

The United Kingdom's Approach to Gold-Plating

Julian Farrel
Deputy Director
Better Regulation Executive
Department for Business, Innovation & Skills

Commitments

- **Coalition Agreement May 2010:**

“We will end the so-called ‘gold-plating’ of EU rules, so that British businesses are not disadvantaged relative to their European competitors”

- **Guiding Principles for EU Legislation**

– July 2011, updated April 2013

- **Transposition Guidance** revised April 2013

The Coalition:
our programme
for government

HM Government



HM Government

Transposition Guidance:
How to implement European Directives
effectively

April 2013

MAKING LIFE AS
SIMPLE
AS POSSIBLE

Guiding Principle 5

When transposing EU law, the Government will:

- a) ensure that (save in exceptional circumstances) the **UK does not go beyond the minimum requirements** of the measure which is being transposed
- b) wherever possible, seek to implement through the use of **alternatives to regulation**
- c) endeavour to ensure that UK businesses are **not put at a competitive disadvantage compared with their European counterparts**
- d) **always use copy out** for transposition where it is available, except where doing so would adversely affect UK interests – if copy out is not used, Departments will **need to explain** the reasons for their choice
- e) necessary implementing measures **come into force on (not before)** the transposition deadline, unless there are compelling reasons for earlier implementation
- f) include a **statutory duty for Ministerial review** every five years

What is 'Gold-plating'?



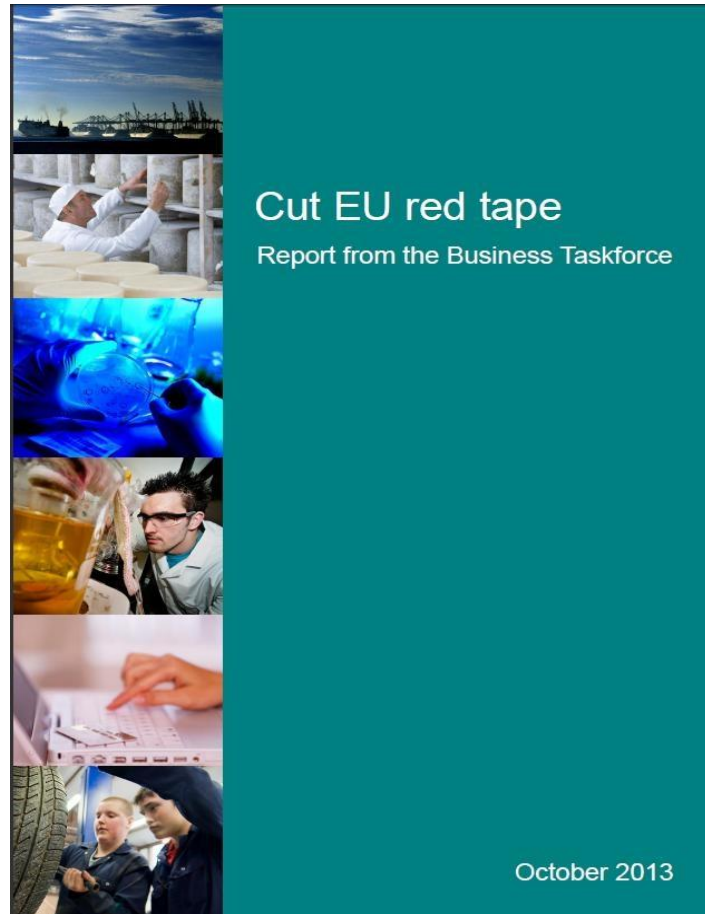
Definition of 'Gold-plating'

'Gold-plating' is when **implementation goes beyond the minimum** necessary to comply with a Directive, by:

- **extending the scope**, adding in some way to the substantive requirement, or substituting wider UK legal terms for those used in the Directive; or
- **not taking full advantage of any derogations** which keep requirements to a minimum (e.g. for certain scales of operation, or specific activities); or
- **retaining pre-existing UK standards where they are higher** than those required by the Directive; or
- providing **sanctions, enforcement mechanisms** and matters such as burden of proof **which are not aligned with the principles of good regulation**; or
- **implementing early**, before the date given in the Directive.








Source: UK Government Transposition Guidance

Report from the Business Taskforce



COMPETE Principles

BusinessEurope support for COMPETE principles:

- **C**ompetitiveness Test 
- **O**ne-in, One-out 
- **M**easure the Impact 
- **P**roportionate Rules 
- **E**xemptions and Lighter Regimes 
- **T**arget for Burden Reduction 
- **E**valuate and Enforce 

Sources

Guiding Principles for EU Legislation

www.gov.uk/government/publications/guiding-principles-for-eu-legislation

Transposition Guidance

www.gov.uk/government/publications/implementing-eu-directives-into-uk-law

Review of the Operation of the Transposition Principles

www.gov.uk/government/publications/gold-plating-review-operation-of-the-transposition-principles-in-the-government-s-guiding-principles-for-eu-legislation

Business Taskforce Report

www.gov.uk/government/publications/cut-eu-red-tape-report-from-the-business-taskforce

Contact Details

Julian Farrel
Deputy Director
Better Regulation Executive
Department for Business, Innovation and Skills
julian.farrel@bis.gsi.gov.uk