



A Step-by-Step
Guide | Better
Regulation

A new plan for progress

The European Commission's stated desire to improve the European Union's lawmaking and regulatory processes is, without question, admirable.

The most recent of several EC documents on the subject of 'better regulation', published in 2002, promised that we would see improvements to the EU lawmaking procedure from 2003. Have we actually seen the progress we all want?

Let there be no misunderstanding – the European Regions Airline Association (ERA) supports the excellent 'better regulation' principles adopted by the EC and endorsed those principles in our 2004 publication 'A Vision for European Air Transport'. The great strengths of the EC's better regulation concepts are that they adopt a business-orientated approach and can be applied universally by all regulators as well as for project management.

A shared understanding

The step-by-step 'better regulation' process described in this document is designed to ensure that the EC's objectives become reality. Supported by transparent consultation with all parties liable to be affected by action taken, alongside practical working arrangements and timescales, the EC (and other regulators) can achieve better regulation in practice, not just in theory.

Nobody gains when poor legislation has to be redrafted. We must work to ensure that rules and regulations are correct from the very beginning.



A plan for action

In the same way in which safety regulations are accompanied by 'Acceptable Means of Compliance', the purpose of this document is to interpret each step in the EC's 'better regulation' procedures in line with users' expectations. Better understanding of the procedures will facilitate the development of a mutually-constructive regulatory regime, where speed and quality go hand in hand.

The guidelines in this document are designed to help avoid confrontations and problems. Everybody benefits if we all share a complete understanding of the 'better regulation' procedures. After all, we must be fair and cooperative. We cannot reasonably expect the staff of the EC or any other regulator to be well-informed on every complex issue.

When preparing laws or regulations, each of the following seven steps should be undertaken and simultaneously described in a formal public written document available at all stages to all stakeholders. Each stage of the process leads logically on to the next stage. Omission of any one step can therefore invalidate the subsequent steps and the legitimacy of final actions and solutions.

Finally, and very importantly, if the proposals do become laws or regulations, they need to be enforced and monitored to ensure that they are effective in delivering the original objectives. Regulations that are not enforced have no purpose. Likewise, regulations that are ineffective serve no purpose and should be withdrawn.

Seven steps to 'better regulation'

1 Identify the problem and outline the current consequences.

Define the issue to be addressed. Write a clear statement of why the issue is believed to be a problem requiring action.

2 Assess the significance of the problem.

Make a preliminary assessment of the dimensions and scope of the issue using reliable data sources.

3 Identify the affected parties.

Compile a list of all bodies which may be affected by, and therefore need to be consulted on, any action taken on the issue in question. The list should be updated throughout the lifetime of the action being taken.

4 Outline the objective to be achieved.

Define, and quantify where appropriate, the objective of the action to be taken and the timeframe concerned.

5 Establish whether regulatory action is necessary.

Decide if action is required and, if so, why such action is necessary. Cease any further action at this stage if the effects of regulatory/legislative action are expected to be, and to remain, insignificant. Determine whether non-regulatory/non-legislative action may resolve the issue. If appropriate, cease legislative action and establish milestones and timescales for non-legislative action.

6 Identify the minimum legislative action that is necessary.

Develop regulatory/legislative proposals in conjunction with experts from stakeholders. Avoid 'behind closed doors' development procedures which encourage distrust and can subsequently cause problems when amendments become necessary. Each proposal should be non-discriminatory and enforceable.

7 Conduct impact assessments.

Quantify all the impacts of each draft proposal, including both direct and indirect effects. For example, where regional air services may be adversely affected, take account not only of direct employment at airlines and airports but also of indirect and induced economic and social consequences within Europe's regions.

What is the European Regions Airline Association (ERA)?

Founded in 1980, ERA is the recognised representative body for intra-European air transport, currently representing almost 70 airlines and over 150 Associate and Affiliate members, including airframe and engine manufacturers, industry suppliers and airports.





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