



# European Union

Indicators of Regulatory Policy and Governance 2021





## Overview and recent developments

The 2016 Interinstitutional Agreement between the European Commission (EC), the European Parliament and the Council recognised stakeholder engagement, regulatory impact assessment (RIA), and *ex post* evaluation as core elements to improve regulatory quality. The EC is the executive of the European Union (EU). It develops and presents regulatory proposals in accordance with its Better Regulation Toolkit to the European Parliament and the Council for adoption. The Commission announced in the 2021 Policy Communication on Better Regulation to further streamline consultations particularly through the call for evidence, integrate foresight, introduce regulatory offsetting and to require policy makers to provide information about the attainment of long-term goals such as climate change and the SDGs.

The Commission's Secretariat General ensures overall coherence of the Commission's work and oversees compliance with its commitment to Better Regulation and develops its policy. It reviews RIAs, stakeholder engagement processes and *ex post* evaluations, oversees burden reduction activities, provides capacity support and draft corporate guidance on Better Regulation. It also serves as Secretariat to the Regulatory Scrutiny Board (RSB), which consists of three Commission officials and three external experts and is chaired by a Commission's Director General. The RSB checks the quality of all impact assessments and major evaluations and fitness checks. Its mandate was expanded in 2020 to include outreach activities and oversight regarding the one in-one out rule. The RSB's mandate has been enlarged to reflect the European Commission's decision to embed strategic foresight into its working methods, including to inform the design of new initiatives and the review of existing ones. The European Parliament's Directorate for Impact Assessment and European

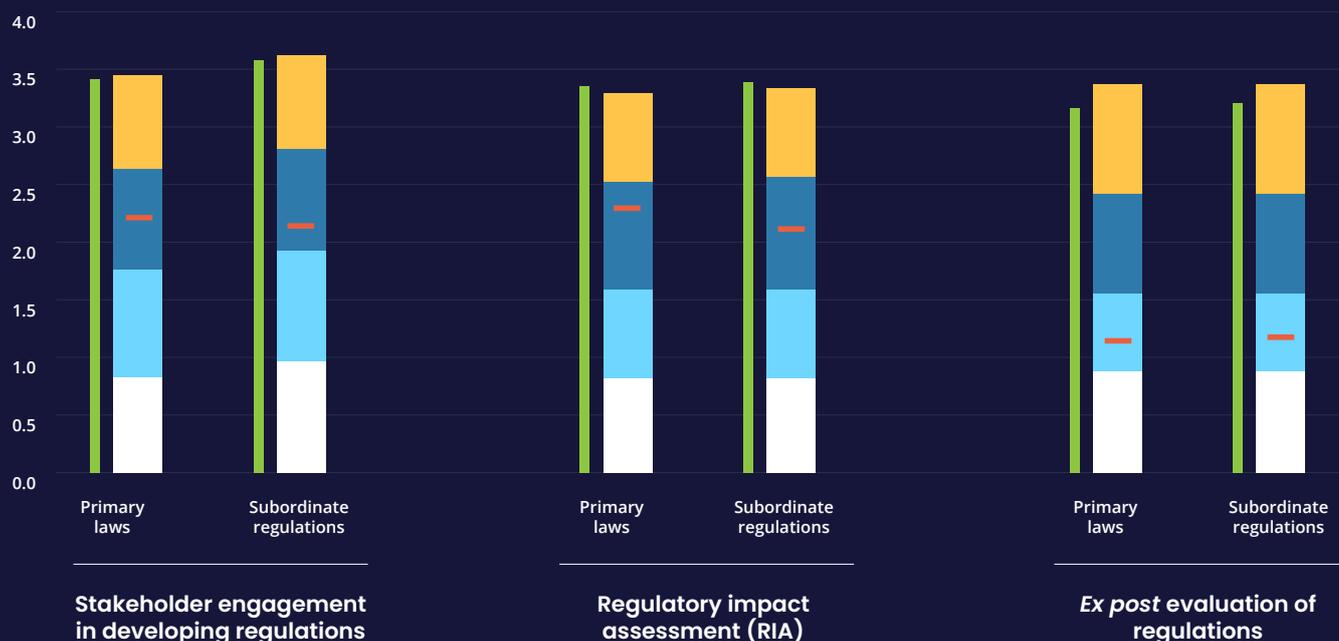
Added Value also reviews RIAs attached to draft legislation submitted by the Commission, and conducts in-depth analysis and impact assessments of amendments at the request of Parliamentary committees. The Council has also developed its capacity to assess impacts of their substantial amendments, but it has not used it so far.

*Ex ante* impact assessments continue to be carried out for major primary laws and subordinate legislation. Inception Impact Assessments, including an initial assessment of possible impacts and options to be considered, are prepared and consulted on before a full RIA is conducted. Following this initial feedback period, the EC conducts public consultations during the development of initiatives with an impact assessment. Legislative proposals and the accompanying full RIA are then published online for feedback following approval of the proposal by the College of Commissioners. Draft subordinate legislation is consulted on publicly. Transparency could be further improved by making RIAs on subordinate legislation available at this stage with the opportunity to comment on the analysis.

The *ex post* evaluation system, combining systematic evaluations of individual regulations with comprehensive "Fitness checks" of policy sectors, invites comment on evaluation roadmaps and on the main elements of all evaluations. The RSB now provides quality indicators on evaluations which are made publicly available along with compliance statistics. The Fit for Future Platform brings together representatives of the Commission, Member States and non-government stakeholders, to make suggestions for simplification and review of EU legislation. Indicators below mainly represent practices of the European Commission. The other EU institutions and in particular the Council seems to be lacking behind in terms of the implementation of the 2016 Interinstitutional Agreement.

# Indicators of Regulatory Policy and Governance (iREG): European Union, 2021

● Methodology 
 ● Systematic adoption 
 ● Transparency 
 ● Oversight and quality control 
 ■ Country total, 2018 
 — OECD average, 2021



Notes: The more regulatory practices as advocated in the [OECD Recommendation on Regulatory Policy and Governance](#) a country has implemented, the higher its iREG score. Results presented apply to all legislation (regulations, directives and implementing and delegated acts) initiated by the European Commission, who is the sole initiator of legislation in the EU system.

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

## European Union: Transparency throughout the policy cycle



### Inform the public in advance that:

A public consultation is planned to take place	<b>All</b>
Regulatory impact assessment (RIA) is due to take place	<b>Yes</b>
Ex post evaluations are planned to take place	<b>All</b>



### Consult with stakeholders on:

Draft regulations	<b>Major</b>
Evaluations of existing regulations	<b>All</b>



### Publish online:

Ongoing consultations*	<b>All</b>
Views of participants in the consultation process	<b>Yes</b>
RIAs	<b>All</b>
Evaluations of existing regulations	<b>Yes</b>



### Policy makers use:

Interactive website(s) to consult with stakeholders	<b>Yes</b>
Website(s) for the public to make recommendations on existing regulations	<b>Yes</b>



### Policy makers provide a public response to:

Consultation comments	<b>Yes</b>
Recommendations made in ex post evaluations	<b>Frequently</b>

\* Publish on a single central government website.

Note: The data reflects European Union's practices regarding primary laws initiated by the executive.

Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/ireg>.

