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Regulatory Impact Analysis at EU level

Recent developments and new frontiers

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Recent trends in Impact Assessment in Europe

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How IA fits the EC reform agenda (I)

Action Plan Better Law-making (2002)

Impact assessment	Simplification
Consultation	Scientific expertise
Tripartite agreements	EU agencies
"Comitology" procedure	Application EU law

- IA as a part of a comprehensive reform approach
- IA linked to budgetary / programme cycles
- IA results from a governance-led process

Better Regulation for Growth & Jobs (2005)

V-President appointed for BR (ENTR Commissioner)
Action programme administrative burden

- IA in support of a competiveness-driven approach

How IA fits the EC reform agenda (II)

Smart Regulation (2010)

- closing the policy cycle
- focus on "end-user"
- consultation (→ 12 weeks)
- inter-institutional collaboration (EP, Council, MSs)
- IA & social impacts; benefits
- simplification ("fitness checks")
- consultation (→ 12 weeks)

EU Regulatory fitness (2012)

- unnecessary reg. burden (HLG on Admin. Burden)
- REFIT (Regulatory Fitness & performance)
- 2-page summary
- review of main IA Guidelines by 2014

Key features of the tool (I)

Type of analysis: integrated approach

- single approach / procedure / template
- 3 types of impacts: economic / social / environment

Standardised approach: the 6 steps

1. Identification of the problem
2. Definition of the objectives
3. Development of the main policy options
4. Analysis of the impacts of the options
5. Comparison of the options
6. Outline of policy monitoring and evaluation

Key features of the tool (II)

Scope of application: wide but flexible

- all items in the EC work programme
- additional "major" delegated / implementing acts
- targeting: "roadmap" → "impact assessment"
- principle of proportionate analysis
  - ✓ *significance of impacts*
  - ✓ *political importance*
  - ✓ *stage of the policy development*

Standardised format

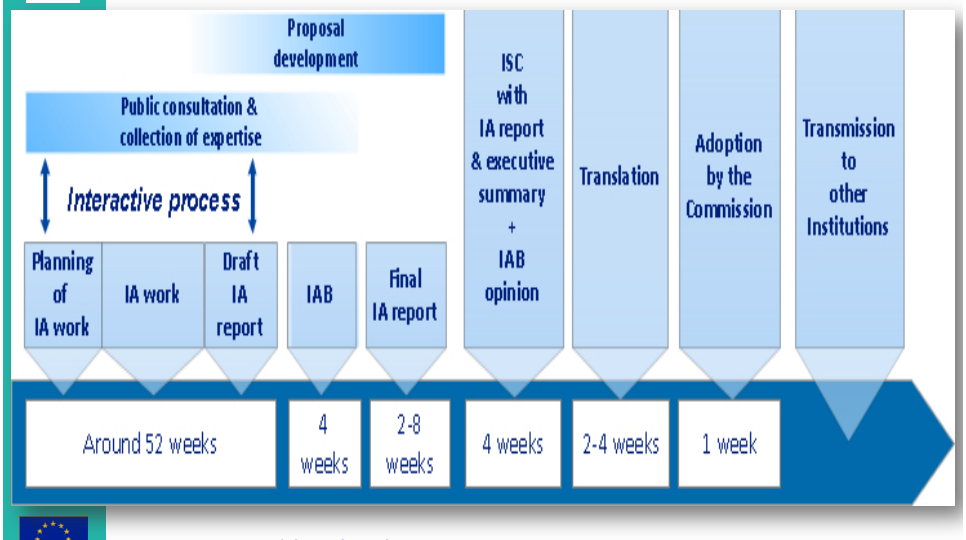
- self-standing document of max. 30pp.
- concise, non-technical language
- annexes

Key features of the process

Procedural steps

- set up IA Steering Group
- consult interested parties
- carry out analysis
- submit draft IA to IAB for opinion
- finalise IA report and circulate it with IAB opinion and draft proposal for inter-service consultation (ISC)
- submit final IA with proposal and IAB opinion to College for adoption
- transmit to other institutions
- publish on single website

Stages and timing



Source: EC, IA Guidelines (2009), p.8

Impact Assessment Board (I)

Internal, independent oversight body

- set up in 2006, enlarged in 2011
- reports directly to EC President
- 9 members (top EC officials, in personal capacity)
- assisted by SecGen

- examines / issues opinions on draft IAs
- advises on methodologies / issues annual reports
- prompts new IAs
- IAB meetings: Chair + 4 rotating members
  - ✓ cope with (extraordinary) workload
  - ✓ conflict of interest

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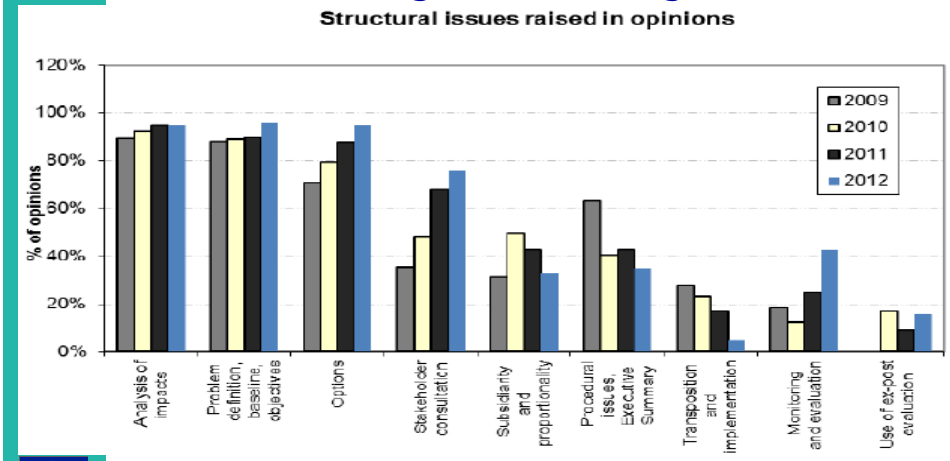
Impact Assessment Board (II)

Quality criteria used

- Coverage, proportionality and balance of analysis
  - ✓ balanced approach (econ. / soc. / env.)
  - ✓ subsidiarity & proportionality
  - ✓ uncertainties and use of data etc.
- Key analytical steps
  - ✓ problem definition
  - ✓ objectives
  - ✓ policy options
  - ✓ impact analysis
  - ✓ comparison of options
- Process and presentation
  - ✓ roadmap, inter-service steering group, report structure
  - ✓ consultation
  - ✓ use of external expertise

Impact Assessment Board (III)

Tighter screening



Source: EC, IAB Report 2012 (2013), p.15

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Supporting structure

State of the art guidelines

- drafted 2003, revised 2005, upgraded 2009
- explain tool, procedures, methodologies
- provide examples (annexes, e-library)
- tailored guidance (territorial impacts, social impacts, fundamental rights, competitiveness, micro-enterprises)

Continuous training / assistance

- SecGen unit (but also external)
- IA-tool

High external accountability

- external evaluations: TEP(2007); ECA(2009); EP(2011); OECD(?)
- role of stakeholders & academia

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What can be learned ? (I)

IA conceived, launched and implemented within a broader design of reform

- re-organising the way the EC works
  - ✓ strategic planning
  - ✓ budgeting
  - ✓ internal coordination
  - ✓ public consultation
- encompassing analysis (integrated approach)
- supporting analyses (more evidence-based process)

What can be learned ? (II)

Mix of decentralised + centralised roles & multiple quality control mechanism

- individual services responsible for drafting IA
- first-hand support by IA units in DGs
- additional aid by SecGen and IAB
- network-approach trough ISC
- progressively: screening role by EP

(Comparatively) high degree of publication

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IA in the EP

New Directorate on IA and EU added value

- since 2012 – IA Unit + STOA
- reviewing Commission IAs
- substantive analyses upon demand
- supporting parliamentary leg. initiatives

IAs increasingly used in EP deliberations

- IMCO preliminary debates
- increasingly relevant for amendments
- single publication portal (EP "Think Tank")

What challenges ahead ? (I)

- Rationalising the scope of application
  - ✓ resources + timing
  - ✓ delegated / implementing acts
- Expanding the analysis
  - ✓ incremental calculations and cumulative impacts
  - ✓ benefits, risk-risk, complex costs, "nudging"
- From "producing IA" to "using IA"
  - ✓ input through IAs
  - ✓ learning

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What challenges ahead ? (II)

- Bridging levels of government
  - ✓ subsidiarity test
  - ✓ capacities at national / sub-national level
  - ✓ diffusion without convergence
- Not only "closing" but also "creating" the policy loop
  - ✓ information "flow" from various analytical sources
  - ✓ integrating public consultation findings

A recent illustrative example

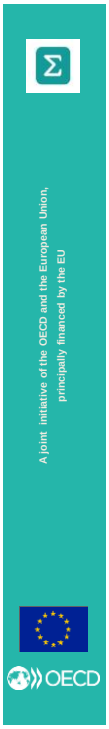
Olive oil served at restaurants (May 2013)

- Refillable jars vs. sealed, labelled, non-reusable bottles
- Implementing measure, already approved
- Consumer protection or EU-super-state syndrome?
- Commission forced to withdraw proposal

… no IA was carried out.

Bridging to some Member State systems

- An oversight "function"?
  - ✓ (D): *Normenkontrollrat* (mandate incl. CC since 2011)
  - ✓ (NL): ACTAL (mandate incl. "advising gvt+parl" since 2011)
  - ✓ (UK): accreditation, NAO
- RIA for legislative simplification
  - ✓ (FR): new SME-Test & MinFIN dedicated unit (2012)
- Supporting analysis
  - ✓ (UK): Impact Assessment Calculator (May'13)
- The Sword of Democles
  - ✓ (IRL): fragmentation, weaker pol. commitment (2011-12)
  - ✓ (ITA): linking RIA with consultation + guidelines (ongoing)



THANK YOU !

Happy to discuss

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