



Press Release

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Need for better interinstitutional cooperation on reviewing laws, say EU Auditors

The European Commission's system of reviewing laws compares well overall with its equivalents in the Member States, according to a new report by the European Court of Auditors. High-quality ex-post reviews are critical to the quality of legislation, say the auditors. However, they identify a number of weaknesses, mostly relating to the lack of common interinstitutional definitions regarding review clauses, the unclear treatment of certain kinds of review and the lack of clarity of the Regulatory Fitness and Performance (REFIT) programme.

Reviewing legislation after it has come into effect is a key part of the European Commission's 'Better Regulation' policy. Better Regulation means designing policies and laws so that they achieve their main objectives, allowing evidence-based public choices. It is a way of working which should ensure that political decisions are prepared in an open and transparent manner, informed by the best available evidence and backed by the comprehensive involvement of stakeholders. It covers the whole policy cycle from policy design and preparation, through adoption, implementation and application (including enforcement), to evaluation and revision.

The auditors assessed whether the EU system of review was properly planned and has been satisfactorily implemented, managed and quality-controlled. Overall, they concluded that the Commission's reviews compare well to the situation in most Member States. The system for evaluation reviews is well designed, well managed and carefully quality-controlled. But other kinds of reviews are not subject to the same strict quality control standards, even though the underlying work can be of a similar nature, duration and cost as those of evaluations.

"These reviews help lawmakers understand the impacts, shortcomings and advantages of a policy or regulation," said Henri Grethen, the Member of the European Court of Auditors responsible for the report. "It is therefore essential that they are properly conducted."

Reviews and monitoring clauses are widely used, say the auditors, although the absence of common definitions and guidelines among the EU institutions means that their content and expected outputs are not always clear. Despite this, their presence in legal texts has increased in

The purpose of this press release is to convey the main messages of the European Court of Auditors' special report. The full report is available at www.eca.europa.eu.

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recent years. In several cases where no review clause was included, one was added during the legislative process. The auditors consider this a positive step.

The auditors also looked at the Regulatory Fitness and Performance (REFIT) programme, which aims to remove red tape and lower costs, without compromising policy objectives. They found the rationale behind REFIT, and the criteria it applies, unclear.

The auditors make several recommendations to the Commission, some of which would further develop and enhance the EU's system of common interinstitutional cooperation between the Commission, the European Parliament, the Council and the Member States.

Notes to Editors

The ECA presents its special reports to the European Parliament and Council of the EU, as well as to other interested parties such as national parliaments, industry stakeholders and representatives of civil society. The vast majority of the recommendations we make in our reports are put into practice. This high level of take-up underlines the benefit of our work to EU citizens.

Special report 16/2018 "Ex-post review of EU legislation: a well-established system, but incomplete" is available on the ECA website (eca.europa.eu) in 23 EU languages.