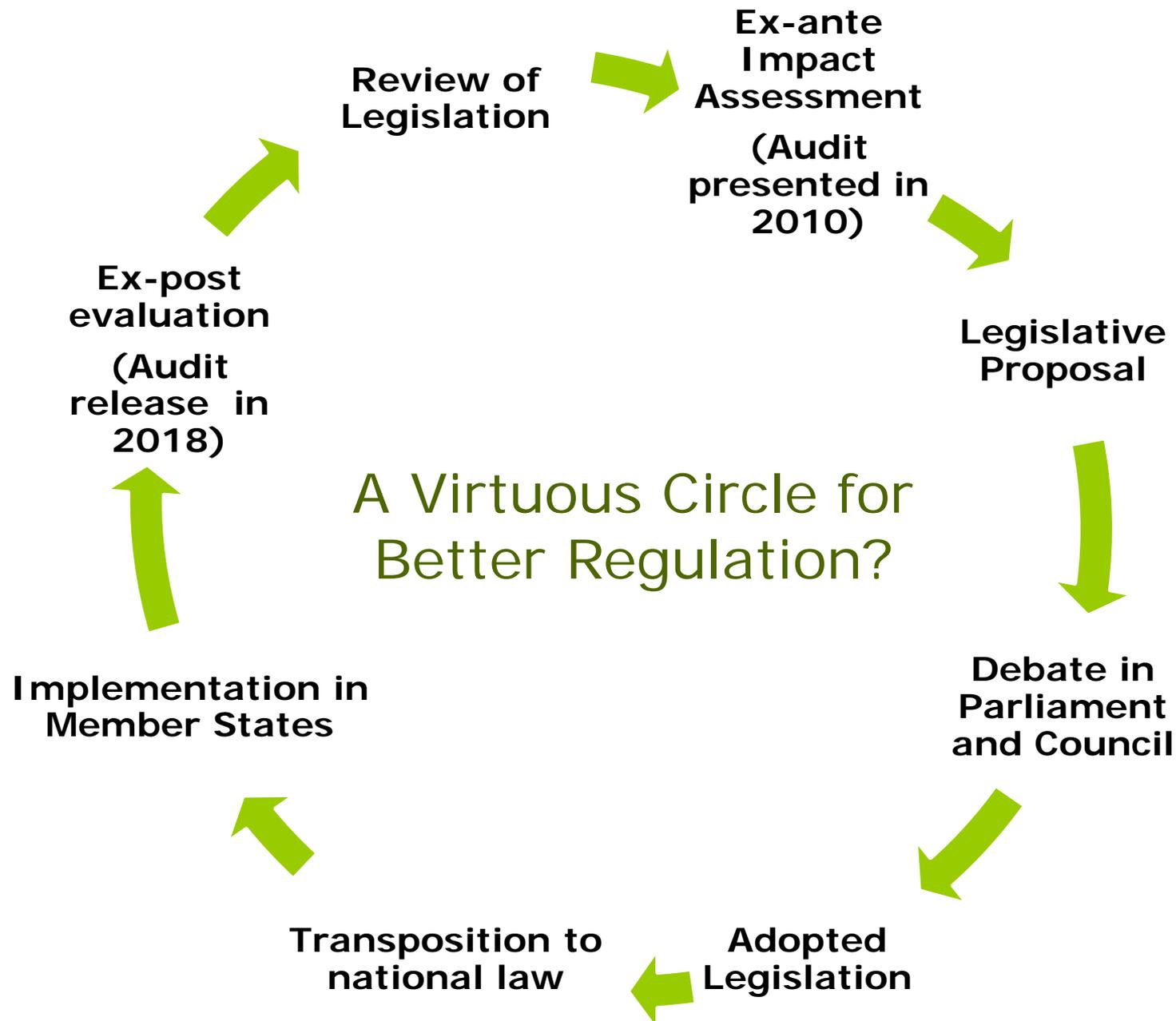




International Symposium: Regulatory Impact Analysis

Round-table 3

Regulatory Impact assessments and similar instruments





1. Impact assessment in the EU institutions

- Better Regulation
 - aims to improve and simplify new and existing legislation
 - is a responsibility of **all** EU institutions involved in the legislative process

- impact assessments contribute to Better Regulation by
 - systematically analysing information about planned European Union legislation and programmes and estimating their likely impact
 - providing a basis for deciding how to address policy challenges



a) Does impact assessment support decision making?

- the Commission has put in place a comprehensive impact assessment system which has been
 - widely used within the EU institutions
 - effective in supporting decision-making

but

- there are areas for improvement regarding the main procedures and also the content and presentation of reports



b) Recommendations regarding content and presentation

The Commission should:

- ❑ put more emphasis on implementation aspects and make more use of *ex-post* evaluations of EU legislation
- ❑ fully analyse the enforcement costs and administrative burden of legislative proposals and use the 'Standard Cost Model' in a consistent way
- ❑ improve the quantification and monetisation of impacts by developing a strategy to improve the quality of data
- ❑ improve the presentation of qualitative analysis and prepare reports that facilitate the comparison of policy alternatives



c) In a nutshell.....

- ❑ the Commission has put in place a comprehensive impact assessment system
- ❑ it has been widely used and effective in supporting decision-making within the EU institutions
- ❑ ***but*** there are areas for improvement regarding the main procedures and also the content and presentation of reports

The European Parliament, the Council and the Commission are urged to consider these recommendations when revising their Inter-institutional agreements on "Better law-making" and the "Common approach to impact assessment"

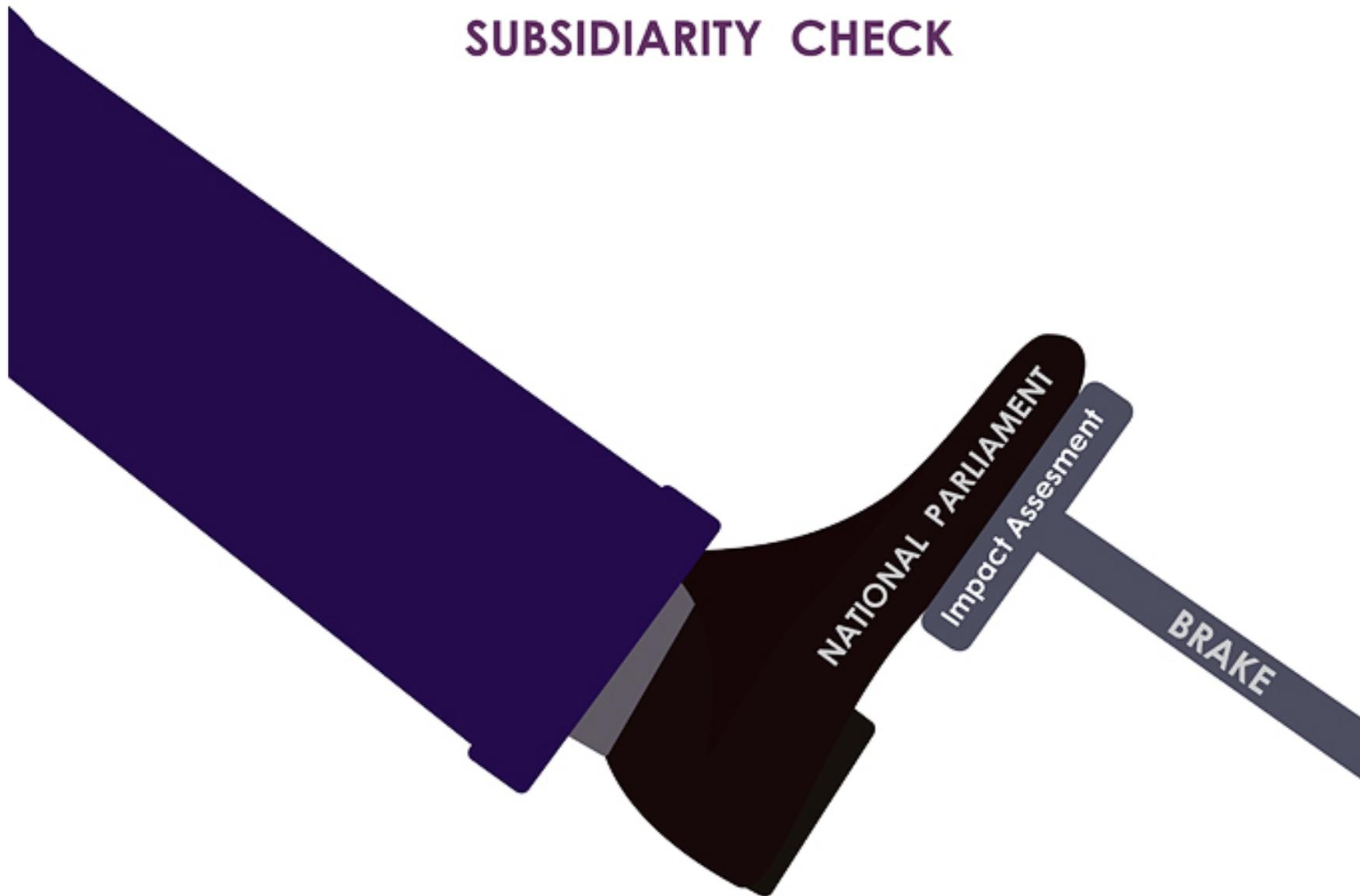


IMPACT ASSESSMENT: WHO TAKES THE RUDDER?





SUBSIDIARITY CHECK





2) Ex-post review of legislation in the EU

- a) **The relevance of inserting clear review clauses in legislation**
 - I. The EP in its rolling checklist on review clauses (2017) found that 80% of all Directives and 65% of all Regulations within its sample contained a review clause.
 - II. Nevertheless, there is no agreed definition of a review clause” in the three institutions.
 - III. Despite the widespread use of review clauses, their content is not clear .



b) The design of the evaluation system

- I. The 2015 EU Commission Guidelines provide a framework under which the Commission can carry out evaluations and fitness checks in a consistent manner across DGs. This is contributing to creating an evaluation culture at the Commission.

- II. A growing number of ex-post reviews are being carried out by the Commission in the recent years – this can also bring up the comment/discussion on how to coordinate efforts between the different institutions (and mainly EC, EP and ECA) on ex-post work so as to avoid duplication and improve synergies.



c) Carrying out ex-post reviews: issue of transparency of the process so external stakeholders can trust the review process and re-use the data

- I. The need for methodology chosen to be explained and described and an indication of its possible limits
- II. The need for data used to be disclosed as much as possible for researchers and other potential interested stakeholders and an indication of the limitation of this data
- III. The need for external/supporting studies to be published together with the Commission evaluation



d) Outcomes of reviews: a growing number of ex-post reviews are being carried out what is the use given to these reviews

- I. Is the Commission providing clear information on what next steps it intends to do based on the conclusions of the ex-post reviews? Is that clearly presented to the co-legislators?
- II. Are co-legislators keeping an eye on the Commission's ex-post review work? Do they make use of the ex-post reviews carried out by the Commission?
- III. Is the "evaluate first" principle respected?



Contact Details:

marc.hostert@eca.europa.eu

+352 4398- 47711

European Court of Auditors
12 rue Alcide de Gasperi
L-1615 Luxembourg