

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



Milestones regarding CR/SR in EU texts

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



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).



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).



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



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>



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>



Background

Build on knowledge and experience:

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

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



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*



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.



Next steps

- **Feb 12:** Presentation to CSR HLG & CSR forum.
- **March-May12:** Contacts with EP and EESC; **Draft code.**
- **June12:** Open **consultation.**
- **End 12:** **Publication of the code.**



Call for suggestions:

- Experts to react on draft code?
- Format and channels of the public consultation?

Please send suggestions to
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Thanks for your attention!

