduct that dialogue and to define the tasks and structure of that Platform.
- (3) The Platform should invite, collect and assess suggestions from all available sources, including from members of the Platform, on how to reduce regulatory and administrative burden. It should request comments from the Commission service or Member State concerned on the suggestions considered most likely to simplify existing Union legislation and its application in Member States, thereby reducing regulatory burden associated with Union legislation. This includes suggestions relating to the administrative and broader compliance costs placed on citizens, public administration and business, particularly micro-enterprises, and small and medium-sized enterprises (SMEs), arising from Union legislation and its implementation in Member States.
- (4) The Platform should reply to any Commission request for information and evidence on the prospective impact of any REFIT proposal or the actual impact of the application of any REFIT initiative that has been implemented.
- (5) The Platform should be composed of high-level experts from Member State authorities with expertise in better regulation, and stakeholders with practical expertise in Union policy areas. The European Economic and Social Committee and the Committee of the Regions will be represented by one high level expert each. The interests of social partners, small and large businesses, and consumer, health and environmental organisations, including non-governmental organisations should be represented in the Platform.
- (6) Rules on disclosure of information by members of the Platform should be laid down.

¹ COM(2015) 215

² COM(2012) 746

- (7) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council³.
- (8) All relevant documents on the activities carried out by the REFIT Platform should be made public. Exceptions should be provided for cases where disclosure of a document would undermine the protection of a public or private interest as referred to in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁴.
- (9) This Decision should apply for a limited period.

HAS DECIDED AS FOLLOWS:

Article 1
Subject matter

The 'REFIT Platform' ('the Platform') is established.

Article 2
Tasks

The tasks of the Platform shall be to assist the Commission by:

- (a) inviting and collecting suggestions from all available sources on regulatory and administrative burden reduction, arising from Union legislation and its implementation in Member States, particularly in view of the needs and interests of micro-enterprises and small and medium sized enterprises (SMEs);
- (b) assessing the merits of the collected suggestions in terms of their potential to reduce regulatory and administrative burden without endangering the achievement of the objectives of the legislation and, where appropriate, providing supplementary remarks on the suggestions;
- (c) forwarding for comments those suggestions considered to merit most attention, as well as any supplementary remarks, to the Commission services concerned or, as the case may be, to the Member State concerned;
- (d) responding to each person making a suggestion and rendering public the suggestions it receives, the supplementary remarks and the comments received from the Commission services or Member State concerned.

Article 3
Consultation

The Commission services may consult the Platform on any matter relating to its better regulation work and the REFIT Programme and may, in particular, ask both groups for information and evidence to allow measurement of the prospective impact of REFIT proposals or the impact of the application of initiatives taken under REFIT.

³ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Article 4
Membership Appointment

1. The Platform shall be composed of two groups.
2. The ‘government group’ shall consist of representatives of the Member States. Each Member State shall appoint a high-level expert from its public administration.
3. The ‘stakeholder group’ shall consist of up to 20 experts, two of them representing the European Economic and Social Committee and the Committee of the Regions and the rest from business, including from SMEs, and from social partners and civil society organisations having direct experience in the application of Union legislation. The experts in the stakeholder group shall be appointed in their personal capacity or to represent a common interest shared by a number of stakeholders.
4. The Commission, on a proposal from the First Vice-President of the Commission, shall appoint members of the stakeholder group selected from applicants having direct experience in the application of Union legislation, who have responded to the call for applications. The appointments shall ensure, to the extent possible, a balanced representation of the various sectors, interests and regions of the Union and gender.
5. Members shall be appointed until 31 October 2019. They shall remain members of the Platform until the end of their term of office or until they are replaced or resign.
6. Members who resign, or who in the course of their mandate are considered no longer to comply with the conditions set out in paragraph 4 of this Article or who infringe the obligations deriving from their function, shall cease to be members and may be replaced for the remainder of their term of office.
7. The names of the members shall be published in the Register of Commission expert groups and other similar entities.

Article 5
Operation

1. Each group shall carry out the tasks set out in point (a) of Article 2 and shall carry out the tasks set out in points (b), (c) and (d) of Article 2 in respect of the suggestions that it collects. Both groups may forward suggestions and supplementary remarks to the Commission services. The government group shall forward any suggestions and supplementary remarks from either group concerning a Member State to the Member State concerned. When a group forwards suggestions or supplementary remarks, it shall, at the same time, forward those suggestions or remarks to the other group. Where the government group does not transmit suggestions and supplementary remarks from the stakeholder group to the Member State concerned, it shall inform the stakeholder group of its reasons thereto.
2. The Platform shall be chaired by the First Vice-President. The groups shall be chaired by the chair of the Regulatory Scrutiny Board, or in his or her absence, by another senior official, designated by the First Vice-President.
3. Each group shall meet on a regular basis. Once a year, both groups shall discuss and evaluate the activities of the Platform in a joint meeting chaired by the First Vice-President.

4. In agreement with the chair of the Platform, each group may set up working parties to examine specific issues and determine its terms of reference. Working parties shall be dissolved as soon as their mandate is fulfilled.
5. The chair of each group may, on an ad hoc basis, invite experts from outside the Platform and who have specific competence in a subject on the agenda to participate in the work of either group or of any working party.
6. Members of the Platform, as well as their representatives and invited experts, shall comply with the obligations of professional secrecy laid down by the Treaties and in their implementing rules. They shall also comply with the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decisions (EU, Euratom) 2015/443⁵ and 2015/444⁶. If these obligations are not met, the Commission may take all appropriate measures.
7. Meetings of the groups and any working party shall be held on Commission premises unless exceptionally decided otherwise by the chair of the Platform. The Secretariat General shall provide secretarial services. Commission officials with responsibilities in the matters to be discussed may attend meetings of the Platform.
8. The groups shall adopt, in agreement with the chair of the Platform, their rules of procedure based on the standard rules of procedure for expert groups⁷.
9. The Commission shall make public all relevant documents, such as agendas, minutes and members' submissions, on the activities carried out by the Platform via a link from the Register of Commission expert groups and other similar entities to a dedicated website.

Article 6
Meeting expenses

1. Participants in the activities of the Platform shall not be remunerated for the services they render.
2. Travel and subsistence expenses incurred by participants in the activities of the Platform shall be reimbursed by the Commission in accordance with the provisions in force within the Commission. Such expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

⁵ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁶ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁷ Communication from the President to the Commission: Framework for Commission expert groups: horizontal rules and public register. C(2010) 7649 final.

Article 7
Application

This Decision shall apply until 31 October 2019.

Done at Strasbourg, 19.5.2015

For the Commission
Frans Timmermans
First Vice-President