



## Introduction to the EU legal text on Regulatory Cooperation in TTIP

10 February 2015

The EU initial draft proposal for a Chapter on Regulatory Cooperation is based on three previous non-papers. These can be found on [DG Trade's website](#).

The EU's initial draft contains two sets of concrete proposals:

1) A number of good regulatory practices including:

- transparency
- impact assessment
- stakeholder participation

...and how to make them operational;

2) steps to reinforce and make more effective current cooperation on distinct types of legislation/regulation ('regulatory acts') which have a significant impact on EU-US trade or investment.

This is a preliminary draft concerning central level regulation – certain EU legislation and regulation, laws produced by US Congress and US federal agencies.

The EU will follow up soon with more elaborate proposals regarding relevant acts by US States and EU Member States.

### Section I

#### **Summarises the rationale of the approach**

Our core aim is that by working together EU and US regulators will make better use of their scarce resources and produce more effective regulation at lower cost to all concerned, both the regulators and the regulated. This aim is based on both sides' strong commitment to high levels of protection in areas such as consumer safety, health and the environment.

#### **Determines the types of regulatory acts covered**

The focus is on acts directly related to:

- the marketing or production of a good
- the supply of a service.

#### **Frames the Chapter on Regulatory Cooperation**

It puts the Chapter in the overall context of the EU's and the US' respective domestic regulatory agendas. It makes clear that all provisions in the Chapter will be applied in full respect of the right to regulate. Regulators on either side will have the last word on how they want to proceed in individual cases.

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### Section II

#### Good practices on how regulatory acts are produced

The three good practices set out are basic and well established. Both the EU and US apply them and seek to promote them internationally.

1. **Publishing lists of the regulatory acts.** Each side plans to adopt over a certain timeframe provides transparency for all persons concerned. This allows regulators to enter into exchanges proactively where they see the merit.

2. **Consulting all interested stakeholders and refining our analytical tools** when assessing the effects of our future regulatory activities before and after implementation. This helps us to constantly improve the quality of regulatory outcomes.

Here, cooperation will enable regulators to learn from each other's experiences ('what has worked, what has not'), including their differences.

3. **Work at international level** should be considered more systematically where appropriate. This increases the chance of global solutions in the future.

### Section III

#### Measures to make it easier to cooperate on planned and existing regulatory acts

EU and US regulators talk to each other all the time. Regulatory cooperation is already a reality today.

But it has not always been effective for a number of reasons:

- difficulty in identifying relevant regulatory acts early enough
- difficulty in bridging the differences in our regulatory systems
- a lack of focus and oversight.

The provisions in Section III seek to address these and other shortcomings by:

- providing information about and flagging up significant acts early enough
- central contact points for regulatory exchanges
- provisions on timing.

These provision are complemented by an institutional mechanism, a high-level EU-US Regulatory Cooperation Body (RCB) to monitor ongoing and consider new areas of cooperation. It will ensure the involvement of all stakeholders concerned.

Its main role will be to ensure transparency, accountability and prioritisation of work. The RCB will provide support to and advise decision makers.

The RCB will **NOT** have the power to:

- adopt legal acts
- interfere with any domestic EU or US regulatory procedures.