

# Ex-Ante Impact Assessment : the experience of the European Parliament

Presentation to the  
Portuguese Parliament Seminar on  
Simplifying and Improving the Law  
26 May 2015

# Context

## *2003 IIA on Better Law-Making....*

- Impact assessment has become a critically important tool, controlled within the Commission by its **Impact Assessment Board**, now the **Regulatory Scrutiny Board**, developed into a model of best practice
- Increased focus on **implementation** and **evaluation** and **closing the loop** between ex-ante and ex-post impact assessment
- Increasingly “**policy cycle**” based approach: integrated impact assessment as part of a continuous, coherent process

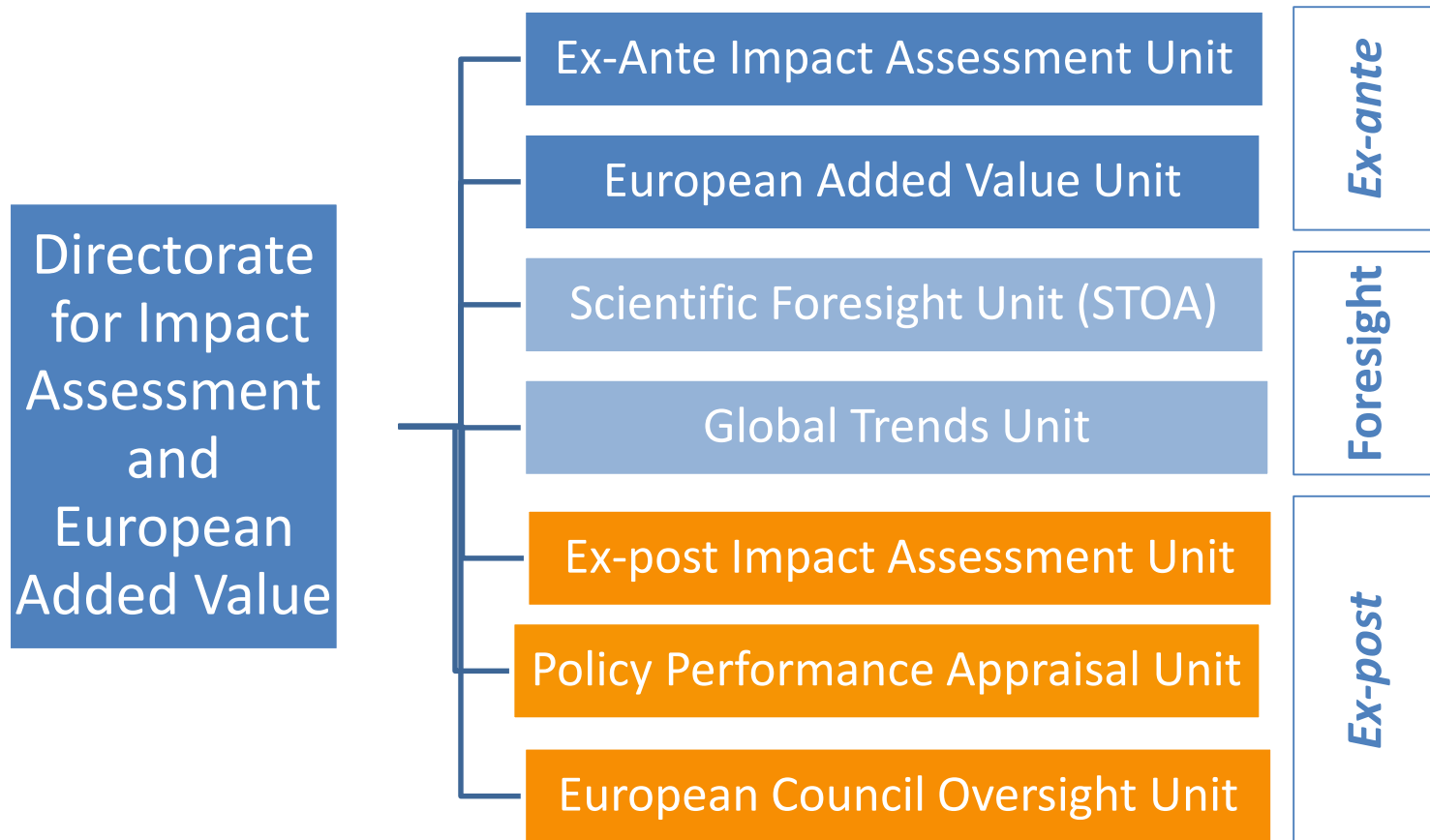
# Schematic representation of the Policy Cycle



# European Parliament capacity

- June 2011: Niebler report on “*guaranteeing independent impact assessments*” :
  - welcomed the IA process as an important aid to better law-making during the whole policy cycle
  - called for Parliament to strengthen the IA capacity of its committees and for the creation of an *autonomous impact assessment structure*
- 2012: Creation of a dedicated Directorate for Impact Assessment and European Added Value
  - November 2013: incorporated into the new European Parliamentary Research Service (EPRS)

# Structure of the Directorate



# Mission

*To provide support to committees in order to:*

- enhance EP's capacity for **scrutiny and oversight** of the executive
- strengthen EP influence on **evidence-based policy formulation** and development through IA work
- contribute to the improvement of the quality of legislation and **Better Regulation**

# Ex-Ante Impact Assessment Services

- Systematic provision to committees of **initial appraisals** (4-8 page briefings) of the quality of Commission IAs
- *On request of committees:*
  - **Detailed appraisals** of Commission Impact Assessments
  - **Complementary or Substitute** Impact Assessments
  - Impact Assessments on **substantive amendments**

# Impact Assessment procedures

- Requests from committees require **broad political support** (*Conference of Committee Chairs' IA Handbook*)
- **Any stage** – before or after adoption in committee, plenary, trilogue...
- Use of **in-house or external expertise** (IA of amendments is always externalised)
- **Deadlines**: in practice, 2-4 months on average



# Ex-Ante Impact Assessment – work to date

*June 2012-April 2015:*

- **100** initial appraisals of Commission IAs
- **5** detailed appraisals of Commission IAs
- **4** substitute or complementary impact assessments
- **5** impact assessments (on one or more) EP amendments, encompassing a total of **25** amendments

Based on requests from: IMCO, ENVI, JURI, INTA, LIBE and ECON

# EXAMPLES OF EX-ANTE IMPACT ASSESSMENT WORK

## Detailed Appraisals of Commission Impact Assessments

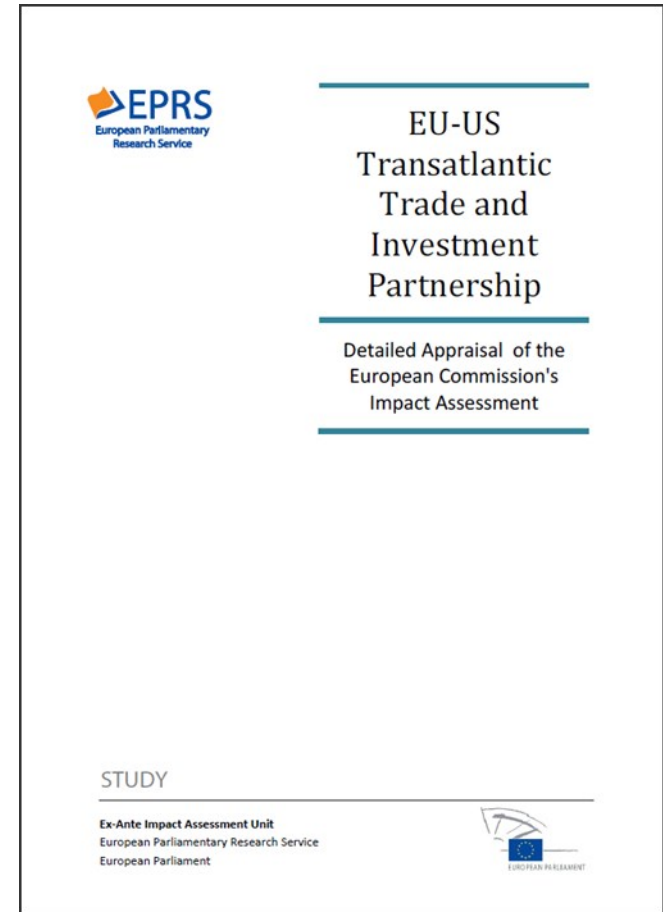
Common European Sales Law  
Statutory audits of public accounts  
Third-country public procurement  
Consumer product safety  
TTIP

## Substitute /Complementary IAs

Honey Directive  
Anti-Discrimination Directive  
Novel Foods  
Air Quality

## IAs on substantive amendments

Ship recycling  
Transfer of motor vehicles  
Public Procurement  
EU « safety tested » marking  
Money Market Funds



# Value of ex-ante IA work in EP

- **informs discussions** of Commission IA/proposal and can flag up and explore possible areas of interest or concern, stimulate or relaunch debate...
- **completes the picture**, can answer concerns/redress imbalances or omissions in the Commission IA
- **provides an evidence base for amendments** (*trilogues...*) and ensures that Members can take a political decision in full knowledge of the facts

# Future challenges ?

*Better Regulation package:*

- Increased focus on **IA of amendments**
  - political commitment
  - balance and coherence
  - practicalities (*definitions, deadlines...*)
  
- Negotiation of the new **Inter-institutional Agreement on Better Regulation**

# Further information

- EP website / Think tank:

<http://www.europarl.europa.eu/thinktank/en/documents.html>

- EP website/studies:

<http://www.europarl.europa.eu/committees/en/studies.html>

- Blog: <http://epthinktank.eu/>
- <https://www.facebook.com/EPThinkTank>
- [https://twitter.com/ep\\_thinktank](https://twitter.com/ep_thinktank)

- DG EPRS website:

<http://www.eprsnet.ep.parl.union.eu/comtrack/>

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