



REGULATORY SCRUTINY BOARD



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EUROPEAN COMMISSION

Regulatory Scrutiny Board

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ANNUAL REPORT 2018

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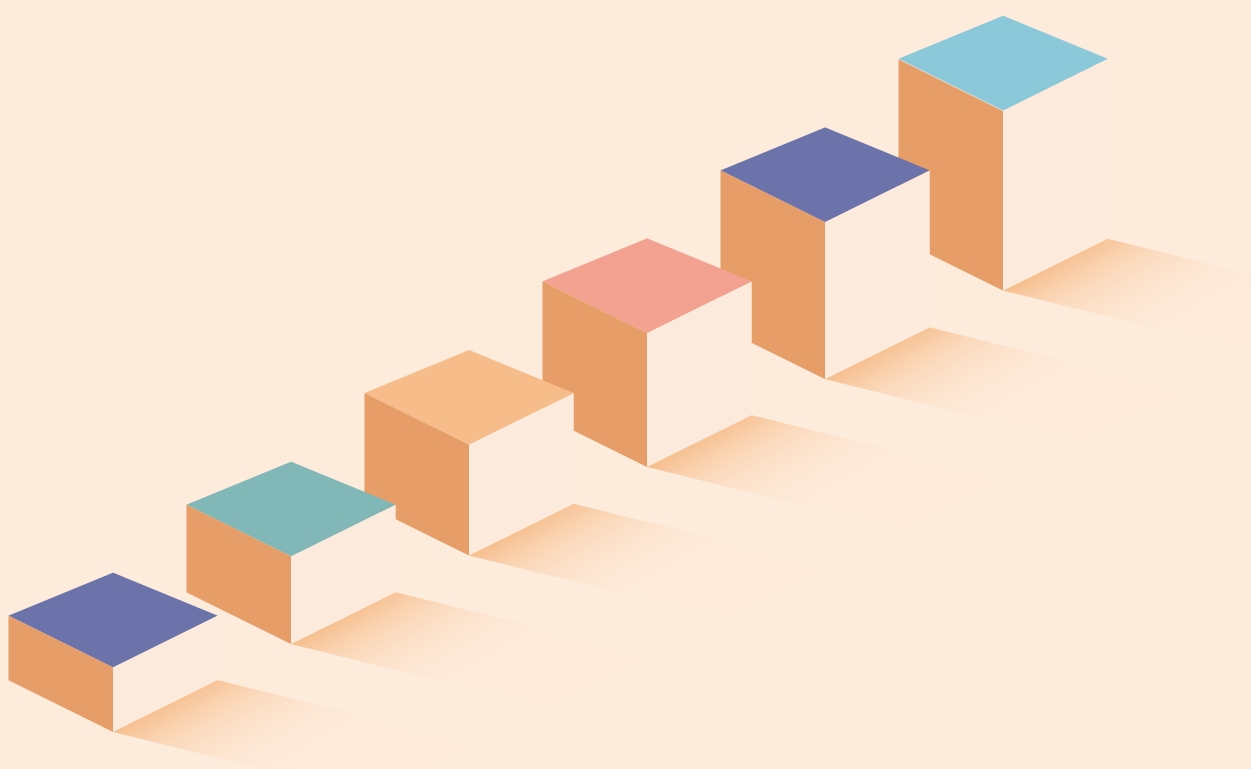


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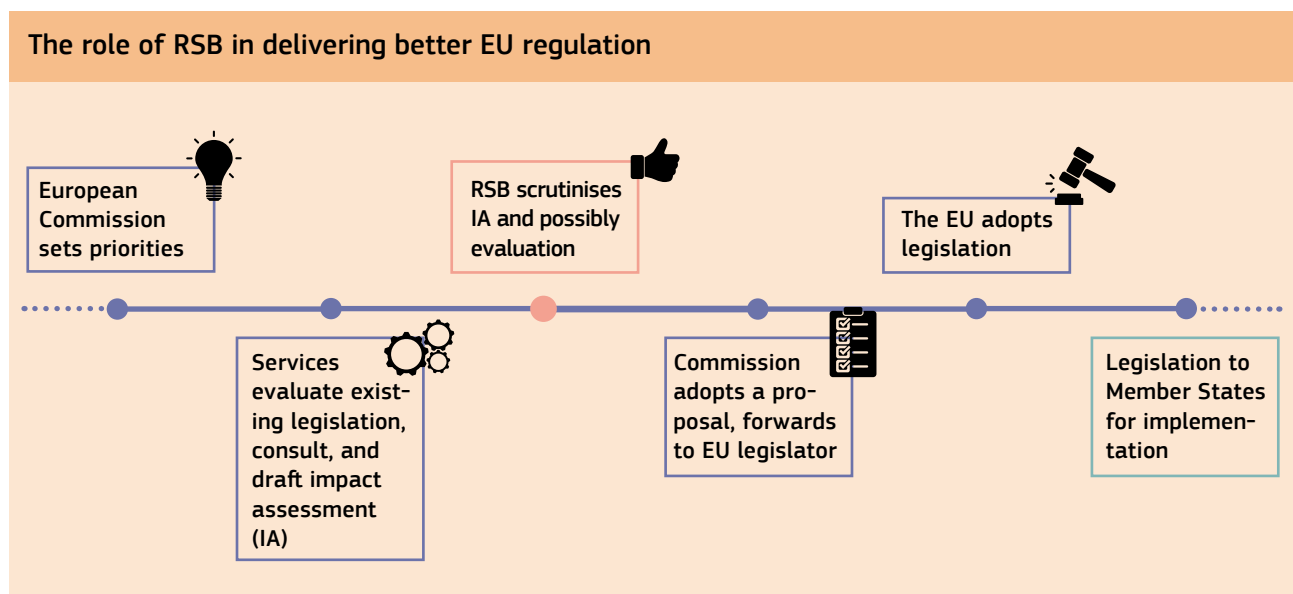
RSB in a nutshell

The Regulatory Scrutiny Board (RSB or ‘the Board’) was set up under the Commission’s 2015 better regulation policy. It scrutinises the quality of impact assessments, fitness checks and major evaluations for the Commission.

The Board is a procedural safety mechanism governed by a mandate ⁽¹⁾. It acts during the early stages of preparing legislation, and it helps to protect Europeans against poorly conceived laws. It also helps to find solutions for evaluations and impact assessments that are meant to inform policy decisions. It allows work that is in good shape to progress quickly with its stamp of approval, but is also able to halt the preparatory process. Any political decision to override the Board requires a public explanation why.

Fast facts:

- The Board is independent and reports to the President of the Commission.
- There are seven full-time members, both from inside and outside the Commission.
- The Board scrutinises all impact assessments, fitness checks and major evaluations.
- All opinions are published.



⁽¹⁾ See http://ec.europa.eu/smart-regulation/better_regulation/documents/c_2015_3262_en.pdf for the full formal mandate.

Foreword by the Chair

I am pleased to report on the third year of work of the Regulatory Scrutiny Board. The Board has further developed its working methods in support of the Commission's drive to ensure that policymaking is transparent and evidence-based. The Commission's success in this regard gained recognition in 2018, including by the OECD and the European Court of Auditors.

2018 tested the Board in a number of ways. Time pressure was unusually intense. The European election cycle obliged services to submit priority proposals in the first half of the year. As a result, the Board reviewed a normal year's workload of files in the first five months.

The Board also exercised its capacity to provide impartial and cross-cutting overviews. The Commission submitted programme proposals for the 2021-2027 budgetary period, supported by 19 impact assessments. The Board reviewed drafts of these reports before budget numbers were proposed, and helped to support internal consistency across the broader exercise. The RSB prepared the ground for this exercise already in 2017, when it systematically reviewed evaluations of the most important or innovative spending programmes.

A focus for the Board in 2018 was on how to draw clearer lessons from the Commission's policy evaluations. End product scrutiny has done disappointingly little to improve some aspects of evaluation quality. Because the Board scrutinises evaluation reports only after services have collected and analysed data, services are usually unable to modify evaluation design or seek additional data in response to specific Board concerns. The Board has therefore insisted that impact assessments anticipate future evaluation needs. This includes explaining what policy success would look like in practice, what indicators would measure progress, and where responsibility lies for collecting relevant data.

The Board recognises that sometimes it is not feasible to produce as reliable numerical estimates as one might wish. There are practical limits to how deeply effects need to be explored. The Board strives to deliver the benefits of scrutiny in a proportionate and common sense way, by using flexibility that is built into the Commission's better regulation guidelines. Less is sometimes more when details get in the way of clarity. Doing this effectively requires credibility. The Board's transparency and independence have been necessary elements in this regard. The Board has also worked hard to build an internal and external reputation for integrity and being thorough.

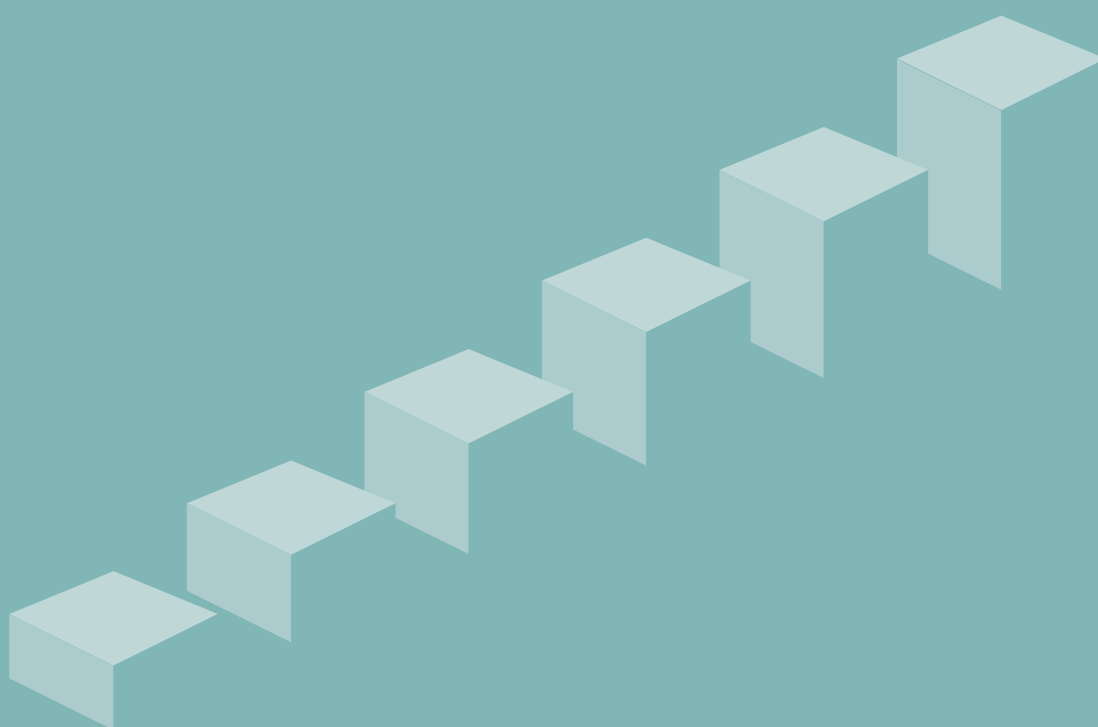
The Board practices what it preaches. It has compiled evidence of its own contribution to better regulation over the past years. It is ready to present this evidence to spotlight how scrutiny has worked so far, at the same time explaining the channels through which the Board contributes to better regulation objectives. The exercise promotes transparency and accountability. It also helps the Board to learn and improve as it delivers on its mission.

When cultural change is an objective, three years is not a long time to show results. That said, stakeholders deserve regular updates on progress made. 2019 will be a year of transition. It will see a changing of the guard at the Commission and the Board. Board members are appointed for a period of three years, so the RSB started its first transition in 2018, with the departure of its chair, two Board members and two assistants. I would like to thank them for their service and wish them well for the future. The achievements of 2018 also owe much to the dedicated support from the Secretariat of the Board, made available by the Commission's Secretariat-General.

Veronica Gaffey

CHAPTER 1

Activities of the Board in 2018



1.1. Performance of the Board in 2018

The RSB has three key performance indicators

Key performance indicators (KPIs) are useful for monitoring how the RSB makes use of its resources and how effective it is.

KPI 1 The number of impact assessments and evaluations scrutinised.

KPI 2 On-time delivery of RSB opinions.

KPI 3 How much the impact assessments improved in quality following interactions with the Board.

The Board scrutinises all impact assessments and fitness checks, and a selection of evaluations. **Table 1** shows 2018 activity in comparison with earlier years (KPI 1). In 2018, the Board scrutinised 76 impact assessments and 11 evaluations.

Table 1. Board scrutiny by year

Year	Meetings	Cases	Negative opinions	Initial rejection rate
Impact assessments				
2016	22	60	25	42%
2017	23	53	23	43%
2018	27	76	21	28%
of which MFF		19	5	26%
Non-MFF		57	16	28%
Evaluations				
2016		7	*	
2017		17	7	41%
2018		11	3	27%

*In 2016, evaluations received opinions with comments, without 'positive' or 'negative' mention.

Early 2018 was unusually busy.

This was a considerably higher number of impact assessments than in previous years. It included a cluster of 19 impact assessments that fed into the next multiannual financial framework budgeting exercise (MFF, see **Box 1**). Most of the impact assessments were produced on a compressed time schedule in order for co-legislators to be able to consider Commission proposals before European elections in May 2019.

Box 1. What is the MFF?

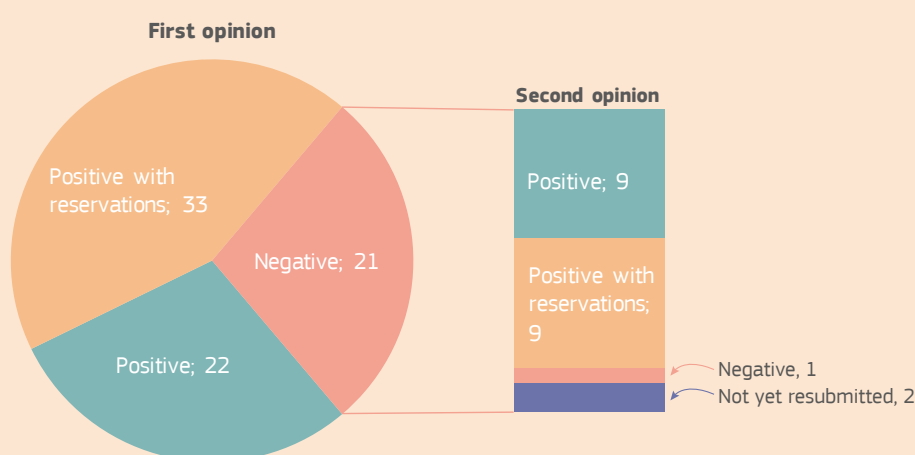
The Multiannual Financial Framework (MFF) is the EU's long-term budget. It sets the maximum level of spending by broad categories, with indicative amounts for each spending programme. It also defines the sources of budgetary revenue. Each annual budget has to respect limits set by the MFF. In 2018 the Commission proposed an MFF for 2021 through 2027, together with legal bases for the future individual spending programmes that define how funds would be spent. Under the new MFF, the Commission proposed to reduce the number of programmes by more than a third, introduce a single rulebook, and increase flexibility within and between programmes. The Commission also proposed to strengthen the focus on performance across all programmes, including by setting clearer objectives and focusing on a smaller number of higher quality performance indicators. Programme proposals were supported by tailored impact assessments, which were all reviewed by the Board. Impact assessments were not required for a number of smaller-scale programmes whose broad content and structure would not change.

The RSB rejected drafts less often.

The Board reviews some files more than once. Impact assessment reports require a positive opinion from the Board to move forward. If the Board rejects the initial submission, services revise the draft and resubmit.

The initial rejection rate was 28% in 2018 (see **Table 1**). This was lower than in previous years. Chapter 3 examines this improvement in more detail. The vast majority of resubmissions have been up to standard. The Board delivered only one second negative opinion on an impact assessment ⁽²⁾. In 2018, 29 % of initial submissions received a positive opinion. To avoid delays, the Board sometimes gives a conditional stamp of approval to work that still needs improvement in some important respects, on the understanding that listed shortcomings are appropriately addressed. This was the case for the remaining 43 %, which received a positive opinion with reservations.

Figure 1. Resubmitted impact assessments were usually much improved over initial submissions



⁽²⁾ On 20 April 2018 the Board delivered a negative opinion on an impact assessment regarding 'Sustainable Finance Initiative — fiduciary duty.' On 4 May the Board gave a negative opinion to a revised impact assessment. The Commission's political level requested that the Board exceptionally agree to review one more revision of this impact assessment. On 14 May the Board delivered a 'positive with reservations' opinion to this third submission. Descriptions of how services took the Board's concerns into consideration can be found in Annex 1 of the **final impact assessment**.

The Board's reviews were done on time.

In line with the second KPI, the Board delivered all its opinions on time. The written opinion is normally available to internal stakeholders within three working days of the Board's meeting with services. The Commission publishes all Board opinions on an initiative when it has agreed on a proposal. The opinions also accompany the file through the process of co-legislation.

Most evaluations received positive opinions.

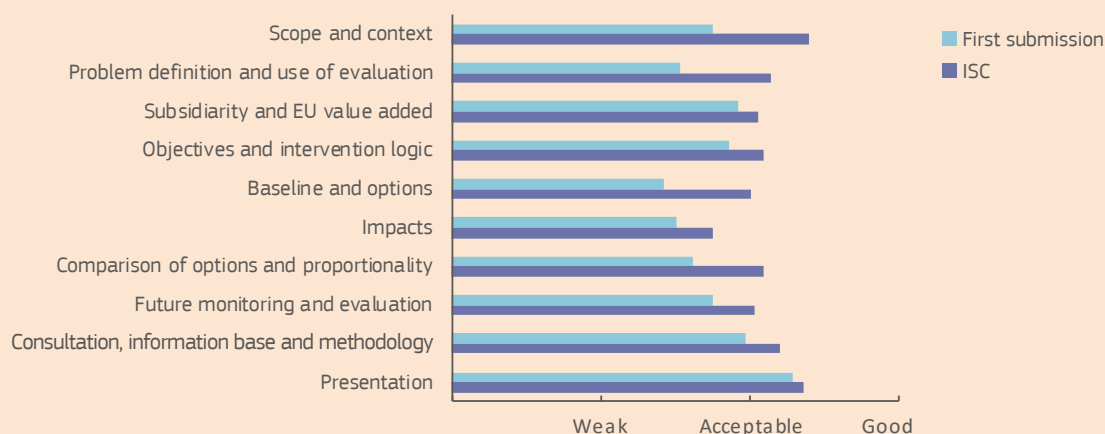
For evaluations, the rejection rate was also lower than in previous years. Most of the 11 submissions met the quality standards, and only three received negative opinions. The sample size is nevertheless too small to support general conclusions about structural improvement over previous years. The lower rejection rate for evaluations partly reflects better transparency about the limits of what evaluations have been able to say with confidence. The Board has accepted that when it is too late in the process to add evaluation questions or collect additional data, an evaluation report that has complied with the Commission's better regulation guidelines can generally receive a positive opinion from the Board, if it is fully transparent about its limitations.

1.2. Reports improved after Board review

The Board looks systematically at certain components.

Figure 2 shows the broad range of impact assessment characteristics that the Board reviews. Impact assessments that arrived to the Board tended to score better on some characteristics than on others. By the interservice consultation (ISC) stage ⁽³⁾, when services had revised reports to take into account the Board's feedback, the biggest improvements were mostly in areas that were initially the weakest. This included problem definition, use of evaluation, the design of options and their comparison. There were also major improvements in describing policy contexts and appropriately defining the scope of intervention. Quality improved in all ten dimensions, ultimately reaching or exceeding acceptable levels in all but two ⁽⁴⁾.

Figure 2. Impact assessment quality averages in 2018



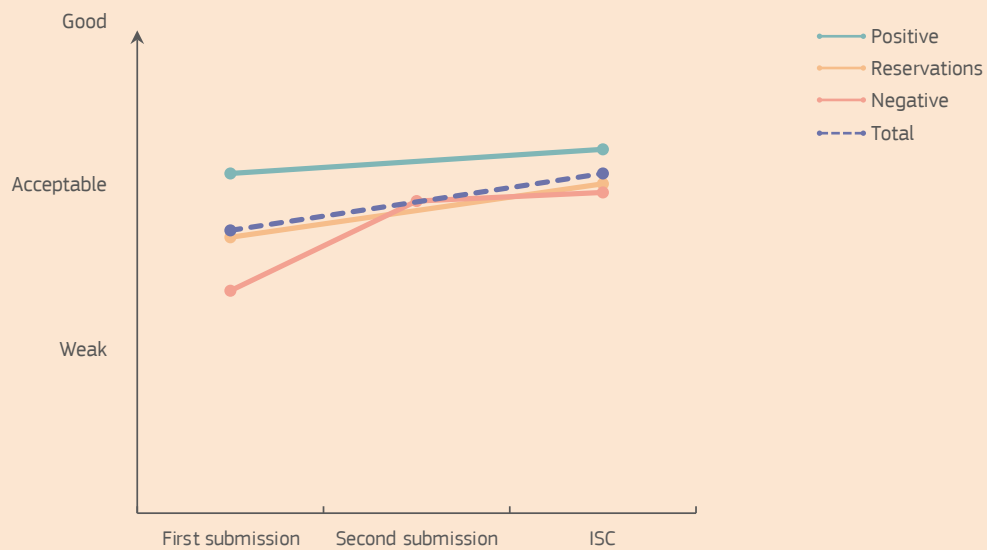
Services fixed most problems.

Overall, impact assessments improved considerably following Board opinions (KPI 3). Figure 3 shows that the weakest impact assessments tended to improve the most. The final quality of impact assessments that the Board ultimately approved was both better and less variable.

⁽³⁾ Interservice consultation is the step where services jointly finalise a Commission proposal and impact assessment for the College of Commissioners to deliberate and act upon.

⁽⁴⁾ In 2017, improvements led to quality levels that exceeded acceptable levels in all areas. Issues that the RSB flagged in 2018 with regard to impacts, including quantification and the range of different impacts, appeared to be challenging to address well at the late stage of the process that scrutiny took place.

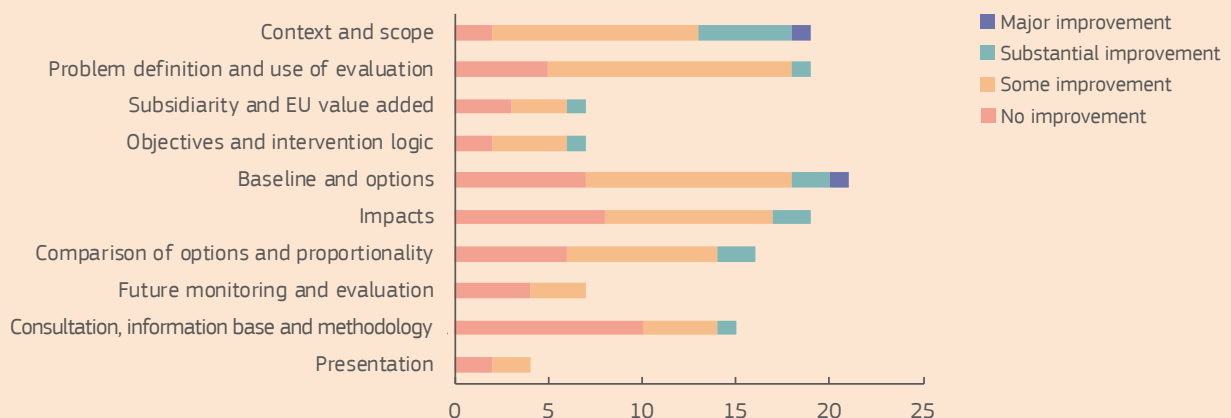
Figure 3. Improvement of impact assessment after submission to the RSB



Negative opinions led to more improvements...

Services seem to have taken Board concerns especially seriously when the opinion was negative. **Figure 4a** shows the number of impact assessments with negative assessments that suffered from particular shortcomings, and the extent that services made improvements that responded to Board concerns. Not all of the concerns may have been possible for services to address to the Board's satisfaction, given time and other constraints. That which did not get fully addressed remained weak points of the impact assessment, and the Board's opinions helped provide transparency about decisions that involved greater amounts of uncertainty.

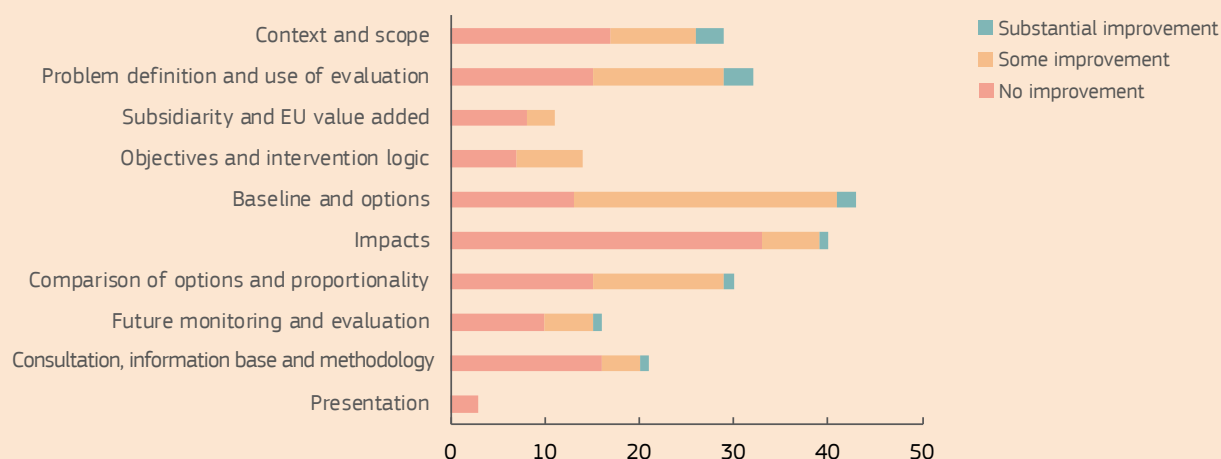
Figure 4a. After an initial negative opinion, services were responsive to Board concerns in 2018



...than did 'positive with reservations.'

There is a learning process, and the Board's 'reservations' also help deliver improvements. Nevertheless, **Figure 4b** shows that when a submission received a positive opinion with reservations, revised reports were less likely to show as much improvement. This could indicate a need for better follow-up on reservations. Section 3.2 explores this in greater depth.

Figure 4b. Improvement after 'Positive with Reservations' opinion (1st or 2nd) – 2018



1.3. New this year: a focus on evaluation in the policy cycle

Evaluations should be thought of as part of a cycle.

The Board pro-actively advises the Commission's Secretariat-General on guidelines to services about methodologies and practices. In 2018, the Board put particular emphasis on evaluations and their proper inclusion in the policy cycle.

The Board repeatedly spotted issues...

The Board reviews evaluations at a stage where services have completed their analytical work. Too often, the Board encountered evaluation reports that were not asking the appropriate evaluation questions or could not answer them. Sometimes reports presented volumes of data without meaningful benchmarks for what success would look like. At other times, key data were simply not available. When redoing the evaluation was not practical, the Board could only ask for clarity about what the evaluation could and could not establish. The Board has also made itself available for early 'upstream' meetings on evaluations. Services have found these helpful, but even upstream meetings are mostly too late to address data and design issues. In effect, design problems are not solved through more scrutiny of reports. Fixes need to come earlier.

...that could have been avoided by more advance preparation.

The Board checks for such planning at the impact assessment stage.

To reduce such problems going forward, the Board has focused on the standard section of every impact assessment that explains how an initiative would later be monitored and evaluated. The Board has asked that this section explain what success would look like, in a way that makes it possible to formulate testable hypotheses. The section should explain what indicators would be used, who would be responsible for gathering these data, against what benchmarks success or failure would be judged, and when an evaluation should take place. Section 3.5 further explores the quality of evaluations and their interaction with impact assessments.

1.4. Specific this year: RSB contributes to stronger MFF preparations

The MFF broke new ground for the Board.

A significant part of the Board's work in 2018 involved ensuring the quality of impact assessments for MFF spending programme proposals. The format and timing of RSB scrutiny were adapted to the needs of the MFF exercise. Following systematic 'upstream' meetings in which the Secretariat-General, DG Budget and the Joint Research Centre (JRC) all participated, the Board scrutinised all 19 impact assessments in a period of less than one month.

MFF impact assessments were structured differently, so they required a modified template.

MFF impact assessments required a modified report template that would address issues that are specific to spending programmes. The nature of broad spending proposals is that they have many sub-components that fit within one overarching envelope. Individual MFF impact assessments therefore relate to each other, so they need to discuss in some detail issues of coherence and EU value added. The modified template also needed to accommodate certain cross-cutting objectives of the new MFF, including flexibility, simplification, coherence and synergies, and a focus on performance. Most of the analysis in the MFF impact assessments related to programme structure, spending priorities and delivery mechanisms. The individual impact assessments did not discuss budget options of individual programmes, because the budget was part of the overall MFF decision.

There was a focus on EU transparency and accountability.

The Board worked with the Secretariat-General to design such a template. This template put relatively high emphasis on ensuring future accountability. Services needed to either identify indicators and targets to measure success of the programme, or explain how and when these would be defined. The template asked what existing or new data sources would be used. The standard format of the legal proposals for the spending programmes also contained more consistent wording on conducting future evaluations.

Because there was no budget envelope, it was too early to analyse options and impacts.

The Board scrutinised the MFF impact assessments at an earlier stage than other impact assessments. Crucial factors such as the size of the budget allocations or the structure and interaction of some programmes were not yet known when the Board issued its opinions. It was therefore expected that impact assessments would still evolve considerably after the Board's review, once the Commission had made its overall MFF proposal. The Board was aware of time pressures facing services and tightened its review timetable to minimise delays. Time pressures did not prevent the Board from issuing negative opinions when quality fell short of standards.

The Board offered a unique cross-cutting perspective.

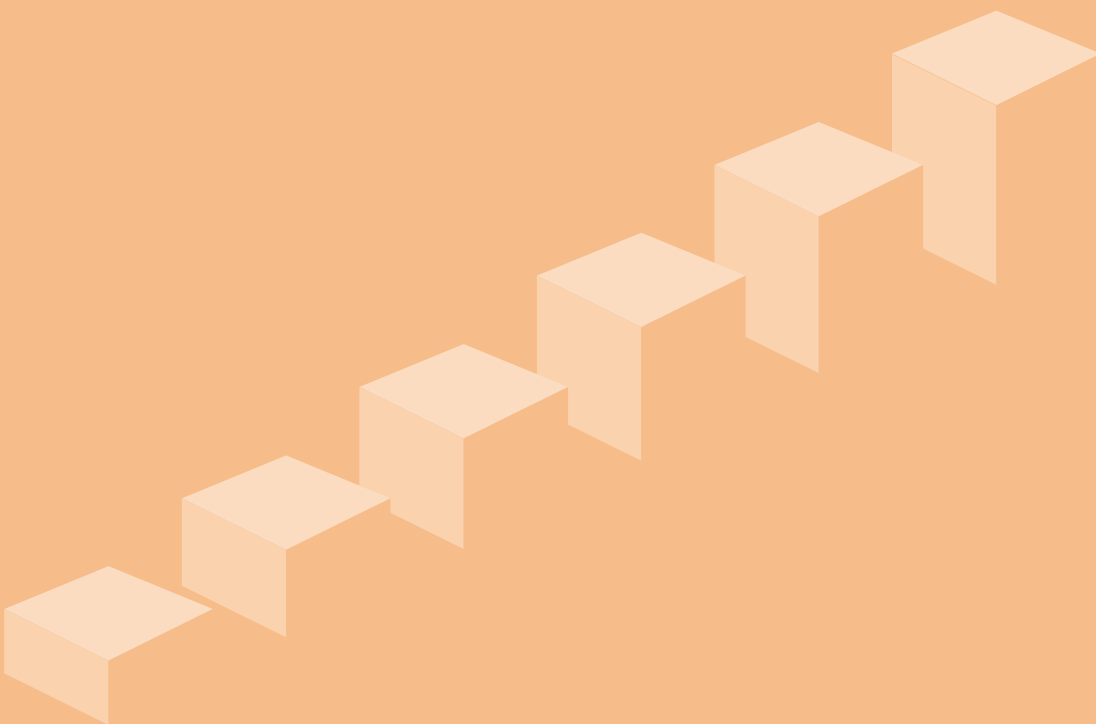
Because of its unique position where it sees all impact assessments and major evaluations, the Board was well placed to provide cross-cutting advice. The Board had prioritised scrutiny of MFF programme evaluations in 2017, and was able to integrate its conclusions on these evaluations into its advice. This helped to strengthen the feedback from evaluations into impact assessments.

Overall, preparations for the MFF illustrated the importance of adapting the content of impact assessments to the features and needs of each exercise (see also Section 3.1). It also illustrated the Board's capacity to draw on its range of experience to provide cross-cutting advice. In preparing this generation of future programmes, there was more attention to performance and performance measurement. This should reinforce the cycle between impact assessments and evaluations (see also Section 3.5).

Although preparations started long beforehand, the actual establishment and scrutiny of the impact assessments took place in a very limited time period. The Commission could reflect on how to best foster evaluation and impact analysis in the special case of the preparatory processes for the next MFF. Timely drawing of lessons from the current exercise would probably improve the quality and usefulness of impact assessments for the next one.

CHAPTER 2

How the Board
delivers value-added



2.1. The core task of the RSB: quality assurance for impact assessments and evaluations.

The Board helps ensure that reports are fit for purpose.

The Board's core task is to scrutinise the quality of impact assessments, fitness checks, and major evaluations. Impact assessments come at early stages of preparing legislation. They are helpful for designing and explaining policy proposals. Good impact assessments help address legitimate public policy needs while protecting EU citizens against poorly conceived regulation. Good quality evaluations help inform the context and options of an impact assessment.

Three main audiences include Commission staff...

In its work, the Board needs to consider three different audiences (Table 2). The first is Commission services, who need clarity about the Board's concerns and how to revise the final impact assessment to address them. The Board aims to work constructively, helping Commission staff to find and fix problems with draft impact assessments and evaluations.

...policymakers...

The second audience is policymakers, including the College of Commissioners, the Council, and the European Parliament. Policymakers are primarily interested in the reliability, clarity and usefulness of impact assessments in explaining the political decisions to be taken and the consequences of various policy options. The Board's opinions should signal for them any material weaknesses in the file. Positive opinions should represent the Board's certification of integrity and sufficient analytical quality. A positive assessment from the Board provides quality assurance to the political level of the Commission and helps ensure that initiatives take due account of factual information and stakeholders' views before political decisionmakers consider what action to take, if any.

... and the public.

The third audience is the general public, which requires transparency in order to have confidence in the legitimacy of the process and to properly engage in the political process of EU law-making. Publishing the Board's opinions helps to achieve this.

Table 2. The Board's opinions have both internal and external audiences

Audience	Location	Main interest
Commission services	Internal	How can we improve our reports?
Policymakers	Internal and external	How well does the report explain the political decisions we need to take, their effects and risks?
Stakeholders, general public	External	What is the EU deciding, and on what basis? Have my concerns been considered?

Scrutiny also involves helping to make the report better.

The Board interacts with services several times on each file.

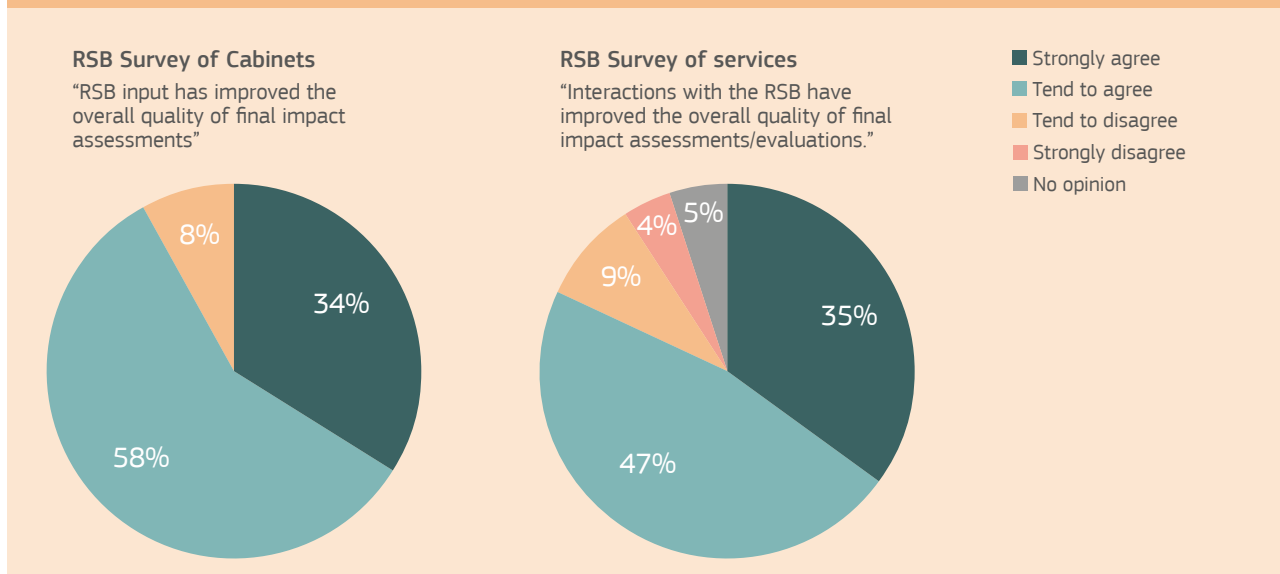
Within the Commission these interactions are seen as constructive, both collectively...

Besides delivering opinions, the Board's scrutiny process also involves some back and forth interaction with Commission services to provide feedback that services act upon to improve their draft reports. Services find timely and constructive input to be more helpful than criticism. When services submit an initial draft, the Board first provides file-specific feedback and recommendations via a quality checklist. Services formally meet with the Board about three working days later to discuss. The quality checklist helps the services to consider in advance and possibly respond to issues that the RSB raised, and to prepare to discuss specific questions during the Board meeting. Within three days after the formal Board meeting, the Board issues a formal written opinion based on the draft report and the discussions at the meeting. If the Board issues a negative opinion for an impact assessment, services normally have one chance to revise and resubmit.

Findings from two internal confidential surveys confirm what the Board's statistics are saying: these interactions result in higher quality impact assessments and evaluations ⁽⁵⁾. The left pie chart in **Figure 5** shows results from the survey of members of the Commissioners' cabinets (private offices). Respondents agreed by a large majority that Board input has improved the overall quality of final impact assessments.

Similarly, more than 80 % of respondents from the services agreed that interactions with the Board improve the quality of impact assessments and evaluations (pie chart on the right). Respondents in senior management positions tended to consider the work of the Board even more positively than did policy officers, with fewer incidences of 'no opinion.'

Figure 5. Members of Cabinets and services widely agree that RSB input has improved final impact assessments and evaluations



⁽⁵⁾ The survey among Commission services was sent to about 900 staff of which 237 responded. The survey among cabinets was sent to about 200 members of Commissioners' private offices, of which 12 responded.

...and individually.

Survey results were also broadly favourable for each interaction taken separately. More than 70% of Commission services respondents agreed that quality checklists, Board meeting discussions and Board written opinions contribute to better quality impacts assessments and evaluations. Some also suggested ways to improve. For Board meetings, many respondents commented that the one hour meetings were too short and that it would be desirable to have more time prior to the meeting to send written replies to the questions raised in the quality checklist. Regarding the RSB opinion, many respondents said that the RSB should take into account services' time constraints.

Evidence from outside the Commission also supports this.

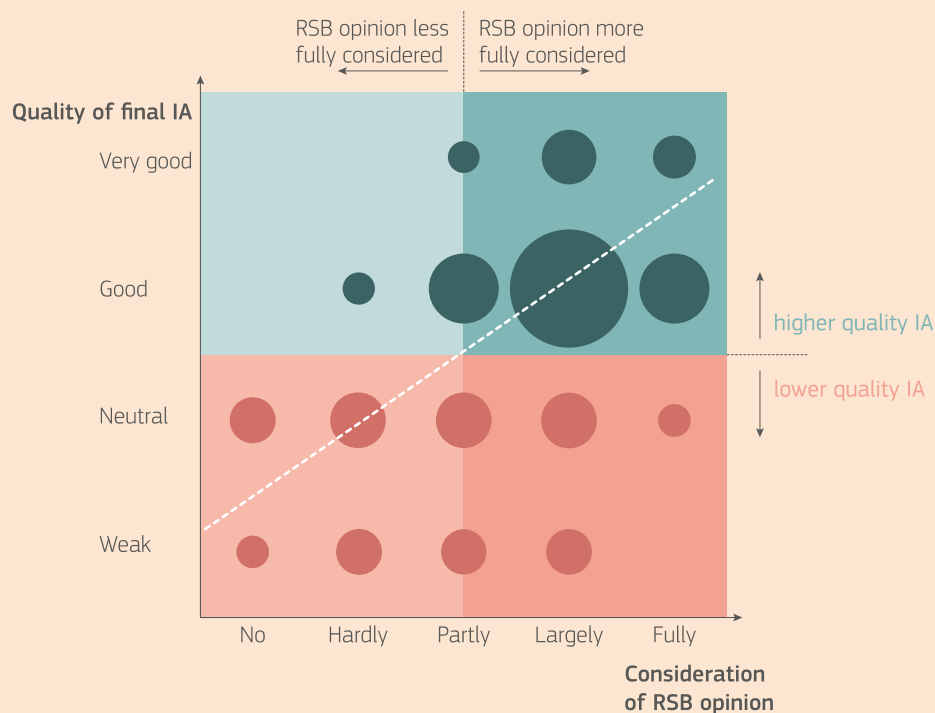
Briefings for Members of the European Parliament (MEPs) prepared by the European Parliament Research Service (EPRS) also suggest that RSB scrutiny contributes to better quality impact assessments. The EPRS produces appraisals of selected Commission impact assessments. Within these briefing papers, the EPRS considers the RSB opinion and provides its own opinion of how well the impact assessment has followed up on RSB concerns.

Analysis of a random sample of 50 EPRS briefings from 2017 and 2018 suggests that the quality of impact assessments is higher when the final report takes into account issues that the Board raised. This emerges from the bubble diagram in **Figure 6**. The bubbles plot EPRS observations of impact assessment quality and the extent to which they appear to have considered RSB concerns ⁽⁶⁾. A larger bubble size indicates a larger number of cases. Reports that fully or largely considered the RSB opinion tended to be of better quality (upper-right quadrant). Specifically, 24 of 30 (80 %) of final impact assessments that fully or largely responded to RSB criticisms were of good or very good quality.

⁽⁶⁾ The EPRS briefings do not use the categories 'very good', 'good', 'neutral' and 'weak'. The allocation was carried out by the RSB based on the conclusions in the EPRS briefings:

very good	overall appraisal positive, no or only minor remarks for improvement
good	overall appraisal positive, but minor missing elements or some remarks for improvement
neutral	balance of positive and negative remarks, significant room for improvement
weak	overall appraisal negative

Figure 6. Final reports that considered the RSB opinion more fully seem to have higher quality, according to EPRS data



By contrast, less consideration of RSB concerns correlated with lower quality reports (lower-left quadrant). Eight out of nine (89%) final impact assessments that the EPRS thought had mostly ignored RSB concerns were also of lower quality. Thus, it seems that if services had the time and resources to adjust draft impact assessments after the RSB gave its opinion, the adjustments did indeed improve final report quality.

2.2. RSB contributions upstream of the scrutiny process

The Board also helps before the scrutiny stage.

The RSB also pays attention to what happens before reports even arrive for scrutiny. Commission services rely on an evolving set of guidance and tools to help them deliver high quality impact assessments and evaluations. There is value in supporting the availability and use of such tools.

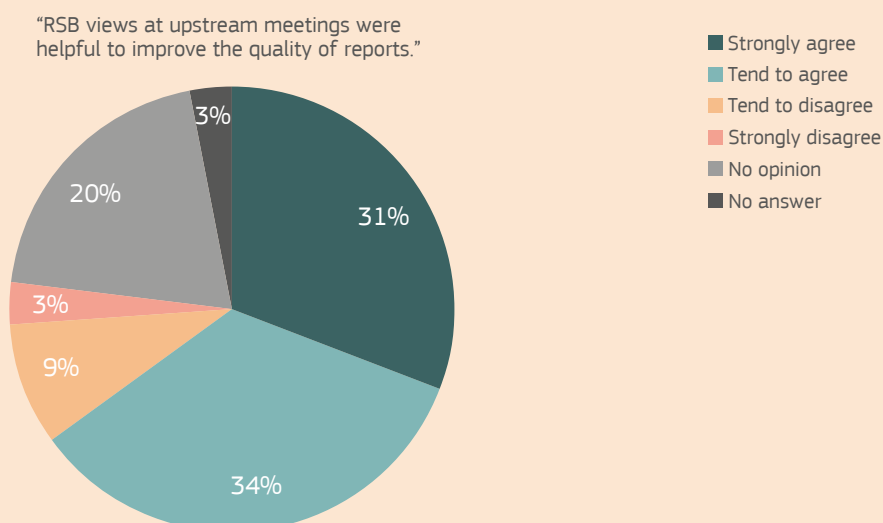
It conducts 'upstream meetings'...

To this end, the Board has made regular use of 'upstream meetings' to learn about and provide early feedback and advice to the services for more challenging draft impact assessments and evaluations. Upstream meetings take place several weeks or months before the Board receives the file for scrutiny. They involve an informal back and forth discussion where the Board learns about the file, and services receive early feedback on what Board members expect and consider to be important. Upstream meetings are usually followed up with informal minutes that list main suggestions. The Board organised 39 of these meetings in 2018, covering 45 initiatives, including all 19 MFF files. Upstream meetings are voluntary but have proven popular and have increasingly become established practice.

...which have been popular with services.

Feedback from services on upstream meetings has generally been positive. **Figure 7** shows that a large majority of respondents to the anonymous internal survey of Board interlocutors agreed that upstream meetings resulted in higher quality reports and made the scrutiny process smoother. A relatively high share of 'no opinions' is likely due to the fact that many respondents had not participated in any upstream meetings.

Figure 7. Services respondents broadly agree that upstream meetings have contributed to better impact assessments and evaluations



The Board also helps develop better methodologies.

Services also need to draw on sound practices and methodologies. The RSB plays a role on these points as well. On one hand, the RSB engages with the services on selection and use of methodologies and models. The objective is to test and confirm their robustness and reliability to support findings in impact assessments and evaluations.

On the other hand, the RSB gathers input from experts to improve its advisory function. To this end the Board engages in discussions with experts from inside the Commission such as the JRC. It organises its annual conference to report on its activities and to stimulate exchanges on regulatory scrutiny practices. It also engages with external interested parties such as the OECD, regulatory oversight bodies of Member States, and academics. In 2018 for example, the Board organised a workshop on quantification. It has also joined various external events on issues such as evaluation methodologies, better regulation mechanism and regulatory scrutiny, to stay informed about emerging issues and best practices.

2.3. RSB contributions downstream of the scrutiny process

The Board pays attention to what happens after files leave its hands.

Good evaluations and impact assessments should support the decision-making process. What happens downstream of scrutiny is therefore critically important. As discussed above (see **Table 2**), people both inside and outside the Commission use the reports that the Board has scrutinised, and the Board's opinions.

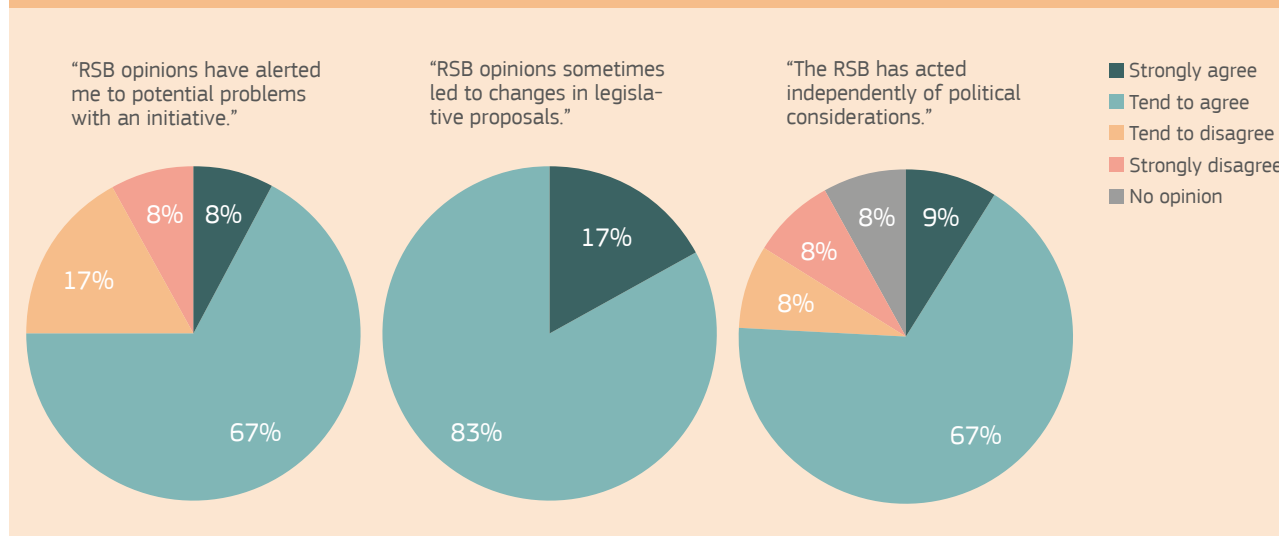
Its opinions should be useful and used by policymakers.

The 2016 Interinstitutional Agreement on Better Law-Making emphasised the impact assessment as a tool for taking well-informed decisions but not a substitute for political decision-making ⁽⁷⁾. How useful is it as a tool? Even the best impact assessment or evaluation is of little value if its insights are not well communicated to policymakers and stakeholders ⁽⁸⁾. Likewise, for policymakers and the public, RSB final opinions need to be easy to absorb. This means that the Board needs to make them readily available, reader-friendly and to the point about any remaining concerns.

This seems to be the case both inside the Commission...

There is evidence that policymakers are finding impact assessments and RSB opinions to be helpful to their deliberations. Commissioners pay attention to RSB concerns. The anonymous RSB survey of members of the Commissioners' cabinets suggests that policy approaches were sometimes reconsidered or adjusted after the RSB voiced concerns about the associated impact assessment (see **Figure 8**). Most respondents also seemed to consider the Board's opinions as a politically neutral source of information.

Figure 8. Results from Survey of Cabinets on usefulness of RSB opinions and the RSB's independence



⁽⁷⁾ See European Parliament, EPRS, *Interinstitutional agreement on Better Law-Making*, At a Glance, March 2016

⁽⁸⁾ Clause III 14 of the interinstitutional agreement reads: "The European Parliament and the Council, upon considering Commission legislative proposals, will take full account of the Commission's impact assessments. To that end, impact assessments shall be presented in such a way as to facilitate the consideration by the European Parliament and the Council of the choices made by the Commission."

...and with co-legislators in parliament...

In the European Parliament, the EPRS reviews impact assessments, taking note of the RSB opinions. These EPRS briefings, together with the impact assessment and the RSB opinions, have apparently become important sources of information for Members of Parliament. It has reportedly become a standard practice for the EPRS to present the Commission impact assessment before parliamentary committees.

...and the Council.

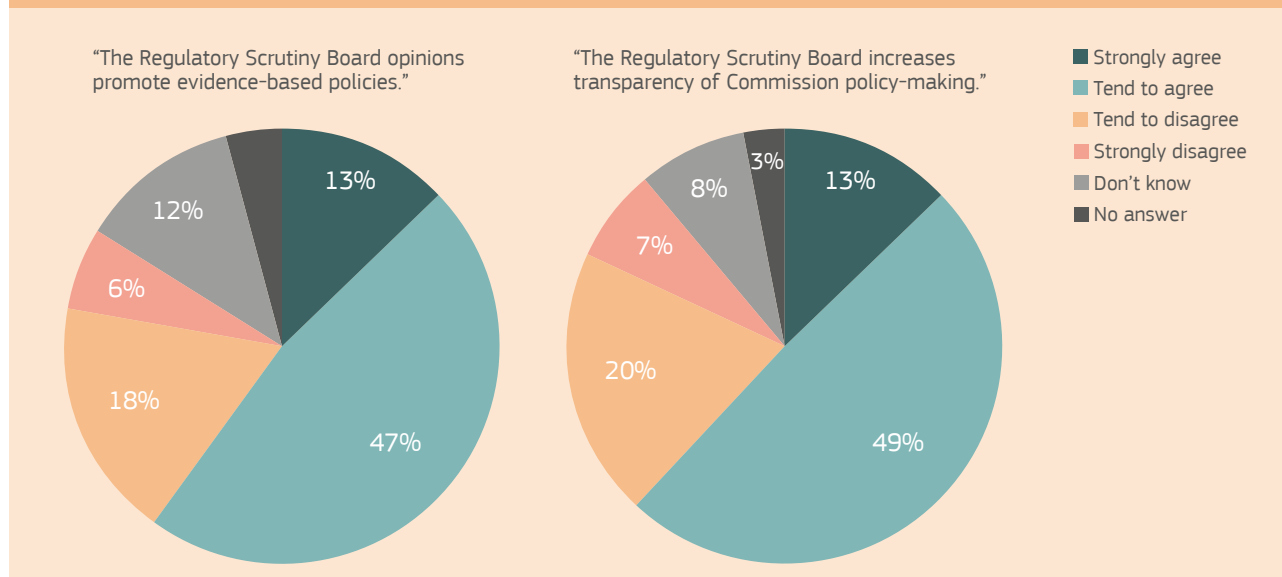
There is also evidence that the Council systematically consults Commission impact assessments. This emerges from notes from COREPER meetings and the 2017 Annual Report on Impact Assessment within the Council ⁽⁹⁾. According to this report, the opportunity to examine the Commission's impact assessments is highly appreciated and seen as facilitating well-informed discussions.

Members of the general public who know about the RSB mostly have a favourable opinion.

Outside stakeholders take an interest in how the Board performs scrutiny. In an open public consultation, a majority of respondents that claimed to be familiar with the RSB agreed that the RSB opinions promote evidence-based policies and that the RSB increases the transparency of Commission policy-making (Figure 9). Responses came in almost equal shares from private individuals and special interest organisations. Both groups of respondents responded similarly.

Peer review of scrutiny practices from the OECD and national counterparts has been broadly favourable. National supervisory bodies have met with the Board and have provided feedback on its activities, based on experiences with regulatory scrutiny at the national level. Response to the Board's activities has also included requests for advice on building national institutions.

Figure 9. Respondents to an open public consultation have a mostly favourable view of Board scrutiny



⁽⁹⁾ Council of the European Union: Impact assessment within the Council - 2017 Annual Report, <http://data.consilium.europa.eu/doc/document/ST-8849-2017-INIT/en/pdf>.

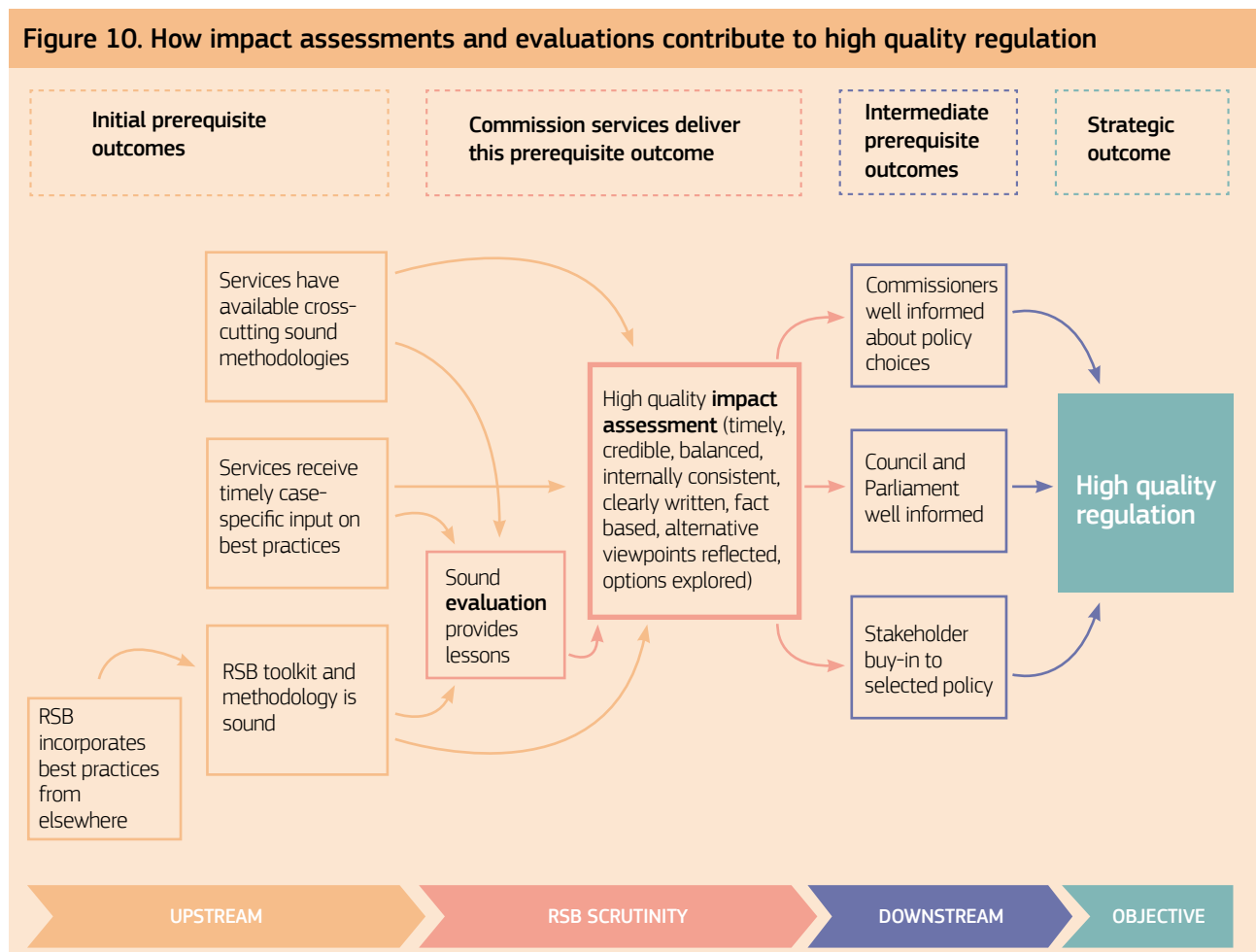
2.4. Putting it all together: charting the logic of RSB activities

The system of producing EU laws can be mapped to show where and how the Board contributes.

The Board contributes indirectly and through several channels to the strategic goal of developing high quality regulation. To see this, it is helpful to consider high-quality regulation as a desired strategic objective and then consider what intermediate operational outcomes would also need to be achieved. **Figure 10** illustrates a sequence of outcomes that the RSB contributes to in various ways. The strategic outcome of high-quality regulation appears at the right. To the left of that are different stages of intermediate outcomes. Each shows prerequisites to reaching the next stage. In effect, the RSB needs to contribute appropriately to each of the stages in **Figure 10**.

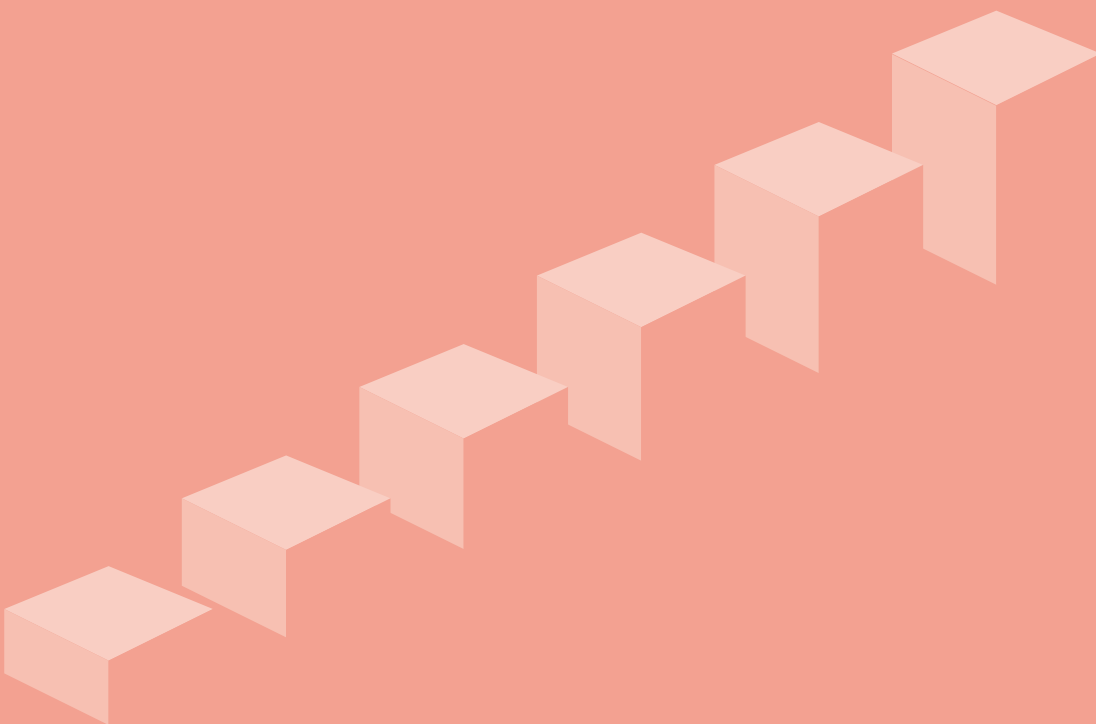
It helps identify where to look for evidence when assessing RSB performance.

This chapter has presented available evidence about RSB contributions to each element in **Figure 10**. As such, this graphic provides a framework that is useful for assessing the Board's performance. There are also parts of better regulation that the Board does not contribute to, such as consultation and some internal commission processes for better regulation.



CHAPTER 3

Current state of
affairs and major
challenges



3.1. What the RSB expects from a good quality impact assessment

Quality means fit for purpose.

Impact assessments have to be fit for purpose, meaning that they communicate what the best available evidence suggests and where the political judgment begins. They should provide support to the political level of the Commission to make sound policy decisions. They should also support the legislative negotiations and contribute to transparency of decision-making. Impact assessments are not academic exercises, and the Board does not assess them on academic standards. Institutional context matters. But scientific standards are still useful when the RSB gauges such aspects of quality as the validity of inferences drawn from the presented evidence.

This is a relative concept...

...with many parts.

Impact assessments are demanding exercises. A 'fit for purpose' impact assessment is effectively a package that includes sound methodology, data collection, consultation strategy, evaluation of past actions, definition of policy options and proportionate analysis of impacts. There are genuine methodological challenges in quantifying expected impacts and assessing policy for the whole of the EU. The better regulation guidelines set high ambitions. They require impact assessments on all types of initiatives that have significant impacts. Impact assessments have to examine both costs and benefits. They take a whole-government approach, meaning that they look not only at economic impacts but also at social and environmental ones. Material impacts in narrower categories also matter, such as on SMEs or on fundamental rights. Some impacts are qualitative. Policy options have to respect subsidiarity and respond proportionately to problems.

There will always be unknowns.

Analytical choices often need to rely on second-best solutions because of time pressure, lack of data, or pre-existing political guidance from the legislator. When identifying good practices, the RSB focuses both on tools and on analytical practices. A positive opinion of the Board to an impact assessment is a 'fit for purpose' label.

RSB quality statistics reflect this reality.

Given all this, the RSB tried this year to further unpack the concept of 'fit for purpose' and explain what a good impact assessment looks like in practice. The Board introduced a statistical monitoring system of impact assessments and evaluations in 2017. This has matured over the past two years. The Board has scrutinised impact assessments in a wide range of policies, where the issues are diverse, in different contexts, and with different sets of available data or information. There are now enough observations for the Board to draw more robust conclusions on relative strengths and weaknesses.

Impact assessments that the Board considered strong do not all look alike.

In 2018, the RSB revisited some three dozen impact assessments (MFF excluded) which the Board had rated significantly above average either for their overall quality or for specific dimensions. The exercise confirmed the variety of challenges that the impact assessments have to address, from data gathering and stakeholder consultation to quantification. It provided insight into the current state of

the art in doing good impact assessments in the Commission.

Partly this is because the Board considers what is possible and proportionate.

The data made apparent that across the impact assessments, what the RSB has considered good has depended on context. The RSB is guided by Commission policy on better regulation, which emphasises both proportionality and common sense. Circumstances can vary widely, and it has happened that a level of analysis that met RSB approval in some cases was not considered adequate in others.

Different expectations are especially apparent for quantification...

Quantification is a case in point. The challenges and solutions to quantify impacts differ from case to case. Section 3.4 describes this in more detail. More numbers does not necessarily make for a better impact assessment, and what works in one instance often cannot be replicated for every impact assessment.

...and stakeholder consultation.

Stakeholder consultation is another important element. It is essential to document what different stakeholder groups think, and investigate relevant concerns. An impact assessment should include a transparent reporting of the consultation strategy. This would usually include an open public consultation along with more targeted consultations. But sometimes an open public consultation may not be useful for very specialised topics. This was the case for trafficking in looted antiquities, for example. There might also be seminars, validation meetings and experts meetings. Any relevant REFIT Platform input is important to present.

Services make judgment calls...

Following such an approach is consistent with Commission policy and is more efficient and effective than having exhaustive rules for every contingency. The better regulation framework provides services with the flexibility to make judgment calls. Because the services that conduct the impact assessments have a stake in what is decided, it is important that an independent and neutral party such as the RSB takes the time to validate those judgment calls.

...that Board scrutiny makes more credible.

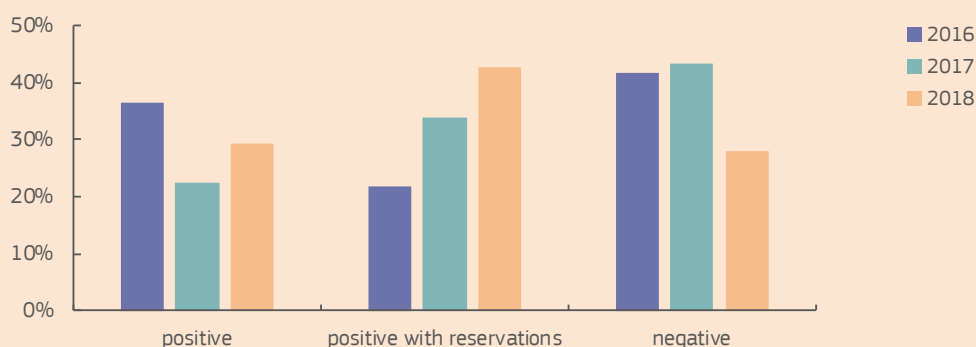
The RSB accordingly examines how well the analysis reflects input from different stakeholder groups, and asks about any that seem to be missing. It checks how well the different policy options address known concerns, and whether options have considered measures to mitigate these. It verifies the plausibility of the analysis and ensures that the report is transparent about the inevitable remaining gaps in knowledge. Diligent oversight adds credibility and legitimacy to the impact assessment.

3.2. Are impact assessments getting better?

Fewer impact assessments get negative opinions.

The Board's rejection rate of impact assessments declined significantly in 2018. **Figure 11** shows that negative assessments on initial submissions dropped from over 40% to less than 30%. There were also more positive assessments. The greatest increase was in the middle category of positive opinions with reservations.

Figure 11. Initial Board opinions more likely to express reservations, less likely to be negative



Services better met standards...

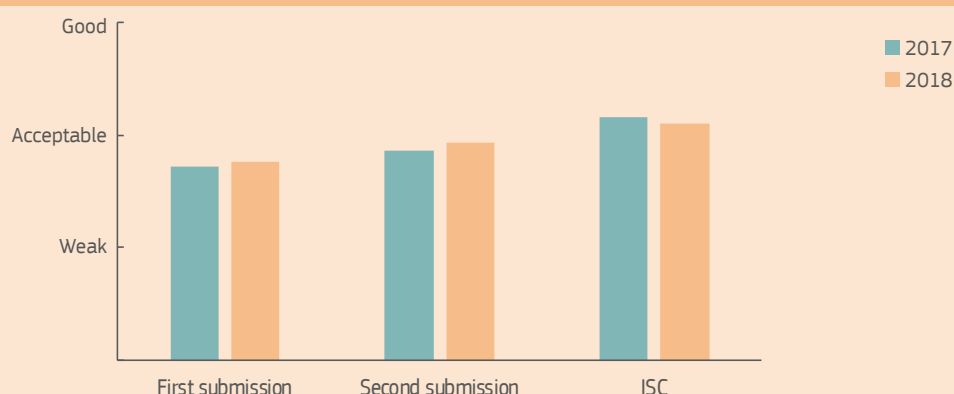
The standards to which the RSB holds the services take into account learning by the services. Compared to the situation in 2016, the Board has higher expectations today for standard elements such as quantification, stakeholder consultation and reporting of evaluation findings, because methodologies have improved and good practices have spread. Much of the rise in expectations happened in 2017. In 2018, in a context of high time pressure for services, the Board held its standards steady but did not raise them further. **Figure 11** suggests that services increasingly met those standards. However, to be proportionate in its scrutiny, the Board also took into account time pressure. This contributed to the rise in 'positive with reservations' ratings at the expense of negative ones. It did not affect the standards for what the Board considered acceptable at the final, inter-service consultation stage.

... and RSB took time pressure into account.

RSB statistics show only modest quality improvements.

In spite of the substantially lower initial rejection rate, the Board's quality statistics in **Figure 12** show only a modest increase in the quality of first submissions. While the quality of second submissions also somewhat increased, the final quality measured at the stage of the inter-service consultation did not improve. Why is this?

Figure 12. Overall quality of initial and second submissions improved slightly from 2017 to 2018



There are more ways than one to make an impact assessment more fit for purpose.

There are three ways to make a flawed impact assessment more fit for purpose. The first is to correct analytical shortcomings and supplement evidence to better inform political decisions. The second is to make more transparent the limits of the impact assessment, so that readers fully understand where factual evidence is lacking. The third is to adjust the preferred policy option by adding safeguards or postponing decisions on risky elements that remain poorly understood.

With little time to deepen analysis, services sometimes adjusted legislative proposals instead.

Services make use of all three approaches to address Board concerns and improve the impact assessment. The selected mix between the three depends partly on how much time is available to make improvements. Given the pressure of time in 2018, discarding weakly supported elements of preferred policy options may have featured more prominently than in earlier years, with correspondingly less reliance on deepening the analysis⁽¹⁰⁾. While dropping weakly supported elements did not necessarily result in the preferred option being less efficient and effective in a reduced scope, the approach does highlight a need for better planning.

Impact assessments are more transparent about limitations.

Services are increasingly doing a good job explaining the limits of their analysis in informing all elements of a political decision. Services can then either invest more in the impact assessment or recommend measures where impacts are relatively better understood.

⁽¹⁰⁾ A case in point is the impact assessment for 'Sustainable Finance Initiative – fiduciary duty,' to which the Board gave two negative opinions followed by a positive with reservations. The Board is also aware of other instances in e.g. ecodeSIGN.

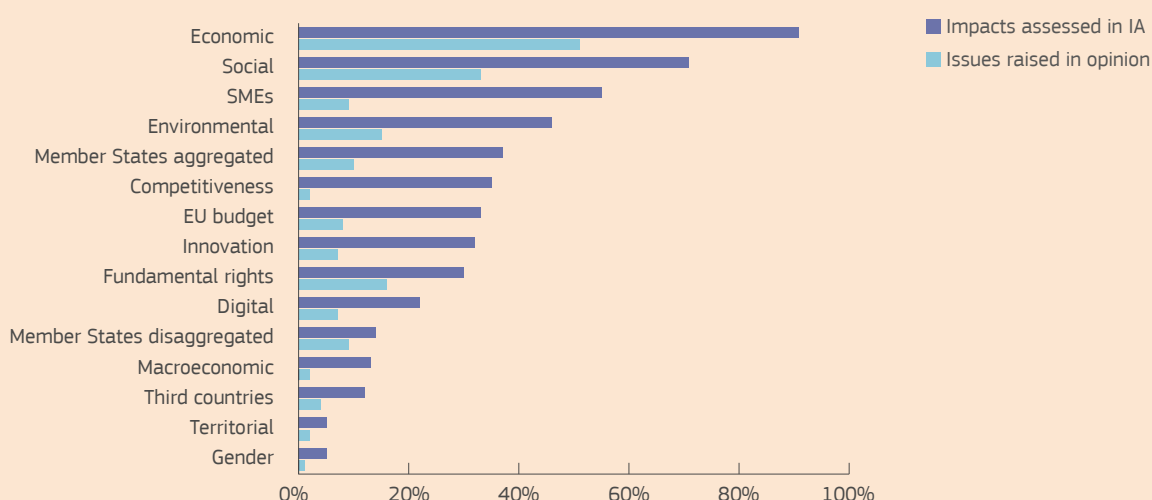
3.3. How categories of impacts are analysed

Categories of impacts are interlinked.

The better regulation toolbox provides guidance on how to analyse impacts. Impact assessments should provide good coverage of all categories of significant impacts. Economic, social and environmental impacts of policy are often intertwined. The various categories of impacts assessed are not stand alone categories.

In practice there are always case-specific methodological choices. Services need to consider what is proportionate to do, and the constraints they face with regard to time and the availability, accessibility and comparability of data. The nature of the initiative has an influence on what impacts to assess. The purple bars in **Figure 13** show the frequency of different types of impacts in impact assessments in 2017-2018. The blue bars show the frequency that the Board commented on such issues in its opinions. The categories often overlap. They are not mutually exclusive.

Figure 13. Frequency of impacts analysed in impact assessments and raised in the Board opinions, 2017-18



Services work to provide a holistic assessment of the impacts.

In its 2018 exercise of revisiting impact assessments that scored well on quality, the RSB verified that these tended to take a holistic approach to assessing impacts. The impact assessment on the multiannual plan for demersal species in the Western Mediterranean Sea is a good example of an encompassing assessment of the significant impacts of policy options. It analyses impacts on the fishing sector in a region where most firms are SMEs and micro enterprises. It does so for all options looking at socio-economic indicators.

Likewise, the report assesses the territorial impacts of the options looking at environmentally sustainable fishing activities to improve the state of most demersal stocks in the western Mediterranean. The report delivers a holistic assessment of the impacts of the options on the environment, the employment and the economic activity of the fishing sector.

**Heterogeneous situations
require a flexible approach**

According to the better regulation toolbox, services should identify impacts that are likely to be significant. Impact assessments should report how costs and benefits affect small vs large businesses. Available data do not always provide as much detail as some might hope for. Mandatory assessment of every category of impact would also be unrealistic.

**The SME test is a case in
point...**

The case of the SME test is informative. While impact assessments should systematically describe any potential impacts on SMEs, the analysis needs to be relevant and proportionate. A variety of factors come into play. For example, the definition of SMEs at EU and national level differs across policy domains. Uneven availability of data across Member States, regions and industry sectors is also a challenging factor. Supply chain effects are difficult to capture and measure. It therefore seems difficult to encompass all SMEs and provide a usefully granular analysis of impacts that might affect them. The RSB checks that the staff working document delivers a transparent analysis of relevant impacts, including on SMEs, and does so in a proportionate manner.

**...as is assessing regional
impacts.**

The case of territorial impacts is also interesting. The better regulation toolbox suggests a methodology to assess territorial aspects of initiatives. These are often heterogeneous and sometimes asymmetric. They often involve problems that are unevenly distributed across the EU, and the policy options themselves tend to produce uneven territorial impacts. Detailed assessments of territorial impacts feature predominantly in initiatives that relate to EU cohesion and regional policies. The more specific an initiative is, the more likely it is to provide a detailed and comprehensive assessment of territorial impacts. Territorial impacts can be encompassed in the assessment of impacts on Member States, whether aggregated or disaggregated, depending on the distribution of the problem across the territory of the EU. They might also appear in the assessment of the impacts on employment, on economic activities or on specific environmental features. The RSB checks that the impact assessment delivers a transparent and proportionate analysis of relevant territorial impacts, when appropriate.

**Commission guidelines allow
for this.**

Better regulation guidelines provide for the possibility to deliver a holistic analysis of a policy initiative's significant impacts in a proportionate way. They allow for enough flexibility to accommodate heterogeneity and the specificities of situations.

3.4. Progress on quantification

Quantification directly serves the principles of better regulation.

Quantification of costs and benefits “whenever possible” is a key prescription for impact assessments and evaluations ⁽¹¹⁾. Quantification reduces the risks of different interpretations of costs and benefits by different parties and over time. Reports can present overall outcomes because details can be compared and aggregated. It makes more precise what counts as evidence. It enables scrutiny to check the validity of causal links in the intervention logic. For example, the OECD’s 2018 Regulatory Policy Outlook sees quantification of benefits and costs as a defining element of impact assessments (p. 252). The degree to which impact assessments and evaluations quantify costs and benefits is an important aspect of evaluating better regulation regimes.

To facilitate the quantification of broad classes of costs and benefits of new regulatory initiatives, the Board has developed a template for better quantification.

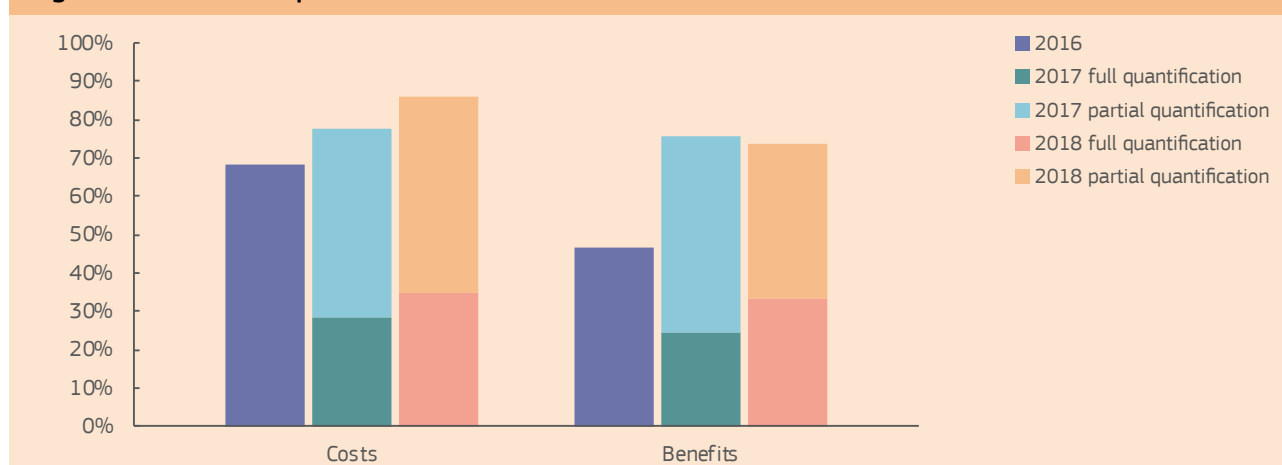
Numerical values to identify the potential for simplification and burden reduction continue to receive particular emphasis. In reviewing REFIT initiatives, the Board normally expects to find an explicit simplification objective.

Quantification has continued to make progress...

Commission practices have continued to improve quantification. Currently about a fourth of impact assessments fully quantify costs and benefits. On the other hand, a fifth of the reports are purely qualitative. The remaining half of the reports relies on partial quantification.

As **Figure 14** shows, much of the progress in 2018 reflects a higher frequency of full quantification of both costs and benefits. A major aspect of the progress is that more benefits have been fully rather than only partially quantified.

Figure 14. Trends in quantification



⁽¹¹⁾ The Better Regulation Guidelines 2017: “All relevant impacts should be assessed qualitatively and quantitatively whenever possible.” (p. 26) It interprets feasibility as meaning that impacts can be quantitatively estimated through a sound methodology and that the necessary data can be collected at reasonable cost.

...but progress remains uneven.

Differences in what is quantified reflect genuine or historic barriers to quantification.

The Board observes considerable differences in the degree of quantification between reports. The differences are due to current barriers that make quantification costs disproportionate. Some assessments face a lack of data that cannot be overcome by justifiable investment in generating primary data. Others would require developing analytical instruments that cannot be part of the assessment process. Reports fully quantify costs and benefits mainly in policy areas where secondary macroeconomic impacts are important. These areas often have a history of research input that has produced evidence and analytical instruments over time. The slow-moving research process has also promoted greater stakeholder buy-in of the methodology. The degree of maturity of quantification methods has helped economists and policy makers to come to a consensus on practices of applied economics.

There is room for improvement in how impacts are quantified.

The Board sees a need for a critical review of how services select and apply methods to quantify benefits and costs. Model-based estimates have regularly relied on assumptions that seem inappropriate for the context. It needs to be clear to a lay audience how costs and benefits have been calculated. If poorly done, quantification could actually reduce transparency and mislead.

In view of the barriers to quantification, the Board has given high quality ratings to some reports that only partially quantified costs and benefits. The areas not quantified concerned situations where major parts of the benefits are perceived to be intangible. Examples include financial stability, financial integration, security, and judicial cooperation. For the financial and digital cases, data on markets and firms are hard to obtain. The review of best practices by the Board has identified some cases that successfully overcame such limitations and difficulties.

Limits to quantification can gradually be overcome.

Starting processes now to reduce the costs of quantification could lead to more and better quantification. An immediate step in this direction would be to store data that background studies have produced for past assessments and evaluations. Working to simplify quantification methods and systematically classify them to match different types of policy could also lead to more quantification.

3.5. Impact assessments are better combined with evaluations

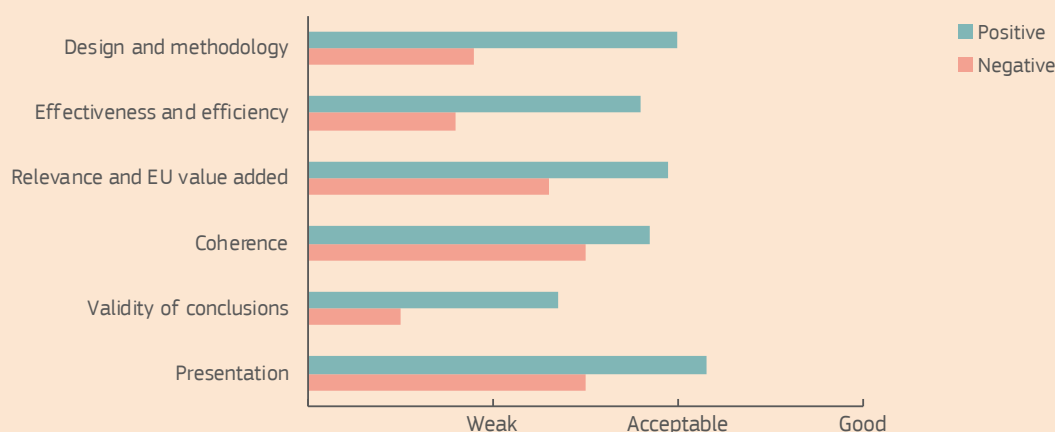
The Board also scrutinises evaluations.

The RSB started scrutinising fitness checks and major evaluations in 2016. Since then, the Board has issued opinions on 35 cases (see **Table 1**). In addition, the Board also saw 51 evaluations that were attached to impact assessments. When an impact assessment arrives together with an evaluation of what is already in place, the Board does not issue a separate opinion on the evaluation. Instead, the opinion on the impact assessment includes scrutiny of the quality of the evaluation and the extent to which its findings contributed to the problem analysis.

It asks how well the evaluations can support future policy-making.

In 2017, the Board started distinguishing positive and negative opinions on evaluations. The Board considers that an evaluation is fit for purpose if it provides credible evidence-based lessons for future policy design. However, many Commission evaluations do not focus primarily on learning from experience for future decision-making. Instead, they concentrate on transparency and accountability. As such, they are often more implementation reports than evaluations that critically question the performance of an intervention. When the Board selects which evaluations it wants to scrutinise, it therefore tries to select those that are most relevant for future policy-making.

Figure 15. Evaluations that received negative assessments had big quality gaps in design, leading to other problems



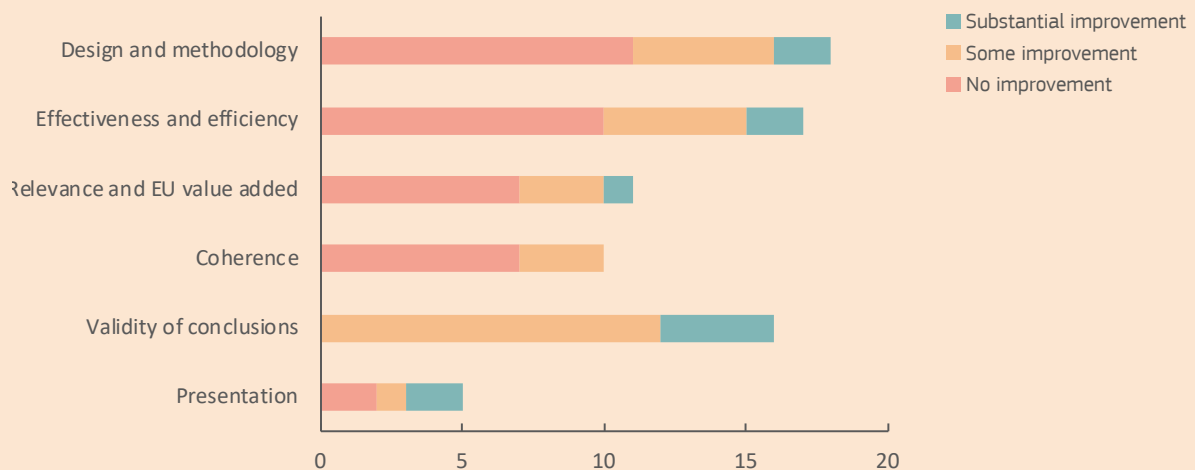
Evaluations often have problems with design and transparency.

The evaluations that the RSB reviewed showed considerable scope for improvement (**Figure 15**). Problems have been of two broad types. The first is design-related, whereby evaluation questions are either not pertinent or not answerable using the selected methodology and collected data. When an evaluation had problems with design and methodology, other problems would follow with accurately assessing effectiveness and efficiency. The second type of problems regards transparency, whereby findings derive from a slanted reading of the evidence.

RSB scrutiny comes too late to correct flaws in design.

RSB scrutiny can increase transparency of the conclusions, but when problems stem from inappropriate evaluation design, RSB scrutiny of evaluations cannot deliver much improvement. Those problems have to be addressed at the design stage and are hard to correct in a completed evaluation. **Figure 16** shows that in all cases services managed to improve the validity of the evaluation’s conclusions. However, they were not often able to correct design and methodology shortcomings. The RSB would generally rate quality of final reports as acceptable if they were transparent about possible limitations of the approach and what could and could not be concluded.

Figure 16. Services often found it challenging to improve evaluation reports to accommodate RSB concerns



Scrutiny improves evaluation quality.

Combining all observations from 2017 and 2018, **Figure 17** shows the extent to which quality improved after RSB review. It highlights that the biggest improvements are made where they are most needed, pushing up the final quality of evaluations with an initial negative opinion to the same level as evaluations that received a positive opinion. However, it also confirms that compared to impact assessments (see **Figure 3**), the quality of evaluations is generally lower.

Figure 17. Evaluation report quality at different stages of review, 2017 and 2018 combined



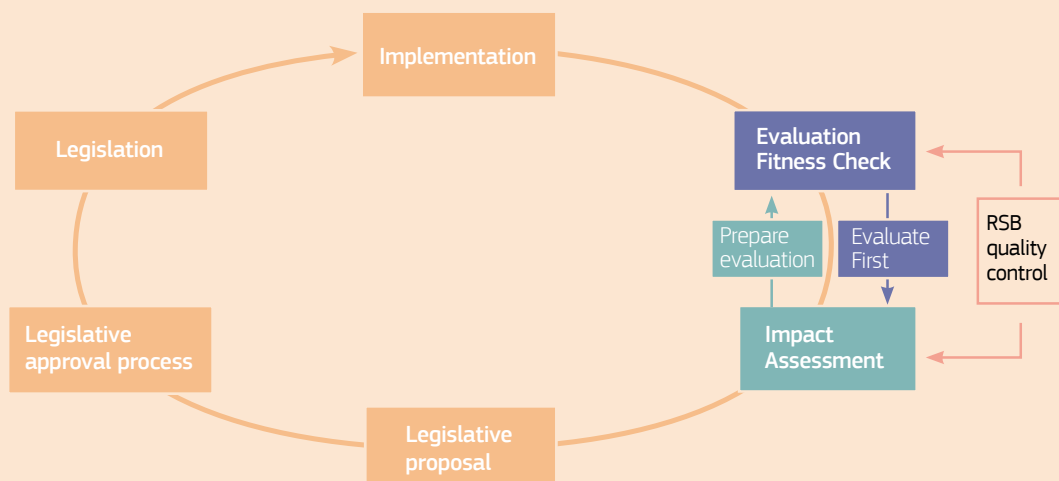
To improve design, Board organises upstream meetings...

To increase its impact on the design of evaluations, the RSB has conducted two actions. To give early guidance to services, it organised upstream meetings well before the evaluations are submitted for scrutiny. During these meetings, the Board gave advice on evaluation design and methodology. It stressed the need to interpret the guidance documents to the specific needs of each evaluation.

... and tries to reinforce links between evaluations and impact assessments.

In addition, the Board put more emphasis on the interaction of evaluations and impact assessments in the policymaking cycle. **Figure 18** illustrates the points in the policymaking cycle where the RSB intervenes. Quality control takes place on two types of documents that are interrelated, and the Board helps to ensure that the connections between the two are mutually reinforcing.

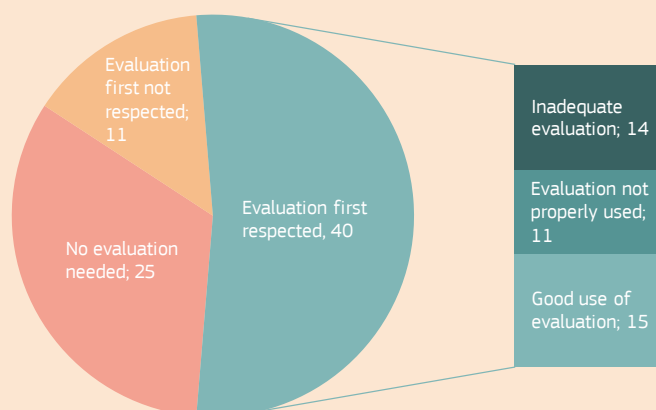
Figure 18. Interaction between evaluation and impact assessment in the policymaking cycle



The 'evaluate first' principle is largely respected...

The EU better regulation agenda systematised and reinforced the 'evaluate first' principle in 2015. According to this principle, services should systematically evaluate how well existing regulation is working before proposing changes. In 2016, some 50% of impact assessments respected the 'evaluate first' principle. The level rose to 75% in 2017, and consolidated in 2018 at 78%. 25 initiatives in 2018 did not require prior evaluation because they were new at the EU level.

Figure 19. Respect of 'evaluate first' principle



... but evaluations are not always useable or used.

Although formal compliance of the 'evaluate first' principle remained high, many evaluations were of limited use to their associated impact assessments. In particular, the Board found that one third of all evaluations supporting impact assessments were of inadequate quality or coverage.

Impact assessments should prepare the ground for future evaluations.

In 2018, the Board has emphasised the importance of preparing the future evaluation already in the impact assessment. While not a silver bullet, doing so is an investment that should eventually lead to better outcomes. The last section of an impact assessment ('future monitoring and evaluation') should define a suitable monitoring framework consisting of appropriate result and impact indicators, with benchmarks against which to measure success of the initiative. Ideally, it should define when and how these indicators would be collected. Finally, it should also analyse the most appropriate timing for conducting an evaluation of the initiative, and what coverage it should have. The increased emphasis has resulted, for example, in a more harmonised approach to monitoring and evaluation in the MFF impact assessments (see also Section 1.4).

Structural quality problems remain.

The Board's focus on the interaction of evaluations and impact assessments, and the more generalised upstream meetings can contribute to improving the quality of evaluations over time. However, these actions are unlikely to remove the more structural obstacles to producing better evaluations in the Commission.

There are limited incentives to spotlight weaknesses.

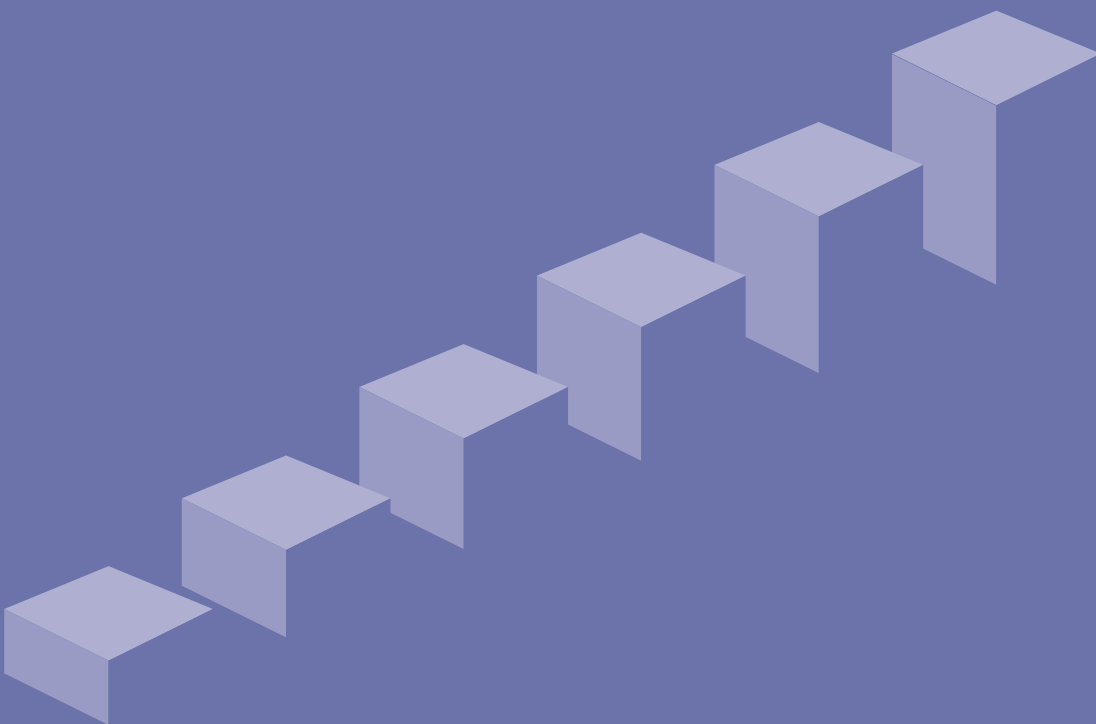
One fundamental issue to tackle is the lack of appropriate incentives for services to conduct high quality evaluations. Services that are responsible for initiating and implementing an initiative usually also steer its evaluation. The Commission has mechanisms in place to promote independence of evaluations. These include inter-service and central overview, the use of external consultants and – for the most important evaluations – RSB scrutiny. However, the Board’s scrutiny finds that the conclusions of many evaluations are not sufficiently transparent about the weaknesses that emerge from the collected evidence. In addition, many evaluations do not ask the pertinent (possibly critical) questions. Further incentives to conduct a frank assessment of the merits and weaknesses of an initiative might make evaluations more useful as inputs for policymaking.

Ownership and independence are both important.

The 2015 Better Regulation Package managed to increase services’ ownership of evaluation results by introducing evaluation scrutiny and requiring services to produce a Staff Working Document that takes a position on findings of outside evaluators. Ownership increases the likelihood that services follow up on critical evaluation findings. There is, therefore, a need to secure both a degree of independence of the evaluation and a sense of ownership for its results.

CONCLUSIONS

RSB TEAM



Conclusions

Three years have passed since the RSB started its rigorous and independent quality control of Commission impact assessments and major evaluations. The RSB has matured, with a growing reputation for integrity, thoroughness and transparency. The first generation of Board members takes particular pride in stakeholder feedback that RSB scrutiny is leading to better products and better regulation. This matches Board members' observations that impact assessments have generally improved, especially with regard to stakeholder consultation and transparency about what is known and what remains unclear.

A strong reputation is critically important for the RSB to be effective. Fairly assessing impacts of alternative policy measures is a complex task. Quality has many components, and standards need to be appropriate for the circumstances. The Board reviews how Commission services have used the flexibility of the better regulation guidelines to ensure that reports deliver relevant and timely information on which to base decisions. If the services can justify those judgment calls to the satisfaction of the independent RSB, the report meets RSB standards.

The Board continues to refine its approach to scrutiny. It has experimented with giving a rating of 'positive with reservations' when an impact assessment suffered from isolated flaws but was otherwise in good shape. This implied faith that existing systems would respond to and fix those weaknesses that the Board signalled. On at least some occasions, giving positive opinions with reservations did not lead to corrections that the Board had expected to see. The Board may need to be more stringent about issuing such opinions. Evidence suggests that services put less effort into fixing problems compared to when they received a negative rating. At a minimum, more follow-up is needed to ensure that services address Board reservations.

With regard to evaluations, there are feasibility limits to scrutiny leading to quality improvements. Board scrutiny cannot solve some problems that stem from design flaws, notably involving the logic of intervention, choice of evaluation questions, non-existent data and poor consultation. Design flaws have been a recurring issue with ex post evaluations. But even here, scrutiny promotes transparency and improved processes. One investment that should eventually lead to better outcomes is to prepare for future evaluation already at the impact assessment stage.

For the Board, 2018 was a year of two halves. The first several months was an intense period of reviewing impact assessments, after which the focus shifted towards evaluations and fitness checks. Two members departed the Board in late 2018. This year will see further renewal in leadership and staffing as the Board is again brought up to full complement. The Board aims to be fully ready to support better regulation when the new Commission starts its work.

It is in everyone's interest that Commission proposals are well informed. The Board is only one of several parties that are working toward this end. Many EU member states also have national regulatory scrutiny bodies with missions that are similar to that of the RSB. Improved information flows with the national level would be especially welcome.

The RSB and its work is an important element of the European Commission's better regulation agenda, in particular its commitment to evidence-based policy making. Awareness of the RSB's activities nevertheless remains low outside of the better regulation community. This is a pity. As the Board returns to full strength, it intends to promote greater awareness and engage more closely with outside bodies on issues related to improving EU impact analysis and evaluation.

RSB team



Veronica GAFFEY
Chair



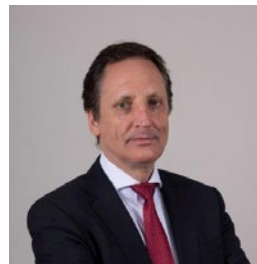
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The Board expresses its great appreciation and deep gratitude to its former chairs, members and assistants and board secretaries.



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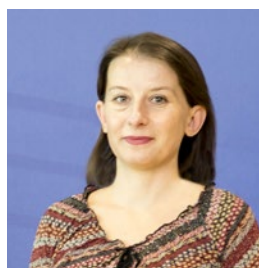
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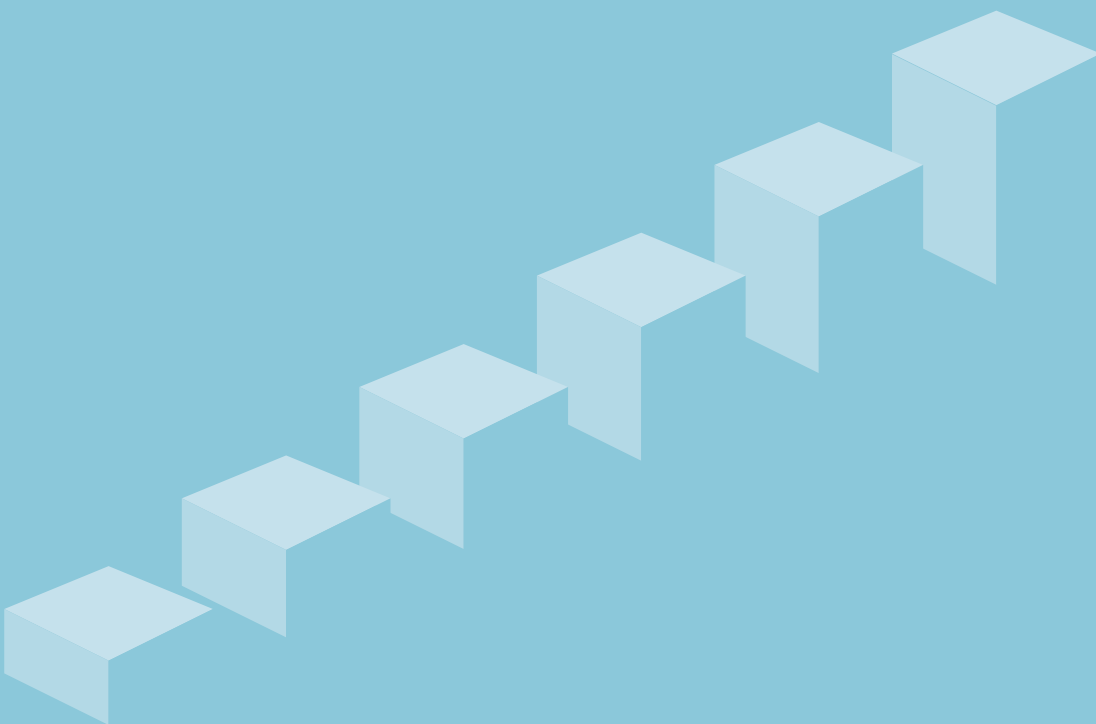


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European Commission, Secretariat-General

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ANNEXES



Annex: Impact assessments and evaluations

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
A New Boost for Jobs, Growth and Investment				
Delivering on the Circular Economy Action Plan	Proposal for a Regulation of the European Parliament and of the Council on waste water reuse*			No evaluation needed
	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the reduction of the impact of certain plastic products on the environment (marine litter)			No evaluation needed
	Fitness check on the most relevant chemicals legislation (excluding REACH), as well as related aspects of legislation applied to downstream industries	Ongoing		
Multi-annual financial framework	MFF Proposal for a Regulation establishing the European Culture, Rights and Values Programme			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the 'Customs' programme for cooperation in the field of customs for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of a European Investment Stabilisation Function			No evaluation needed
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the InvestEU Programme for the period 2021 - 2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Social Fund Plus (ESF+) for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Digital Europe programme for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Neighbourhood, Development and International Cooperation Instrument for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Programme for single market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014, (EU) No 258/2014, (EU) No 652/2014 and (EU) 2017/826 for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Regional Development Fund and on the Cohesion Fund for the period 2021-2027			

* Proposal reviewed by the Regulatory Scrutiny Board in 2017 and adopted by Commission in 2018

Positive opinion 
 Positive opinion with reservations 
 Negative opinion 

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Multi-annual financial framework	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council			
	MFF Proposal for a Regulation of the European Parliament and the Council establishing the Connecting Europe Facility and repealing Regulation (EU) No 1316/2013			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Defence Fund			No evaluation needed
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the space programme of the Union and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013, (EU) No 377/2014 and Decision 541/2014/EU			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EU) No 1293/2013			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing 'Erasmus': the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013 for the period 2021-2027			
	MFF Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council			
	MFF Proposal for a Regulation of the European Parliament and Council on the establishment of the Reform Support Programme for the period 2021-2027			No evaluation needed

 Positive opinion
 Positive opinion with reservations
 Negative opinion

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
A Connected Digital Single Market				
Completing the Digital Single Market	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on promoting fairness and transparency for business users of online intermediation services (Platforms-to Business relations)			No evaluation needed
	Review of the Directive on the reuse of public sector information (Directive 2013/37/EU)			
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the implementation and functioning of the .eu Top Level Domain name and repealing Regulation (EC) No 733/2002 and Commission Regulation (EC) No 874/2004			
A Resilient Energy Union with a Forward-Looking Climate Change Policy				
	Proposal for a Regulation of the European Parliament and of the Council setting CO2 emission performance standards for new heavy-duty vehicles			No evaluation needed
	Evaluation of the EU Adaptation Strategy			
Review of the Fisheries Control System	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control			
A Deeper and Fairer Internal Market with a Strengthened Industrial Base				
Implementation of the Single Market Strategy	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law*			
Fair taxation in the digital economy	Proposal for a COUNCIL DIRECTIVE laying down rules relating to the corporate taxation of a significant digital presence			No evaluation needed
	Proposal for a COUNCIL DIRECTIVE laying down the general arrangements for excise duty (recast)			
	Proposal for revision of Council Directive 92/83/EEC of 19 October 1992 on the structures of excise duty applied to alcohol and alcoholic beverages.			

* Proposal reviewed by the Regulatory Scrutiny Board in 2017 and adopted by Commission in 2018

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Social fairness package	Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority			
	Proposal for a COUNCIL RECOMMENDATION on access to social protection for workers and the self-employed			No evaluation needed
	A European Social Security Number	Ongoing		
EU food supply chain	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on unfair trading practices in business-to-business relationships in the food supply chain			No evaluation needed
Completing the Capital Markets Union	Evaluation of the European Fund for Strategic Investments, of the European Investment Advisory Hub, and of the European Investment Project Portal			
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products			
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of a framework to facilitate sustainable investment			No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on amending Regulation (EU) No 575/2013 as regards exposures in the form of covered bonds*			No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on facilitating cross-border distribution of collective investment funds and amending Regulations (EU) No 345/2013 and (EU) No 346/2013*			
Implementation of the Space Strategy for Europe	Proposal for a Regulation on the Creation of a Program for Secure Satellite Communications for Governmental Users (EU GOVSATCOM)*			No evaluation needed
TEN-T investments	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on streamlining measures for advancing the realisation of the trans-European transport network			
Single Maritime Window Initiative	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU			
Recognition of electronic transport documents for freight carriage by public authorities and/or commercial partners	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on electronic freight transport information			No evaluation needed

* Proposal reviewed by the Regulatory Scrutiny Board in 2017 and adopted by Commission in 2018

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Enhancement of the legislation in road transport	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/96/EC on road infrastructure safety management	●		✓
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/... and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009	●		✗
A Deeper and Fairer Economic and Monetary Union				
Completing the Banking Union	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on facilitating secondary markets for the transfer of credit granted by credit institutions	●	●	No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures	●		No evaluation needed
	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on credit servicers, credit purchasers and the recovery of collateral	●		No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on sovereign bond-backed securities	●		No evaluation needed
An Area of Justice and Fundamental Rights Based on Mutual Trust				
Completing the Security Union	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018	●		No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement	●		No evaluation needed
	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters	●		✓
	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)	●		✓

Positive opinion ●
 Positive opinion with reservations ●
 Negative opinion ●

Commission Work Programme 2017/2018	Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Completing the Security Union	Maintenance of the computerised system for cross-border communication in judicial proceedings and between judicial authorities (e-CODEX)*	Ongoing		
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Production and Preservation Orders for electronic evidence in criminal matters*	●		No evaluation needed
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the marketing and use of explosives precursors, amending Annex XVII to Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 on the marketing and use of explosives precursors	●		✓
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 924/2009 as regards certain charges on cross-border payments in the Union and currency conversion charges	●		✓
	Proposal for a COUNCIL DIRECTIVE establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP	●		✓
Consumer Law	Proposal for a Directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC	●	●	✓
Towards a New Policy on Migration				
Delivering on the EU Agenda on Migration	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)	●		✓
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA (Visa information system VIS)	●	●	✓
	Fitness check on Legal migration	Ongoing		

* Proposal reviewed by the Regulatory Scrutiny Board in 2017 and adopted by Commission in 2018

Positive opinion ●
Positive opinion with reservations ●
Negative opinion ●

Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Impact assessments and evaluations not included in the Commission Work Programme			
Commission Decision determining, pursuant to Directive 2003/87/EC, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2021 to 2030	Ongoing		
Commission Implementing Regulation with regard to environmental impact of enterprise servers and data storage products	Ongoing		
Revision of Regulation of the European Parliament and the Council amending Regulation (EU) 2015/757 on monitoring, reporting and verification of carbon dioxide emissions from maritime transport, in view of an alignment with the IMO data collection system (Revision of the Shipping MRV Regulation)	Ongoing		
Evaluation of the payment for agricultural practices beneficial for the climate and the environment under the CAP ("greening" of direct payments)			
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing the dissemination of terrorist content online A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018			No evaluation needed
Evaluation of the operation of Regulation (EU)2016/369 on the provision of emergency support in the Union	Ongoing		
Regulatory measure on the review of ecodesign requirements for standby and off mode electric power consumption of electric and electronic household office equipment (EC) No 1275/2008)	Ongoing		
Ex post Evaluation of Regulation 1008/2008 of 24 September 2008 on common rules for the operation of air services in the Community (recast)	Ongoing		
Commission Delegated Regulation establishing the Innovation Fund	Ongoing		
Commission Delegated Regulation on the specifications on cooperative intelligent transport systems under Directive 2010/40/EU ("ITS Directive")	Ongoing		
Evaluation of the EU Framework for National Roma Integration Strategies up to 2020	Ongoing		
Commission Implementing Regulation with regard to ecodesign requirements for machine tools and welding equipment	Ongoing		
Commission Regulation amending Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector	Ongoing		
Regulatory measure on the review of ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW	Ongoing		
Initiative to limit industrial trans fats intakes in the EU (most likely by the means of a Commission Regulation establishing a legal limit for the industrial trans fats content in foods)	Ongoing		
Regulatory measure on eco-design requirements for External Power Supplies (Review of Commission Regulation [EC] No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the EP and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies)	Ongoing		

 Positive opinion
 Positive opinion with reservations
 Negative opinion

Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Regulatory measure on the review of ecodesign requirements for household washing machines and washer-driers - (EU) No 1015/2010	Ongoing		
Regulatory measures on eco-design requirements for displays and TVs (Review of Commission Regulation [EC] No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions)	Ongoing		
Regulatory measure on the review of ecodesign requirements for household dishwashers (EU) No 1016/2010	Ongoing		
Regulatory measure on the review of ecodesign requirements for lighting products - (EU) No 1194/2012	Ongoing		
Evaluation of the four DG EMPL Agencies: European Foundation for the improvement of living and working conditions (EUROFOUND), European Centre for the Development of Vocational Training (CEDEFOP), European Training Foundation (ETF) and European Agency for Safety and Health at Work (EU-OSHA)	Ongoing		
Comprehensive evaluation of the European Union's Humanitarian Aid actions, 2011-2016			
Regulatory measure on the review of ecodesign requirements for household cold appliances - (EC) No 643/2009	Ongoing		
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 596/2014 and (EU) 2017/1129 as regards the promotion of the use of SME growth markets (SME listing act)			
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the labelling of tyres with respect to fuel efficiency and other essential parameters and repealing Regulation (EC) No 1222/2009			
Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/103/EC of the European Parliament and the Council relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability			
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA (Broadening the Access of Centralised Bank Account Registries established in the revised 4th AMLD)			
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of persons reporting on breaches of Union law (whistle-blower protection)			
COMMISSION STAFF WORKING DOCUMENT Maritime Transport Fitness Check of the legislation on flag State responsibilities, accident investigation, port State control, the vessel traffic monitoring and information system and, the reporting formalities for ships arriving in and/or departing from ports of Member States			
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work			No evaluation needed

 Positive opinion
 Positive opinion with reservations
 Negative opinion

Impact assessments and evaluations reviewed in 2018	First opinion	Second opinion	'Evaluate first' principle
Operation of the REACH Regulation – Report and REFIT evaluation*	●		
Ex post evaluation of the European Refugee Fund 2011-2013*	●		
Assessment of the fitness of EU legislation in relation to the competitiveness and sustainability of the construction sector*	Ongoing		
Ex post evaluation of the External Borders Fund 2011-2013*	Ongoing		
Regulatory treatment of fixed and mobile termination rates in the EU (2009/396/EC)*	Cancelled		
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea*	●		No evaluation needed
Revised regulation under the Ecodesign Directive 2009/125/EC regarding electric motors and variable speed drives*	Ongoing		
Exchange of Customs Related information with Third Countries*	Ongoing		
Consequential Amendments to the Proposal for a Regulation for interoperability on borders and visa Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a framework for interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation]*	●		No evaluation needed
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Crowdfunding Service Providers (ECSP) for Business*	●		No evaluation needed
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the law applicable to the third-party effects of assignments of claims*	●	●	✓
Mid-term evaluation of the European Globalisation Adjustment Fund (EGF)*	●		

* Proposal reviewed by the Regulatory Scrutiny Board in 2017 and adopted by Commission in 2018

Glossary

BETTER REGULATION

‘Better regulation’ means designing EU policies and laws so that they achieve their objectives at minimum cost. It is a way of working to ensure that political decisions are prepared in an open, transparent manner, informed by the best available evidence and backed by the comprehensive involvement of stakeholders. Better regulation covers the whole policy cycle — policy design and preparation, adoption, implementation (transposition, complementary non-regulatory actions), application (including enforcement), evaluation and revision¹².

CONSULTATION

Consultation describes a process of gathering feedback, comments, evidence or other input on a particular intervention from other entities either from within the Commission (interdepartmental consultation) or from outside the Commission (stakeholder consultation).

DELEGATED ACTS

The Commission adopts these acts based on authority delegated to it in the enacting terms of an EU law, in this case a legislative act. The Commission’s power to adopt delegated acts is subject to strict limits:

- the delegated act cannot change the essential elements of the law;
- the legislative act must define the objectives, content, scope and duration of the delegation of power;
- the European Parliament and Council may revoke the delegation or express objections to the delegated act.

EVALUATION/EVALUATION REPORT

Evaluation is an assessment of the effectiveness, efficiency, coherence, relevance and EU added-value of an EU intervention. A roadmap informs about evaluation work and timing. A lead department prepares an evaluation report, which presents the findings and conclusions of the exercise. The Board checks the quality of *major* evaluation reports against the requirements of the relevant guidelines before publication or transmission to the European Parliament and Council as part of a formal report from the Commission.

FITNESS CHECK/FITNESS CHECK REPORT

A fitness check is an evaluation of the effectiveness, efficiency, coherence, relevance and EU added-value of multiple related EU interventions in a policy area or business sector. It identifies any excessive burdens,

inconsistencies, measures that have become obsolete or ineffective, and examines the cumulative impact of legislation.

A lead department prepares a fitness check report, which presents the findings of the exercise. The Board checks the quality of fitness check reports against the requirements of the relevant guidelines before publication or transmission to the European Parliament as part of a formal report from the Commission.

IMPACT

In an impact assessment process, the term ‘impact’ describes all the changes which are expected to happen due to the implementation and application of a given policy option or intervention. Such impacts may occur over different timescales, affect different actors and be relevant at different scales (local, regional, national and EU). In an evaluation context, impact refers to the changes associated with a particular intervention that occur over the longer term.

IMPACT ASSESSMENT/IMPACT ASSESSMENT REPORT

Impact assessment is an integrated process to assess and to compare the merits of a range of policy options designed to address a well-defined problem. It is an aid to political decision-making not a substitute for it. The process starts with a publication of an inception impact assessment.

A lead department prepares an impact assessment report, which presents the findings of the exercise. It supports decision making inside the Commission and is transmitted to the European Parliament and Council following adoption by the Commission. The Board checks the quality of each impact assessment report against the requirements of the relevant guidelines..

IMPLEMENTATION

Implementation describes the process of making sure that EU legislation can fully take effect. For EU directives, this is done by transposing its requirements into national law. For other EU laws, such as regulations or decisions, other measures may be necessary. For example, in the case of regulations, implementation may require aligning other legislation that is only indirectly affected by the regulation with its definitions and requirements. While EU legislation must be transposed into national law, it also needs to be appropriately applied if it is to deliver the desired policy objectives.

¹² ‘Better Regulation’: http://ec.europa.eu/info/strategy/better-regulation-why-and-how_en.

IMPLEMENTING ACTS

Primary responsibility for implementing EU law lies with EU Member States. However, in areas where uniform conditions for implementation are needed (taxation, agriculture, single market, health and food safety, etc.), the Commission (or exceptionally the Council) adopts an implementing act. Such an act is considered to be inherently more procedural (templates, procedures, deadlines), a pure, practical implementation of rules that already exist in the original legislation.

INCEPTION IMPACT ASSESSMENT

The inception impact assessment sets out the initial description of the problem, its underlying drivers, the policy objectives, policy options, and likely economic, social or environmental impacts of those policy options. It provides a basis for stakeholders to express initial views and opinions. Inception impact assessments are a particular form of roadmaps prepared for initiatives accompanied with an impact assessment.

INITIATIVE

An initiative is a plan of action prepared at EU level to address a specific problem or societal need. An impact assessment will assess options to inform the policy content of the initiative if the initiative is likely to have significant impacts.

INTERSERVICE CONSULTATION (ISC)

During an interservice consultation (ISC), a lead service requests and obtains the formal opinion of other services with a legitimate interest in a draft text. As a rule, an ISC is mandatory for all documents requiring a decision by the College and for staff working documents.

INTERVENTION

Intervention is an umbrella term that describes a wide range of EU activities. It encompasses legislation, expenditure and non-expenditure measures, action plans, networks and agencies.

INTERVENTION LOGIC

The intervention logic is the logical link between the intervention and the desired outcome. It normally identifies the problem to be tackled or the objective that needs to be pursued, the main problem drivers, and illustrates how available policy options or EU actions would logically work to address the problem/achieve the objective. The intervention logic is the

theoretical framework for impact assessments and the system description for evaluations.

REFIT

REFIT is the Commission's Regulatory Fitness and Performance programme, launched in December 2012. Under REFIT, the EU takes action to make EU law simpler, more efficient and less burdensome. It contributes to achieving a regulatory framework that is clear, stable, predictable, and minimally burdensome.

ROADMAP

A roadmap is a tool to explain to stakeholders why the Commission is preparing a particular initiative and what it wants to achieve with it. It presents the outline of the initiative, including problems, objectives and options to achieve them. It also informs stakeholders about planned consultation work and asks for relevant data. The Secretariat-General publishes roadmaps at an early stage on the Commission's website to help gather timely and effective input into the policy-making process. When the initiative is accompanied by an impact assessment, the roadmap takes the form of an inception impact assessment.

STAKEHOLDER

A stakeholder is any individual or entity that is affected, addressed or otherwise concerned by an EU initiative.

TRANSPOSITION

Transposition describes the process of turning the rights and obligations set out in an EU Directive into national legislation, thereby giving legal force to the provisions of the Directive. The Commission may take action if an EU Member State fails to transpose EU legislation or to communicate to the Commission what measures it has taken. In cases of no or partial transposition, the Commission can open formal infringement proceedings and eventually refer the EU Member State in question to the Court of Justice of the EU.

