



ReSPA

Regional School
of Public Administration

REGULATORY TECHNIQUES AND PROCESSES

- a practical workshop based on
EU's regulatory practices

11-13 December 2012

Danilovgrad, Montenegro

PROVISIONAL PROGRAMME



Background

This seminar addresses the fundamental matter of regulation, both as a concept and as a process. As such, it will discuss the generic role of a regulator (whether it is a State, the EU, a generic regulatory agency) and the scope and nature of its intervention. For that purpose, the training will try to answer a pool of basic, yet important questions. What is regulation? Why the State regulates in the first place? How to regulate? On which level regulation should take place? What is the role of legislature, executive and judiciary in assuring effective and efficient regulation? What constitutes better or smart regulation? What is the role of the EU in regulation and to what extent the administrations of ReSPA members are influenced by EU regulation in their respective law approximation processes?

Objectives

At the end of this programme participants will have:

- An understanding of the concept of regulation and the motivations explaining the necessity for a regulatory intervention in certain fields of public policy
- An clear overview of the number of actors that intervene in regulation
- An overview of the number of choices and dilemmas that the regulator confronts when exerting its regulatory power and a reference guide on how to address these different situations
- An improved knowledge on how to use various techniques and tools to set regulatory standards
- An awareness on how the EU proceeds itself to regulation and the capacity to take EU regulatory requirements into consideration in the law approximation's efforts of their respective administrations

Content

The content proposed by this training is organized into two fundamental content sections entitled as follows

- Introduction to regulatory affairs
- Regulatory affairs in the EU

In the first one, regulatory affairs are presented, referring to matters such as content, reasons and tools of regulation. This first section seeks to enhance participants understanding on these matters, whilst simultaneously providing them with an opportunity to get a comparative glimpse of different regulatory practices and models. In the second content section, participants will be briefed specifically on how the EU proceeds to regulation. Indeed, the EU constitutes a complex regulated society, and its different standards are fixed by peculiar mechanisms and procedures. In addition, much of the regulatory experience of the EU can be exported to domestic situations. Hence, this second content section will be rich in examples, so that participants find models of inspiration to improve their own regulatory skills

Target Group

Junior to mid-level officers from public administration institutions primarily from the following entities: Ministry of Economy, Ministry for Public Administration, Ministry for EU Integration, Ministry for Regional Development, Ministry of Infrastructure and Telecommunication, Ministry for Consumer Protection. What is important in the selection of the participants is their level of exposure to regulatory affairs. Indeed, taking into consideration that the aim of the seminar is to paint the general landscape of regulatory affairs both at national and EU level, the profile of the participant to be selected should be the one of an individual who will have to deal with regulatory matters for the first time soon or, who has a certain but limited exposure and wants to fix and improve knowledge.

Workshop Trainers

The course will be directed and presented by two international experts from the European Centre for Judges and Lawyers (EIPA Luxembourg) and one regional expert, all possessing an extensive experience in the design and delivery of activities devoted to regulatory issues and other related legal matters both in the EU and in the Western Balkan region.

Juan Diego Ramirez-Cardenas Diaz, *Senior Lecturer and Seminar Leader*, European Centre for Judges and Lawyers, EIPA Luxembourg. He holds a university background on Law and International Relations plus a Master degree on European Political and Administrative Studies by the College of Europe, Bruges. He is currently conducting his PhD in European law at the University of Paris 10. Prior professional experiences include legal advice and counsel for the European Commission and the position Senior Lecturer at the Institute of Political Studies in Paris

Tomasz Kramer, *Lecturer*, European Centre for Judges and Lawyers, EIPA Luxembourg. He holds a Law degree plus a Master on European Legal Studies awarded by the College of Europe, Bruges. Prior work experiences include legal advice and counseling both for private and public (Polish Ministry of Economy and Labour) organs and the post of Course Director at the Academy of European Law (ERA)

Nebojša Lazarević, *Director*, European Policy Centre, Belgrade. He holds a Law degree and a Master of EU law and international business law awarded by the United Nations University for Peace. He has a prior professional experience of legal adviser for various services of the Serbian administration (European Integration Office, Ministry of Trade and Services)

Methodology

The training will not only be a theoretical, awareness raising event but it will also have quite a practical nature. Its pragmatism will be assured through reference to numerous cases taken from the EU's regulatory activity. At the same time, in order to assure the interactive nature of the sessions, participants will be often invited to intervene to share their views and experience. For that reason the program for the seminar serves more as a framework for discussion rather than a series of predefined list of lectures.

DRAFT TRAINING PROGRAMME

Day 1- 11 December 2012

Introduction to regulatory affairs

09.30 - 11.00	Welcome and introduction to the seminar. Presentation of trainers and participants. Brainstorm session on the concept of regulation. Illustration of personal experiences in regulatory affairs – round table
11.00 - 11.30	<i>Coffee break</i>
11.30 - 13.00	Why the regulator regulates? The rationale of regulation Overview of the catalogue of ‘good reasons’ motivating regulatory action Factors present in regulatory activities: economic, scientific and societal considerations
13.00 - 14.00	<i>Lunch break</i>
14.00 - 15.30	Who must regulate and how to regulate? Overview of the different type of regulatory authorities and presentation of the catalogue of regulatory techniques and practices. Presentation of the actors exerting regulatory competences Description of regulatory techniques and tools (i.e. impact assessment, public consultations, experts’ role, etc) Guidance for the selection of the regulatory technique to be used (determination of type of intervention, level of intervention and inter-institutional coordination)
15.30 - 15.45	<i>Coffee break</i>
15.45 - 17.00	Workshop – Case Study. Practical case on the choice of regulatory tools and approaches
17.00	End of 1 st day



Day 2- 12 December 2012

Regulatory Affairs in the EU

09.00 - 10.30	Why EU regulates? European Union's set of competencies and principles of subsidiary and proportionality. What lessons for ReSPA members? The necessity of regulatory action at EU level: reasons and motivation Overview of EU competencies Principles governing the competence sharing between the Member States and the EU: subsidiarity and proportionality Impact of EU regulatory action on executive and legislative authorities of ReSPA members
10.30 - 11.00	<i>Coffee break</i>
11.00 - 12.00	Overview of the regulatory fields in the EU. Overview of sectors and policy fields subject to EU regulatory activity Catalogue of practical policy examples
12.00 - 13.00	<i>Lunch break</i>
13.00 - 14.30	Fixing of regulatory standards in the EU (1). Overview of EU regulatory tools and special focus on the risk analysis process. The EU process of the adoption of regulatory standards Definition of the concept of Risk Analysis and presentation of its three phases Actors involved in Risk Analysis and overview of instruments used (impact assessment, scientific evaluation, consultations, authorization mechanisms, communication strategies, etc.)
14.30 - 14.45	<i>Coffee break</i>
14.45 - 16.45	Fixing regulatory standards at EU level (2). The precautionary principle. Case study The regulator vis-à-vis an uncertain risk: dilemmas and choices Definition of precautionary principle Guide for the practical application of the precautionary principle – case study
16.45	End of 2 nd day



Day 3- 13 December 2012

09.00 - 10.30	Fixing regulatory standards in the EU (3). Overview of different legal regulatory techniques Presentation and definition of legal regulatory strategies and techniques Legal regulation versus voluntary regulation Minimum versus maximum harmonisation of regulatory standards
10.30 - 11.00	<i>Coffee break</i>
11.00 - 12.30	Judicial review of regulatory standards by the EU jurisdictions – Case study. Authorities in charge of the judicial control of EU's regulatory action: EU courts and tribunals of Member States Potential grounds for the judicial review of EU regulatory actions – case study.
12.30 - 13.00	General conclusions and end of seminar

