

DIRECTORS AND EXPERTS OF BETTER REGULATION

Regulatory Impact Assessment Initiative

Background to the initiative

During the Greek presidency of the EU, the Group of Directors and Experts of Better Regulation (DEBR), prepared an overview of the procedures on better regulation that are already operating in the member states and on the EU level. From this report it became clear that most member states as well as the Commission do have the essential measures and procedures for better regulation in place. Therefore it is now the right time to go one step further in this benchmarking exercise, and start studying the content of these measures and procedures, with an aim to highlight practices that particularly seem to contribute to better regulation.

The Italian Presidency, in agreement with the subsequent Irish and Dutch Presidencies, proposes in this respect to focus first on regulatory impact assessments, and launch an exchange of good practices in this field making use of the expertise of the EU countries that have an RIA procedure. Accession countries having such a procedure could also participate, as well as the Commission.

Project outline

The initiative would be conducted by separately assessing, according to national procedures and standards, one or more Commission legislative proposals that have been presented to Council and Parliament. Looking at the same piece(s) of Community legislation will ensure that the assessments can be compared. This comparison should ultimately lead to recommendations on methods and standards that seem to offer the best results in achieving the goal of impact assessment, which is making the economic, social and environmental effects of draft legislation transparent for political decision makers.

Alternatively, instead of focusing on legislation proposed by the Commission, this benchmark of national RIA procedures could be carried out through comparing impact assessments on national legislation (possibly implementing EU directives). This would have as a benefit that existing assessment reports could be used, making it possible to proceed faster and at lower costs. However, this approach would make it much more difficult to compare the national methods and standards, as the content and quality of the assessment would be heavily influenced by the content and quality of the examined regulation. Therefore it is suggested not to follow this approach primarily, but we could take it on as an extra (second) way of generating best practices for impact assessment.

Project Outputs

A report arising from the project will be submitted to the DEBR incorporating:

- comparison of RIA methodologies and approaches used by participants in the project
- findings and recommendations in relation to Good Practice for effective application of RIA
- suggested future actions to further support effective use of RIA across the EU

Timescale

Since the Commission has started attaching extended impact assessments to its legislative proposals, about five such assessments have been published. A further ten to twenty assessments are expected to come out before the end of this year. These are all proposals with significant economic, social or environmental effects. It would therefore make sense to select the subjects of this benchmark from this list of Commission proposals. This has as an extra benefit that it would allow the Commission to participate in this benchmark, should it wish to do so. The project could start in November, and present results to the meeting of the DEBR in February 2004.

Project Management Group

A Project Group comprised of a representative of each participating Member State (including the troika) will manage the project and prepare the report to the DEBR. The possibility of employing some expert academic or consultancy advice in preparing a comparative analysis of Member State and Commission RIAs will also be considered.

As well as overseeing the completion of the project and a report for submission to the DEBR, the Project Group could consider options for making available advice, support or feedback in relation to the implementation of RIA, possibly in the form of training, to any interested Member State, accession country or Commission service.

Future Developments

As a result of the RIA Initiative, the identification of common points and approaches could allow DEBR to proceed with the elaboration of a RIA Common Framework. This could be a qualitative step in efforts to proceed with RIA in the EU.