



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**UEAPME proposal¹ for a specific Interinstitutional Agreement on a
SBA for Europe (1st draft –version 8/9/08)**

Interinstitutional agreement on a SBA for Europe

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and, in particular, ... ,

Having regard to the Treaty on European Union, ... ,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “Think Small First” A “Small Business Act” for Europe,

Having regard to the opinions of the European Economic and Social Committee of and the Committee of the Regions of ... ,

Drawing attention to... ,

Drawing attention to the opinions of the European Parliament

Noting the Presidency Conclusions of the meetings of the European Council held on...2008 in....

Whereas:

The EU has thus firmly placed the needs of SMEs at the heart of the Lisbon Growth and Jobs Strategy, notably since 2005 with the use of the partnership approach¹, which has achieved tangible results. Now it is time once and for all to cement the needs of SMEs in the forefront of the EU’s policy and to translate the vision of the

¹ The proposals put forward are largely based on UEAPMEs position [UEAPME expectations on the proposal for a European Small Business Act](#), Brussels, 14 December 2007 and existing European texts (Communication of the Commission, conclusions of the Council). Please consult the footnotes. Text in bold and underscored means that these wording are added by UEAPME.

EU Heads of State and Government of 2000 into reality — making the EU a world-class environment for SMEs².

The national and local environments in which SMEs operate are very different and so is the nature of SMEs themselves (including crafts, micro-enterprises, family owned or social economy enterprises). Policies addressing the needs of SMEs therefore need to fully recognize this diversity and fully respect the principle of subsidiarity³.

HAVE AGREED AS FOLLOWS:

Common commitments and objectives

1. The European Parliament, the Council of the European Union are convinced that achieving the best possible framework conditions for SMEs depends first and foremost on society's recognition of entrepreneurs.

The general climate in society should lead individuals to consider the option of starting their own business as attractive, and acknowledge that SMEs contribute substantially to employment growth and economic prosperity.

As a key contribution to achieving an SME friendly environment, the perception of the role of entrepreneurs and risk-taking in the EU will therefore have to change: entrepreneurship and the associated willingness to take risks should be applauded by political leaders and the media, and supported by administrations.

The three institutions agree that being SME-friendly should become mainstream policy, based on the conviction that rules must respect the majority of those who will use them: the "Think Small First" principle⁴.

The present Interinstitutional Agreement builds on the Commission's and Member States' policy achievements, creates a new policy framework [...] and builds in particular on the European Charter for Small Enterprises and the Modern SME policy. To implement this ambitious policy agenda, **the three institutions are proposing** a genuine political partnership between the EU and Member States that respects the principles of subsidiarity and proportionality⁵.

2. [...] The three institutions further agree to promote simplicity, clarity and consistency in the drafting of laws and the utmost transparency of the legislative process.

² See "Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "Think Small First" - A "Small Business Act" "for Europe, COM (2008) 394, Point 1, Introduction, 3rd paragraph.

³ Ibidem, 4th paragraph.

⁴ Ibidem, point 3, 1st paragraph.

⁵ Ibidem, Point 3, 3rd paragraph.

They call on the Member States to ensure a proper and prompt transposition of Community law into national law within the prescribed time limits, pursuant to the Presidency Conclusions of the European Council at its Stockholm, Barcelona and Seville meetings.⁶

3. In order to improve the overall policy approach to entrepreneurship, **the three Institutions agree** to anchor irreversibly the “Think Small First” principle in policymaking from regulation to public service.⁷

4. Without prejudice to their own autonomy, the three Institutions will ensure that EU-legislation does not hamper the competitiveness of SMEs. (*Safeguard clause*)

Greater transparency and accessibility

5. The three Institutions confirm the importance which they attach to greater transparency and to the increased provision of information **to the SMEs** at every stage of their legislative work, whilst taking into account their respective rules of procedure.⁸

Improving the quality of legislation

6. The European Parliament, the Council of the European Union and the Commission of the European Communities hereby agree on, exercising their respective powers, to improve the policy approach towards SMEs at Community and national level by making sure that legislation and programmes are conceived from the start and then implemented in a way that respects the needs and specific characteristics of SMEs. (The “Think Small First” principle)⁹ **and without leading to excessive costs in comparison with the public interest and the interests of enterprises.**

They call on Member States, regional and local authorities to do the same at national, regional and local level.

(a) Pre-legislative consultation

7. During the period preceding the submission of legislative proposals, the Commission will, having informed the European Parliament and the Council, conduct the widest possible consultations, the results of which will be made public¹⁰.

⁶ IIA Better lawmaking 2003, point 2.

⁷ SBA-COM(2008)394, point 3, second paragraph, adapted.

⁸ IIA Better lawmaking point 10, adapted

⁹ SEC(2008)2102 p.3.

¹⁰ IIA Better lawmaking point 26 adapted

8. The Commission will consult stakeholders, especially the representative (SME)-organisations, for at least 12 weeks (starting from the date all EU language versions are available) on any legislative or administrative proposal that can have an impact on enterprises.

9. **The three Institutions stress** the importance of wide involvement of the representative SME-organisations in the policy-making process both at the national and Community level to ensure the relevance of the measures proposed, as well as their efficient implementation¹¹;

10. **They call on the Member States, regional and local authorities** to implement more efficient mechanisms for a regular and comprehensive dialogue with key SME stakeholders, especially representative SME organisations¹²;

11. **The Commission will** involve on a regular basis all relevant SME stakeholders in the policy-making process, building on the recommendations of the project on stakeholder consultation¹³ and, wherever relevant, integrate systematically also representative SME-organisations, into their advisory expert committees, high level groups and other appropriate fora,¹⁴

(b) Impact analyses

12. The Commission will continue to implement the integrated advance impact-assessment process for major items of draft legislation **and for any legislation affecting SMEs**, combining in one single evaluation the **independent** impact assessments relating inter alia to social, economic and environmental aspects. **Specific attention will be paid to the impact on small and micro enterprises.** **The** results of the assessments will be made fully and freely available to the European Parliament, the Council and the general public. In the explanatory memorandum to its proposals, the Commission will indicate the manner in which the impact assessments have influenced them.¹⁵

13. Where the codecision procedure applies, the European Parliament and Council may, on the basis of jointly defined criteria and procedures, have impact assessments carried out prior to the adoption of any substantive amendment, either at first reading or at the conciliation stage. As soon as possible after this Agreement is adopted, the three Institutions will carry out an assessment of their respective experiences and will consider the possibility of establishing a common methodology.¹⁶

14. The three Institutions call on the Member States to equally assess the impact of forthcoming legislative and administrative initiatives on SMEs and on small and micro enterprises in particular and take relevant results into account when designing proposals.

¹¹ Council conclusions on SME policy for growth and employment, Brussels, 13 March 2006, Point 7.

¹² Council conclusions on SME policy for growth and employment, Brussels, 13 March 2006, Point 9, 8th bullet point;

¹³ Consultation with stakeholders in the shaping of national and regional policies affecting small businesses (Best Procedure Project, October 2005).

¹⁴ Council conclusions on SME policy for growth and employment, Brussels, 13 March 2006, point 12

¹⁵ IIA Better lawmaking, point 29

¹⁶ IIA Better lawmaking, point 30

Better transposition and application

15. The three Institutions will also ensure that commencement dates are agreed on with the different stakeholders, especially the representative SME-organisations, in order to allow SMEs to be informed timely and prepared properly.

Simplifying and reducing the volume of legislation

16. The three Institutions recognise the need to reduce the administrative burdens for SMEs. They call on Member States, regional and local authorities to ensure that, without prejudice to any necessary updating, SMEs are not obliged to provide them with any information or data that is or should be already available within their administrations. (*“Only-once-principle”*)

Implementation and monitoring of the Agreement

17. The three Institutions will report annually on progress made and implementation of the “Think Small First” principle.

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