

COMMISSION DECISION
of 11 May 2020
establishing the Fit for Future Platform
(2020/C 163/03)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) The Commission's policy on better regulation guides the overall burden reduction and simplification efforts under the regulatory fitness and performance ('REFIT') programme ⁽¹⁾.
- (2) In accordance with that programme, the Commission has to ensure that regulation is targeted, easy to comply with and does not add unnecessary regulatory burden, while fully reaching its objectives.
- (3) In particular small and medium-sized enterprises (SMEs) ⁽²⁾ would benefit from reducing red tape, easing their access to the market and enabling them to make the most of digitalisation. The SME Envoy Network ⁽³⁾ has the role of promoting the interests of small and medium-sized enterprises in this context.
- (4) The REFIT Platform was established by Commission Decision C(2015) 3261 of 19 May 2015 ⁽⁴⁾ to support the Commission in those efforts to improve legislation. That Decision applied until 31 October 2019.
- (5) In its Communication 'Better regulation: taking stock and sustaining our commitment' ⁽⁵⁾, the Commission took stock of how Better Regulation has performed in the period from 2015 to 2018. The findings of the stocktaking showed support for the REFIT Platform, but also showed that most stakeholders wanted it to be more productive, to gather more ideas for simplification and for concrete changes to follow more quickly from those ideas.
- (6) To ensure that Union legislation delivers maximum benefits to people and businesses efficiently, in particular to small and medium-sized enterprises, and given the increasing number of emerging worldwide challenges such as the consequences of digitalisation, the Commission needs to continue calling upon the expertise of specialists in an advisory body.
- (7) It is therefore necessary to set up a group of experts and to define its tasks and its structure, in compliance with Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups ('the horizontal rules') ⁽⁶⁾. Building on the experience of the REFIT Platform, a new Platform called 'Fit for Future' should be set up. The Platform should bring together Member States' national, regional and local authorities, the Committee of the Regions, the European Economic and Social Committee and stakeholders. The Platform should work closely with the SME Envoy Network, represented by the EU SME Envoy.

⁽¹⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'EU Regulatory Fitness', COM(2012) 746, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2012:0746:FIN>

⁽²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 'An SME Strategy for a sustainable and digital Europe', COM(2020)103, https://ec.europa.eu/info/sites/info/files/communication-sme-strategy-march-2020_en.pdf

⁽³⁾ https://ec.europa.eu/growth/smes/business-friendly-environment/small-business-act/sme-envoys_en

⁽⁴⁾ Commission Decision of 19 May 2015 establishing the REFIT Platform, C(2015) 3261 final, https://ec.europa.eu/info/files/commission-decision-establishing-refit-platform_en

⁽⁵⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Better regulation: taking stock and sustaining our commitment', COM/2019/178 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2019:178:FIN>

⁽⁶⁾ Commission Decision of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups. C(2016) 3301, https://ec.europa.eu/transparency/regexpert/PDF/C_2016_3301_F1_COMMISSION_DECISION_EN.pdf

- (8) The Platform should work on simplification and burden reduction. The Platform could also support the Commission to ensure that Union policies are forward-looking and relevant in light of new challenges. It should also look at how digitalisation can reduce burdens for citizens and business.
- (9) The work of the Fit for Future Platform should be better structured and more focused compared to the REFIT Platform. Therefore, the Platform should work on the basis of an annual work programme to be drawn by the Platform members, on the basis of a proposal from and in agreement with the Commission, taking into account problematic legislation identified by:
 - (a) the Report of the Task Force on Subsidiarity, Proportionality and 'Doing less more efficiently' ⁽⁷⁾;
 - (b) major evaluations and fitness checks carried out by the Commission;
 - (c) information from Member States, the SME Envoy Network, the Committee of the Regions and the European Economic and Social Committee on the most burdensome Union legislation;
 - (d) input from stakeholders and the wider public.
- (10) Those sources should help identify the policy areas and legislation, including, when relevant, delegated and implementing acts, where there are indications of unnecessary costs for business and for citizens stemming from Union legislation. The EU SME Envoy will provide advice and input in particular in relation to burdens and complexity of legislation affecting small and medium-sized enterprises.
- (11) The Platform should consider the efficiency of Union legislation, also addressing legislative density. It should look for evidence on additional burdens coming from the implementation of Union legislation in Member States, to the extent possible.
- (12) The Platform should provide evidence-based opinions on the topics identified in the annual work programme and reply to any Commission request for information and evidence on issues related to its better regulation work within the REFIT programme.
- (13) The Platform aims to bring together the expertise of public administrations, of social partners, small and large businesses, and consumer, health and environmental organisations, and other non-governmental organisations. The Platform should include a Government group and a Stakeholder group. The Government group should be composed of high-level experts from Member States' national and/or regional and local authorities with expertise in better regulation and representatives from the Committee of the Regions. The presence of national, local and regional authorities should help identify specific problems in the implementation of Union law. The Committee of the Regions created RegHub ⁽⁸⁾, a network of regional and local authorities, with the aim to collect experiences on EU policy implementation through consultations of actors at local level. RegHub could therefore provide useful information for the Platform's work. The Stakeholder group should be composed of stakeholders with practical expertise in various policy areas and representatives of the European Economic and Social Committee. The two groups should work together to ensure a mixed and balanced level of expertise.
- (14) The Platform should lay down its Rules of procedure.
- (15) Rules on disclosure of information by members of the group should be laid down.
- (16) Personal data should be processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁹⁾.
- (17) All relevant documents on the activities carried out by the Fit for Future Platform should be made public.
- (18) This Decision should apply for the duration of the mandate of the Commission,

⁽⁷⁾ Report on the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', https://ec.europa.eu/commission/sites/beta-political/files/report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en.pdf

⁽⁸⁾ A group of regions contributing to the analysis on the implementation of legislation. <https://cor.europa.eu/en/our-work/Pages/network-of-regional-hubs.aspx>

⁽⁹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Fit for Future Platform ('the Platform') is set up.

Article 2

Tasks

1. The Platform shall assist the Commission by providing opinions on the topics identified in its annual work programme.
2. For the issues identified in its annual work programme, the Platform shall:
 - (a) gather data, evidence and input on the potential to reduce burdens and simplify identified Union legislation without undermining the achievement of its objectives, taking also into account legislative density;
 - (b) assess whether identified Union legislation and its objectives remains appropriate given the need to tackle new challenges and examine how digitalisation and increased use of electronic tools can support these objectives;
 - (c) provide input when requested by the Commission.

Article 3

Consultation

The Commission's Secretariat-General may consult the group on any matter relating to its better regulation work within the REFIT programme.

Article 4

Annual work programme

1. The annual work programme shall be drawn by the Platform, on the basis of a proposal from and in agreement with the Commission's Secretariat-General, from issues identified:
 - (a) in Annex VI to the Report of the Task Force on Subsidiarity, Proportionality and 'Doing less more efficiently' ⁽¹⁰⁾;
 - (b) in major evaluations and fitness checks carried out by the Commission;
 - (c) based on information on the most burdensome Union legislation provided by Member States, the SME Envoy Network, the Committee of the Regions, in particular through RegHub, and the European Economic and Social Committee.
2. The EU SME Envoy shall provide input to and advice on the proposed annual work programme in particular in relation to burdens and complexity of legislation affecting small and medium-sized enterprises.
3. The rules of procedure of the Platform shall determine the conditions under which input from stakeholders and the wider public may also contribute to the list of potential issues for the work programme.

⁽¹⁰⁾ Report on the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', https://ec.europa.eu/commission/sites/beta-political/files/report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en.pdf

Article 5

Membership

1. The Platform shall be composed of two groups: the Government group and the Stakeholder group.
2. Members of the Government group shall be Member States' national, regional and local authorities and the Committee of the Regions. Member States shall nominate one representative either from the national level or from the local and regional authorities. The Committee of the Regions shall nominate three representatives. Thus, the Government group shall be composed of 30 representatives. Members shall be responsible for ensuring that their representatives provide a high level of expertise.
3. Members of the Stakeholder group shall be the European Economic and Social Committee, which shall nominate three representatives, together with 19 experts appointed by the Commission's Secretary-General to represent a common interest shared by stakeholders in a particular policy area. The European Economic and Social Committee shall be responsible for ensuring that its representatives provide a high level of expertise. The experts appointed to represent a common interest shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations. They shall represent business, in particular small and medium-sized enterprises, social partners and civil society organisations having direct experience in the application of Union legislation.
4. Members of the Platform representing a common interest shall be appointed for the duration of the mandate of the Platform. They shall remain members of the Platform until the end of their term of office or until they are replaced or resign.
5. Members representing a common interest who are no longer capable of contributing effectively to the work of the Platform or who, in the opinion of the Commission's Secretariat-General, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and shall be replaced for the remainder of their term of office by another candidate from the reserve list.

Article 6

Selection process

1. The selection of the members of the Stakeholder group representing a common interest shall be carried out through a public call for applications, published in the Register of Commission expert groups and other similar entities ⁽¹⁾ ('the Register of expert groups'). The call for applications may be published also through other means, including on a dedicated website. The call for applications shall clearly outline the selection criteria, including the required expertise and interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
2. Registration in the Transparency Register is required in order for individuals representing a common interest to be appointed.
3. Individuals representing a common interest shall be appointed by the Commission's Secretary-General, from specialists with competence in the areas referred to in Article 2 and who have responded to the call for applications.
4. The Commission's Secretariat-General shall establish a reserve list of suitable candidates that may be used for any needed replacement of members of the Stakeholder group representing a common interest. The Commission's Secretariat-General shall ask applicants for their consent before including their names on the reserve list.

Article 7

Operation

1. The Platform shall act at the request of its chair with the agreement of the Commission's Secretariat-General, in compliance with the horizontal rules.

⁽¹⁾ <https://ec.europa.eu/transparency/regexpert/>

2. The Platform members and members' representatives shall attend the meetings of the Platform. Plenary meetings will be held to adopt the opinions of the Platform, preparatory meetings will help finalise the Platform's opinions and consider organisation aspects, and sub-group meetings will focus on specific topics in the annual work programme. Meetings of the Platform shall, in principle, be held on Commission premises or, where possible, by videoconference.
3. In agreement with the Commission's Secretariat-General, the Platform may, by simple majority of its members, decide that deliberations shall be public.
4. The Secretariat-General of the Commission shall act as Secretariat of the Platform, providing secretarial services and preparing the draft annual work programme. Commission officials from other departments with an interest in the proceedings may attend meetings of the Platform.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the Platform shall be meaningful and complete. Minutes shall be drafted by the Secretariat under the responsibility of the Chair.
6. The Platform shall adopt its opinions by consensus. Should a vote be needed, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against the majority opinion shall have the right to have a document summarising the reasons for their position annexed to the opinion.

Article 8

Chair

The Vice-President of the Commission responsible for Better regulation shall chair the plenary meetings of the Platform. A high level Commission official shall chair the preparatory meetings of the Platform. Other meetings shall be chaired by the Secretariat of the Platform.

Article 9

Sub-groups

The Commission's Secretariat-General may set up at most four sub-groups for the purpose of examining specific topics in the Platform's annual work programme. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled. At least one representative of the Committee of the Regions and of the European Economic and Social Committee shall be included in each sub-group.

Article 10

Invited experts

1. The Chair may, on an *ad hoc* basis, invite external experts with specific expertise in a subject on the agenda, including experts from local and regional authorities and their associations, to participate in a meeting of the Platform or its subgroups. The Chair will invite the EU SME Envoy to the plenary meetings.
2. In agreement with the Commission's Secretariat-General, the Committee of the Regions may invite representatives of the RegHubs to the meetings of the Platform or its subgroups on an *ad hoc* basis.

Article 11

Rules of Procedure

On a proposal by and in agreement with the Commission's Secretariat-General, the Platform shall adopt the rules of procedure by simple majority of its members on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

*Article 12***Professional secrecy and handling of classified information**

Members of the Platform and their representatives and invited experts are subject to the obligations of professional secrecy, which by virtue of the Treaties and the rules implementing them apply to all members of the institutions and their staff. They are also subject to the Commission's rules on security regarding the protection of Union classified information laid down in Commission Decisions (EU, Euratom) 2015/443 ⁽¹²⁾ and (EU, Euratom) 2015/444 ⁽¹³⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 13***Transparency**

1. The Platform and its sub-groups shall be registered in the Register of expert groups.
2. As concerns the composition of the Platform and of its sub-groups, the following data shall be published in the Register of expert groups:
 - (a) the name of Member States' authorities;
 - (b) the name of the EU bodies members of the Platform (Committee of the Regions and European Economic and Social Committee);
 - (c) the name of individuals appointed to represent a common interest; that interest shall be disclosed.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to this dedicated website shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be allowed where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 ⁽¹⁴⁾ ⁽¹⁵⁾.
4. The Platform shall have a dedicated website. This website shall also be used by the Platform to seek views of citizens and stakeholders on issues outlined in the annual work programme and to carry out its communication activities, in agreement with the Commission's Secretariat-General.

*Article 14***Meeting expenses**

1. Participants in the activities of the Platform and its sub-groups shall not be remunerated for the expertise they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the Platform and its sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

⁽¹²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015D0443>

⁽¹³⁾ <https://op.europa.eu/en/publication-detail/-/publication/41a6eeeb-cc70-11e4-ab4d-01aa75ed71a1/language-en>

⁽¹⁴⁾ 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).

⁽¹⁵⁾ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

*Article 15***Applicability**

This Decision shall apply until 31 October 2025.

Done at Brussels, 11 May 2020.

For the Commission
Maroš ŠEFČOVIČ
Vice-President
