



European Economic and Social Committee

The Single Market Observatory (SMO) of European Economic and Social Committee (EESC)

2010-2013 mandate



European Economic and Social Committee

The European Economic and Social Committee (EESC)

- The EESC is an **EU consultative body set up by the Treaties of Rome in 1957**;
- Its main task is to **advise the three major EU institutions**;
- It also **advises the EU Presidencies**;
- Art. 11 of the Lisbon treaty **reinforces the consultation of civil society and the role of the EESC** and brings it closer to the **European Parliament**.

The Single Market Observatory (SMO)

The SMO was set up in 1994 within the *Section for the Single Market, Production and Consumption* (INT) to evaluate progress in the **Single Market**;

Following the **Inter-Institutional Agreement on Better Lawmaking** (2003), the European Commission asked the EESC to map EU self-and co-regulation initiatives;

In close cooperation with the Commission, the SMO has developed a unique **database dedicated to European self-and co-regulation**;

The database, launched early 2008, facilitates the **exchange of information and the identification of best practices**.

Smart Regulation

- The SMO has a clear focus on **Smart Regulation**:
 - Methodological approach;
 - Promote new ways of regulating (e.g. proactive law, 28th regime etc.);
 - Learn from practitioners of law and academics;
 - Participate in a wide range of Smart Regulation activities;
 - Make hands-on recommendations to the EU institutions.
- **Smart Regulation** matters to the *European Economic and Social Committee* because its members are...

**...organised users of EU law from the
27 Member States!**

The SMO and Smart Regulation (1)

- **Design of legislative proposals:**
 - Cross-links between policies and sectors of activity;
 - Check needs and resources.
- **Consultation:**
 - Early, transparent AND **pluralist**;
 - At EU level, no need to re-invent the wheel (use such **treaty-based tools** as EESC and CoR)!
- **Impact assessments:**
 - Better safe than sorry!
- **Administrative and regulatory simplification:**
 - **Think small!** Reduction of administrative burden for SMEs;
 - one-stop shops (e-administration);
 - **“Best Legislation”** principle;
 - Promotion of the **SOLVIT** out-of-court dispute resolution network.

The SMO and Smart Regulation (2)

- **Reduction of administrative costs:**
 - See for example the **Dutch model** of controlling costs (learn from what works!).
- **Alternative instruments to regulation:**
 - **Subsidiarity** (CoR) and **proportionality** (EESC):
 - Self-Regulation;
 - Co-Regulation.
- **Better transposition and implementation:**
 - The Member States **ARE** the European Union!!!
 - Systematic identification of **best practices**,
 - Also see the **SOLVIT network** and the **Internal Market Information System** (IMI).

The SMO and Smart Regulation (3)

- **Promoting new ways of regulating:**
 - **The proactive approach to law** (i.e. the Nordic School of Law), proactive = preventive!
 - **The “28th Regime”;**
 - Less is... More!
 - **Learn from the** (financial, economic, social, environmental) **crises;**
 - Self-regulation does NOT mean deregulation;
 - Regulating = safeguarding.

The SMO and Smart Regulation (4)

Co-operation with:

- The **European Commission** (Secretariat General, DG SANCO, ENTR, MARKT);
- EU Presidencies in office;
- The **European Parliament** (IMCO and JURI Committees);
- Brussels based **Think Tanks** (e.g. EPC, CEPS);
- Various actors (the Bertelsmann Foundation, relevant interest groups, the EFTA Advisory Committee, etc.);
- **Universities** and institutes (e.g. EUI, HiiL).

The SMO and Smart Regulation (5)

Current activities i.e. as of early 2011 (with a new Observatory after the renewal of the Committee – October 2010):

- Drafting of an opinion on *“Smart Regulation”*;
- Drafting of an opinion on *“The Single Market Act”* (incl. public hearing early 2011);
- Publication of *“A Catalogue of Obstacles to the Single Market”*;
- Publication of a report on *“The Current State of European Self- and Co-regulation”* (public hearing early 2011);
- Publication of the EESC/SMO input to the Monti Report on *“A Strategy to Relaunch the Single Market”*.

The SMO database (1)

Request by the **Secretariat General of the European Commission** (2006);

Memorandum of Understanding between the EESC and the Commission (2006) on 'Who does what?';

Mapping of cross-border self-regulation initiatives in the EU – these may involve non EU countries;

Content: some **130 initiatives** showing information on the authors, the private acts, the sectors involved or target groups and the geographical coverage, the background and the objectives of the move, the monitoring and enforcement tools.

<http://www.eesc.europa.eu/?i=portal.en.self-and-co-regulation-enter-the-database>

The SMO database (2)

The screenshot shows a web browser window displaying the SMO database website. The browser's address bar shows the URL: <http://www.eesc.europa.eu/?i=portal.en.self-and-co-regulation-enter-the-database>. The website header includes the European Economic and Social Committee logo and the tagline "a bridge between Europe and organised civil society". The navigation menu is located at the top, with "Themes" selected. A search bar is visible in the top right corner.

The main content area is titled "The Database on Self- and Coregulation Initiatives". Below the title, there are links for "back to search results" and "new search". The main heading is "Code of Conduct for European Lawyers", followed by "Council of Bars and Law Societies of Europe (CCBE), 2006".

A "Summary of the Initiative" section is displayed, containing the following information:

- Name of private regulator:** Council of Bars and Law Societies of Europe (CCBE)
- Website:** <http://www.cbbe.org>
- Objectives:** The continued integration of the European Union and European Economic Area and the increasing frequency of the cross-border activities of lawyers within the European Economic Area have made necessary in the public interest the statement of common rules which apply to all lawyers from the European Economic Area whatever Bar or Law Society they belong to in relation to their cross-border practise. A particular purpose of the statement of those rules is to mitigate the difficulties which result...*(read full text in the complete Fiche below)*

A "Description of the Initiative" section is also present, with the following details:

- Commission DG:** A. Sector (Help) MARKT
- Other:** -
- Contact Point:** [MARKT D.4.](#)
- B. Self/Co-Regulation Basic Act (Help):** -

A "Linkbox" section provides related documents and regulations for this initiative:

- [Code of Conduct for European Lawyers](#)
- [Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services](#)
- [Directive 98/5/EC to](#)

The website footer shows the URL <http://www.eesc.europa.eu/?i=portal.en.themes> and a taskbar at the bottom with various open applications like Microsoft Word and PowerPoint.



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smo@eesc.europa.eu