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Health & Consumers

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Self Regulation :
the experience of DG SANCO

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A Duty to Act

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Better regulation
– main achievements

1. Impact assessment for all proposals having economic/social impacts (including some Comitology measures)
2. Healthy Democracy – stakeholder consultation process
3. Major quantification efforts – data strategy project but also VOSL, but also assessing the Administrtive Burden of proposals
4. Major contribution to Simplification Rolling Programme (SRP – 16 proposals over 3 years)
5. Strong focus on SMEs: « Thinks small first »
6. Regulatory design: extensive use of Alternatives to Regulation i.e. Nutrition and Alcohol Platforms
7. Developing internal ex-ante planning instruments: DG SANCO Scoping Paper

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Why DG SANCO is concerned
by Self regulation?

- The core of SANCO policy work aims to Healthier, Safer and more Confident citizens

- SANCO has been a forerunner in developing innovative "responses to pressing social demands"

- Problems linked to behaviour needs alternatives to regulations

- Multifactorial problems (nutrition, alcohol abuse,advertising etc) can not be solved by regulation

The Inter-institutional Agreement

- The Inter-institutional Agreement (IIA) on Better Law-Making between the European Parliament, the Council and the Commission (2003) establishes a strategy for better Law-Making throughout the EU legislative process.

  - The agreement concentrates on:
    - improving inter-institutional coordination and transparency,
    - providing a framework for alternative regulatory instruments (self- and co-regulation),
    - increasing the use of impact assessment in Community decision-making, and
    - working methods for the adoption of proposals to simplify EU law.

The conclusions of our own experience …..

- Self-regulation is not an alternative to law. On the contrary it works best within a clear legal framework that allows non-legislative approaches but also backs them up.

- Self-regulation needs to be trusted in order to be effective, and in order to be trusted it has to be participative.

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This is not the classical Sel-Regulation as defined by the IIA........

SANCO has designed and implemented a serie of multi-stakeholder partnerships contributing to achieve public good goals.

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But….

■ It is more about implementation of a series of social innovation initiatives/instruments, notably:

Collaborative approaches to social innovation, such as platforms and roundtables, bringing together various stakeholders (industry, NGOs) and policy makers .
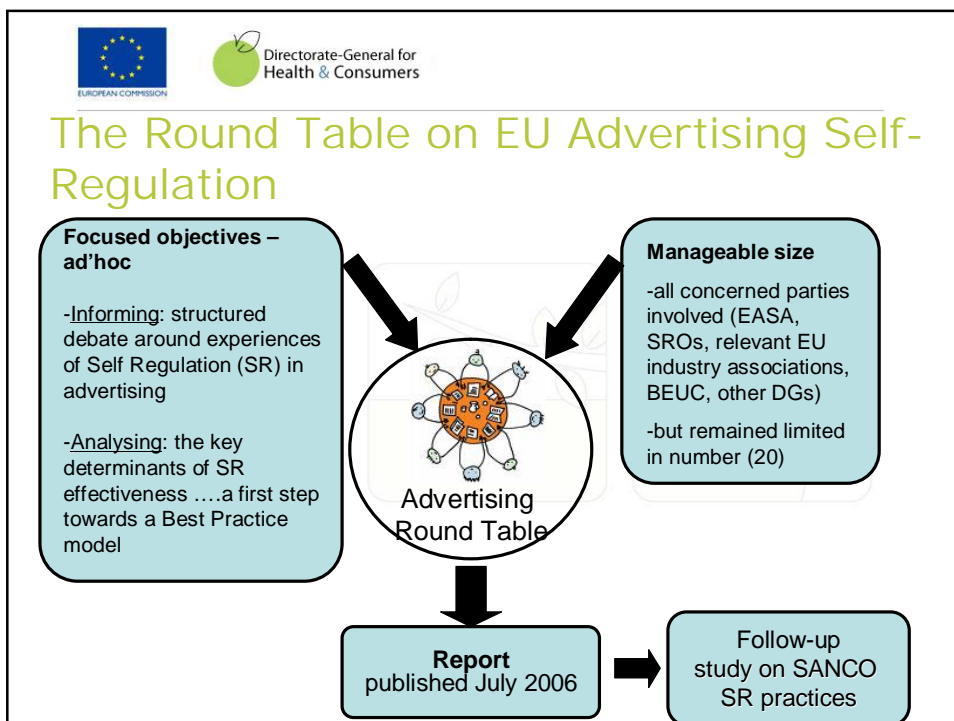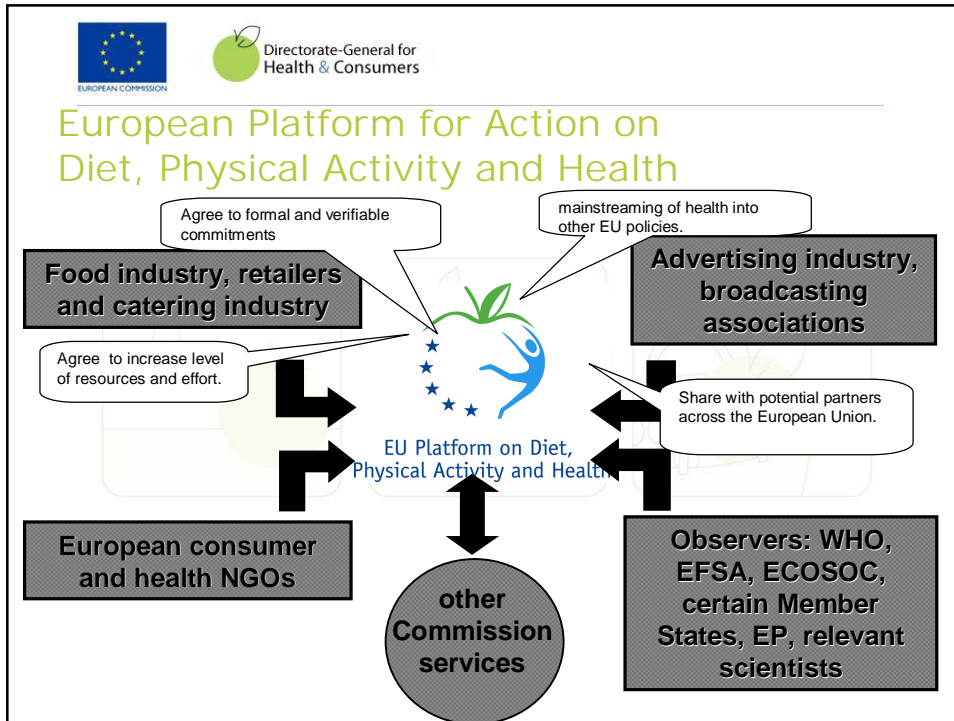
Some examples of implemented « Collaborative approach »

- European Platform for Action on Diet, Physical Activity and Health
- The Round Table on EU Advertising Self-Regulation
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Some examples of « Collaborative approach » implemented by DG SANCO

- The EU Platform for Action on Diet, Physical Activity and Health
  - A multi-stakeholders approach has led 32 member EU organisations, ranging from food industry to consumer protection NGOs. More than 200 commitments including labelling; education; physical activity promotion; marketing, advertising targeting children, labelling and product reformulation

- European Alcohol and Health Forum
  - The forum, composed of 40 members (businesses and non-governmental organisations). 108 commitments.

- The Round Table on EU Advertising Self-Regulation
  - Multistakeholders discussion on how to make self-Regulation effective for Advertising

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European Platform for Action on Diet, Physical Activity and Health

Agree to formal and verifiable commitments

mainstreaming of health into other EU policies.

Food industry, retailers and catering industry

Advertising industry, broadcasting associations

Agree to increase level of resources and effort.

EU Platform on Diet, Physical Activity and Health

Share with potential partners across the European Union.

European consumer and health NGOs

other Commission services

Observers: WHO, EFSA, ECOSOC, certain Member States, EP, relevant scientists

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The Round Table on EU Advertising Self-Regulation

Focused objectives – ad'hoc

-Informing: structured debate around experiences of Self Regulation (SR) in advertising

-Analysing: the key determinants of SR effectiveness ….a first step towards a Best Practice model

Manageable size

-all concerned parties involved (EASA, SROs, relevant EU industry associations, BEUC, other DGs)

-but remained limited in number (20)

Advertising Round Table

Report published July 2006

Follow-up study on SANCO SR practices

The European Alcohol and Health Forum

A common platform for stakeholders willing to step up actions aimed at reducing alcohol harm

NGOs (health, social, youth, consumer and alcohol)

Binge-drinking

Advertisers

sales

Retailers

Alcohol industry

under-age drinking

Agricultural org.

Responsible drinking

Media

Commercial communication

Observers: WHO, EESC, CoR, EP, O.I.V and Member States
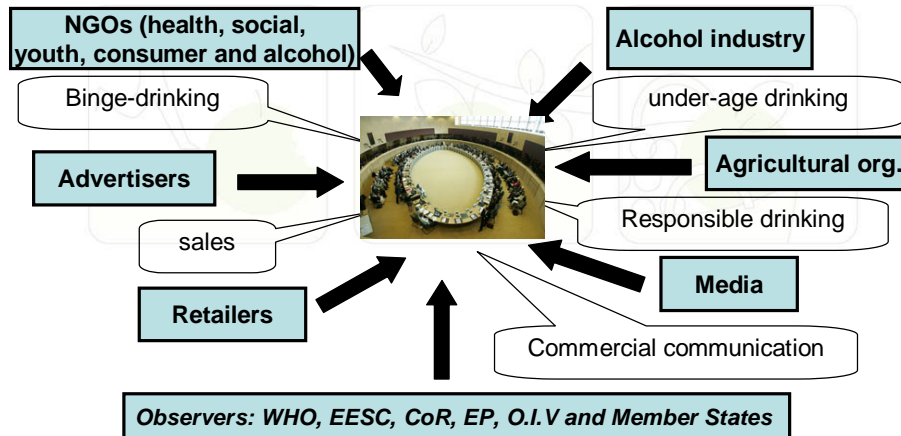
Key Determinants .....

■ Effectiveness :
The commitments/ performance objectives and Benchmarks should be "monitorable" to be able to evaluate the value-added of such a process.

■ Independence:
To establish an independent/third-party auditing system, which should serve as a basis for an open and transparent dialogue between the European Commission and the members/participants.

........to success Self Regulation/Collaborative approach

■ Collaboration
The process should be as participative and collaborative as possible, involving all key stakeholders and ensuring contributions are truly taken into account.

■ Monitoring
 A strong commitment from the Commission to implement the resulting recommendations, to monitor the progress and to provide feedback on their implementation.
Sanctions like "name and shame" should also be possible

...and the Tool box

Innovative Tools
Community-focused campaigns and use of "social marketing" – e.g. anti-tobacco "help" campaign, Consumer Rights Campaigns.
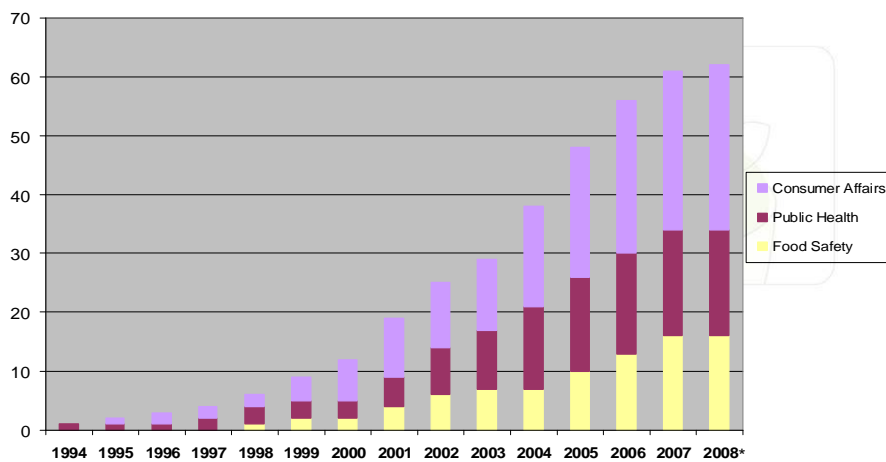
■ Use of social networking and new social channels (e.g. web 2.0 tools, such as facebook, myspace, blogging, open source field, etc.) to circulate information more widely and efficiently

■ Use of Behavioural sciences to better understand and shape the consumer behaviour (nutrition, sustainable consumption, animal welfare, ethics et etc)

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The DG SANCO Experience

Number of self-regulatory practices in DG SANCO policy areas

Consumer Affairs
Public Health
Food Safety

Source: Final report on 'Self-Regulation Practices in SANCO Policy Areas', EIM, February 2008

*Figures for 2008 are not included in the report and result from informal internal mapping.

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President Barroso's Guidelines on governance

■ « We believe that the EU public space must allow actors to contribute to develop a co-owned and jointly defined vision of EU future trends. To this end we will work to convene and manage participative and deliberative fora, in coordination with the leaders of the European Institutions »

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Thank you very
much for your
attention !