Guaranteeing independent impact assessments

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The European Parliament adopted by 573 votes to 22 with 78 abstentions, a resolution on guaranteeing independent impact assessments.

Parliament recalls that impact assessments present a systematic evaluation of the likely effects of legislative action and that it has on a number of occasions expressed support for the use of independent impact assessments in the European Union. In this context, Members lay down a series of recommendations on the general requirements for impact assessments at European level with a view to enhancing efficiency and independence.

General requirements for impact assessments at European level: stressing that impact assessments are an important aid to smart and better lawmaking during the whole policy cycle which the makers of EU law should exploit more often in order to help them evaluate more effectively the economic, social, environmental and health related consequences of their policy options, Members emphasise that impact assessments should play a key role throughout the whole policy cycle, from design to implementation, enforcement, evaluation and to the revision of legislation and that they should be considered as a prerequisite for high-quality legislation and correct transposition, application and enforcement.

Parliament stresses that impact assessments are in no way a substitute for political debate and the legislator's decision-making process. They must respond to a certain number of standards. To summarise, they:

- need to be carried out in the early stages of policy development;
- should be completely independent and should always be based on an objective, reasoned analysis of potential effects;
- should involve external experts from all policy areas as well as all stakeholder groups affected in the impact assessment process in order to guarantee independence and objectivity;
- require the maximum of transparency when being drawn up, including the early publication of comprehensive Road Maps of proposed legislation to ensure equal access to the legislative procedure for all stakeholders;
- should be scrutinised by Member States *ex ante*, to assess the effects of proposed legislation on national laws and public policies;
- should be a suitable instrument for verifying the relevance of Commission proposals, and in particular compliance with the principles of subsidiarity and proportionality, and for explaining more clearly to the co-legislators and the public at large the reasons behind opting for a given measure;
- should quickly identify the problems such as the consultation of the parties concerned, definition of the objectives to be achieved and the elaboration of strategic policy options;
- should be updated during the course of the legislative process;
- ensure consistency between policies and activities of the EU by taking all the economic, social and environmental aspects which are to be combined in a single evaluation;
- examine the potential implications for small and medium-sized enterprises (SMEs);
- make an ex-post assessment of the impact of EU legislation on the competitiveness of the European economy, including industrial competitiveness;
- should look into the European added-value in terms of what savings will result from a European solution and/or what supplementary costs would arise for the Member States in the absence of a European solution;

- should consider the implications of choosing a specific European standard instead of an international standard;
- must fully consider the alternatives available to the legislator, which should always include a serious examination of the option of taking no action;
- should not be abused as a means of holding up unwanted legislation, and technical and administrative conditions should be created to ensure the optimal use of resources;
- should not take place only before the adoption of a legislative text (ex-ante) but should also be carried out after its adoption (ex-post).

Underlining the Commission's primary responsibility for conducting high quality impact assessments of its proposals when exercising its right of initiative in accordance with the Treaty, Members consider it **important for new legislative proposals to be accompanied by an impact assessment**. They note that this may also apply to the simplification and recasting of EU law and to delegated acts and implementing acts pursuant to Articles 290 and 291 TFEU.

Potential for improvement at Commission level: Parliament calls for the following measures (i) strengthen the independence of members of the IAB, who must be scrutinized by the European Parliament and the Council prior to appointment and no longer be subject to the instructions of the Commission President; (ii) the involvement of experts from all policy areas as well as all stakeholder groups affected in the IAB's work; call for these experts to come from outside the Commission and not be subject to instructions; (iii) the early and comprehensive involvement of the European Parliament, and in particular of its relevant committees, in the whole impact assessment process and in the work of the IAB; (iv) the Commission should also consult with the Member States, because the latter must later transpose the directives into national law; (v) in the interest of greater transparency, the publication of the names of all experts and other participants in the impact assessment process as well as of their declaration of interests; (vi) look systematically at the administrative burden imposed by proposed legislation, and state clearly which of the options assessed eliminates the most administrative burdens; (vii) not present the results of an impact assessment at the same time as a legislative proposal, as it gives the impression that the principal aim of the impact assessment is to justify the Commission proposal; (viii) assessments be be published in a special publication series by the Commission; (ix) use data that is reliable and comparable.

Potential for improvement at European Parliament level: Members state that considers recourse to a parliamentary impact assessment particularly necessary when substantive changes to the initial proposal have been introduced. Impact assessments need not form part of a time-consuming study but may also take the form of limited studies, workshops and expert hearings. Parliament suggests the following measures: (i) a standard citation should systematically be included by Parliament in its legislative resolutions, by which a reference is made to consideration of all impact assessments conducted by the EU institutions in the areas relevant to the legislation in question; (ii) presentation of the impact assessment by the Commission to the relevant committees; (iii) review of Commission impact assessments by external experts and the holding of special meetings with independent experts. Parliament states that Parliament’s impact assessments should be regarded as a corrective to the Commission’s impact assessments. The decision to carry out a parliamentary impact assessment must be taken in Parliament’s relevant committee with the participation of the rapporteur. In this context, Parliament urges that its Rules of Procedure be amended so as to enable one quarter of the committee’s members to order an impact assessment to be carried out. It also calls for individual Members to have the scope to request small studies to provide them with relevant facts or statistics in areas relating to their parliamentary work, and suggests that such studies may be undertaken by the European Parliament's library to complement its current functions.

Creation of an autonomous impact assessment structure for the European Parliament, and prospects for the future: Members call for the establishment of a common impact assessment procedure to be developed on the basis of a common system and methodology used by all committees. This process should take place under the aegis of an **autonomous structure** which makes use of the Parliament's own resources, for instance by involving the library and the policy departments. Members call for the

necessary administrative infrastructure to be created to this end, making sure that any such infrastructure is **budget neutral**, by making use of existing resources.

Lastly, Parliament stresses that long-term deliberations should take place on the prospects of a common approach to impact assessments by the European institutions. It regrets that the Commission opposes the idea of a common approach to impact assessment by the European institutions, and it calls on the Council too to make more intensive use of impact assessments, in line with the interinstitutional common approach to impact assessments of 2005.

It should be noted that a proposal by the Greens/EFA group for a replacement resolution was rejected in Plenary.