# Towards a code of good practice for SR/CR processes

Process led by DG INFSO in the frame of the CSR action plan set out in the 2011 CSR Communication Action 5.

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# Action 5

The Commission intends to launch a process in 2012 with enterprises and other stakeholders to develop

a code of good practice for self-and co-regulation exercises,

which should improve the effectiveness of the CSR process

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# Milestones regarding CR/SR in EU texts

- 2001 : White book on European Governance - COM(2001)428final
- 2002 : Action Plan ç Simplifying and improving é è- COM(2002)278final
- 2003 : Interinstitutional Agreement
- 2005 : ç Better regulation é è- COM(2005)97final
- 2011 : ç CSR Communication è- COM(2011)681final

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# Definition of self-regulation (§22 of 2003 IIA)

Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).

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# Definition of co-regulation (§18 of 2003 IIA)

Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations).

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# Principles

- Part of the policy mix - Option in IA processes
- Subsidiarity/proportionality
- Adds value and serves the general interest
- Fundamental rights or major political choices not at stake
- Uniformity not at stake
- Compatible with competition rules and internal market
- Representativity, accountability, openness and visibility

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# Current examples:
# Do not track

- DNT standards expected by June 2012

http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/461&format=HTML&aged=0&language=EN&guiLanguage=en

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# Current examples: Better internet for kids

- 28 leading companies

- Simple and robust reporting tools
- Age-appropriate privacy settings
- Wider use of content classification
- Wider availability and use of parental control
- Effective take down of child abuse material

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1485&format=HTML&aged=0&language=EN&guiLanguage=en

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# Background

Build on knowledge and experience:

ç Self-regulation in the EU advertising sector: a report of some discussion among interested parties è

http://www.asa.co.nz/pdfs/Madelin%20Report.pdf

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# SR/CR as stepped and iterative processes

1. Design
   - ✓ ***Co-owned, beyond consulting***
2. Implementation
   - ✓ ***Starting with pilots, learning process***
3. Monitoring and reporting
   - ✓ ***Co-owned metrics/reporting (public?)***
   - ✓ ***Co-monitoring standards/practices***
   - ✓ ***Agreed sanctions (by private actors) in case of non-compliance***

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# Other issues

- Clarify grey area between SR and CR, as defined in IIA
- SR/CR is a regulatory technique, not a policy
- Need for legal backstop and full compatibility between SR/CR and other forms of regulation.

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