

Antwoorden evaluatie EU Betere Regelgevingsbeleid

27 Are you informed about the Commission's plans early enough to be able to take part in the policy-making process?

Yes, mostly

28 Are you satisfied with how the Commission involves members of the public, businesses, non-governmental organisations and other interest groups?

Neither satisfied nor dissatisfied

29 Does the Commission provide enough evidence (e.g. evaluations, impact assessments) to back up its proposals?

Partially

30 Does the Commission take environmental and social impacts sufficiently into account when putting forward policy proposals (in addition to economic impacts)?

Yes, mostly

31 Does the Commission take **subsidiarity and the role of national, regional, and local authorities sufficiently into account when putting forward policy proposals?**

Yes, mostly

32 Are you satisfied with the Commission's efforts to simplify existing EU laws and to reduce costs where possible (REFIT)?

Neither satisfied nor dissatisfied

33 Please feel free to explain your answers. We would like to know what works well (and should be kept) and what doesn't (and needs review).

The Commission has taken since 2015 several important measures to improve the involvement of stakeholders. The creation of the REFIT-platform is certainly one of them. Also the improved internal Commission guidelines & toolbox on consultation, the publication of Roadmaps and inception impact assessments and the new website "Have your say" are very good initiatives to improve the way policy makers and stakeholders are informed and invited to be involved in the policy making process at an early stage.

However, documents for the public (consultation documents, impact assessments, evaluation documents) are often too long and complicated. We also believe more and better feedback should be given to those who have participated in a consultation.

In more cases than today, an impact assessment should be made by the Commission. Furthermore we find that relevant aspects in impact assessments (position of SME's f.i.) are not always taken into account and that quantitative and qualitative impacts of regulation are not always adequately described.

We are positive about the creation of the REFIT-platform and appreciate in general the efforts of the Commission in the context of the REFIT-programme to simplify EU legislation and reduce and avoid unnecessary burdens where possible. However, the REFIT-scoreboard should be improved to get a better insight in the actual results of the REFIT-programme. In too many cases the (expected) quantitative or qualitative impacts of REFIT-initiatives (both ongoing and finished initiatives) are not adequately described. This makes it hard to assess the results of the REFIT programme.

In parallel with the Commissions fitness check “Streamlining environmental reporting” and in close cooperation with DG Env, the Netherlands, Germany, United Kingdom and Czech republic, supported by some 20 other Member States within the framework of the “Make it Work Project”, have developed Drafting Principles on smarter environmental reporting (please see the document and the policy note, uploaded with this questionnaire). In the report COM(2017)312 “Actions to streamline environmental reporting”, the Commission announces the use of these “Make it Work Drafting Principles’ in performing evaluations. On top of that the Commission announced to assess data sharing and looking into possible overlap in reporting obligations between different policy fields aiming at ending double or even triple data streams. One of the examples mentioned is the reporting obligations under the Waste Framework Directive in relation with the Waste Statistics Regulation.

These actions are not (yet) incorporated in the evaluation framework.

The Better Regulation Guidelines and Toolbox do not gear towards thematic evaluations, whereas especially such an approach could improve policy efficiency and effectiveness and reduce unnecessary administrative burden.

The Netherlands requests the Commission to incorporate the Drafting Principles that can be applied horizontally and to develop a strategy towards thematic evaluations or evaluating with the aim of addressing overlapping obligations such as overlapping reporting obligations in different policy fields, for instance climate, agriculture environment.

34 Are roadmaps and inception impact assessments useful to help you prepare your participation in the policy-making process?

Yes, mostly

35 Please feel free to explain your answer

They are certainly useful to stimulate early involvement of stakeholders in the process of policy making. They are –unfortunately- not as well known (yet) by all the stakeholders that might be interested in the roadmaps and inception impact assessments.

36 Are you satisfied with the following opportunities to contribute to the policy-making process?

-Opportunity to comment on roadmaps and inception impact assessments.

Yes, satisfied

-Public consultations

Neither satisfied nor dissatisfied

-Opportunity to comment on draft delegated and implementing acts

Yes, satisfied

-Opportunity to **comment on Commission legislative proposals**

Yes, satisfied

-Opportunity to **suggest ways to improve existing laws (Lighten the Load)**

Yes, satisfied

37 Please feel free to explain your answer.

The Commission has since 2015 introduced some very important improvements in the area of consultations and opportunities to comment on proposals.

Giving feedback to participants after a consultation and avoiding conducting consultation during holiday periods (like with this consultation) are elements that can be further improved. Also, documentation used for consultations or opportunities to comment, could be made easier to understand for a broader public. Documents are often too long and written in complicated/technical language. What has been done with the reactions to the consultation could be made more explicit in the proposal and/ or impact assessment. By doing so, people who participated in a consultation would also receive feedback, which is very important.

We think that the Lighten the load website could be promoted more proactively. Through better communication, more businesses, citizens, (governmental) organisations and other stakeholders will become aware of the opportunities the refit-platform offers and more suggestions to improve EU legislation will be sent in.

38. Are you satisfied with the following aspects of public consultations?

-Clarity of questionnaires

Neither satisfied nor dissatisfied

-Length of questionnaires

Neither satisfied nor dissatisfied

-Neutrality of questionnaires

Neither satisfied nor dissatisfied

-Opportunity to make relevant comments or provide supporting material

Yes, satisfied

-Availability of different language versions

Yes, satisfied

-Length of consultation period

Yes, satisfied

39 Please feel free to explain your answer.

Questionnaires are not always clear and tend to be too lengthy for stakeholders. The consultation period is long enough, however, not always are holiday periods (especially summer) taken into account. This could mean that in practice, stakeholders have less than 12 weeks to respond.

In some cases, people find questionnaires to be “leading” towards certain outcomes. This is related to the selection of aspects a questionnaire is dealing with, but also with the formulation of questions.

40 Are you satisfied with how the Commission reports on the results of its public consultations and the other opportunities to comment?

No, dissatisfied

41 Please feel free to explain your answer.

Participants don't always receive a report back. And those reports are not always very clear.

42 Do you have any other ideas for improving the Commission's stakeholder consultation practices? We would like to hear examples of good practice from both EU and non-EU countries.

It would be good to have more information on how the views and suggestions expressed in the consultation process have (or have not) been fed into the elaboration of the proposal. Furthermore, a stakeholder analysis, identifying stakeholders who may be affected by a proposed action, should be an integral part of a policy proposal, as a basis for a more proactive outreach in the consultation process.

The current standard consultations of the European Commission have been a useful way of providing input. In addition to these consultations, other forms of interaction could be considered. A good way to involve stakeholders would be to organize meetings with stakeholders in the form of a dialogue. We have seen very useful dialogues between Commission staff and a broad array of stakeholders in the capitals, in the context of the European Semester. This enables stakeholders to participate in an exchange of ideas and direct feedback. Such a direct dialogue could be a very fruitful addition to the Brussels based meetings and the public consultations.

43 Are you satisfied with the following aspects of the Commission's evaluations?

Transparent assessment of what works and what doesn't

Neither satisfied nor dissatisfied

Usefulness of evaluations for policy-making

Yes, satisfied

Transparent information about all relevant impacts (benefits and costs) of existing legislation

Neither satisfied nor dissatisfied

Focus on simplification and cutting unnecessary costs ('REFIT programme')

Neither satisfied nor dissatisfied

44 Please feel free to explain your answer

In general, in impact assessments but also in the context of evaluations, the Commission could do more to systematically describe the quantitative and qualitative impacts of regulation. When impacts are not adequately described, it is also more difficult to identify opportunities to cut unnecessary costs in the REFIT programme..

The RSB has pointed out that in evaluations in too many cases, the key questions ("are policy objectives met and is this regulation fit for its main purpose"?) are not sufficiently addressed.

This clearly should get more attention within the Commission services. We feel the RSB is on the right track to push for improvement and hope the RSB will continue this way.

It might be good to seek more interaction with stakeholders when designing an evaluation to make sure the right issues are addressed.

45 Is the REFIT platform effective in identifying areas where legislation can be simplified and unnecessary costs cut while preserving policy objectives?

Yes, mostly

46 Please feel free to explain your answer.

We think that the refit-platform is effective in identifying areas where EU legislation can be made more effective. We do think that the effectiveness could be further improved by promoting the refit-platform and its website more proactively. Through better communication, more businesses, citizens, (governmental) organisations and other stakeholders will become aware of the opportunities the refit-platform offers and more suggestions to improve EU legislation will be sent in. Also, clear communication about the follow-up (and successes) of the refit-platform could help to further incline stakeholders to do suggestions to improve EU - legislation.

47 Do you have any further ideas about how to improve the Commission's evaluations? Please feel free to share examples of good practice from both EU and non-EU countries.

As stated under question 33, The Netherlands would like to see more thematic evaluations, making use of the Make it Work experience. It's important to look at not only one particular piece of legislation, but also to how it fits within the acquis and what the consequences of the co-existing instruments are in practice. This is how overlaps, contradictions and gaps can be identified.

The Better Regulation Guidelines and Toolbox do not gear toward such thematic evaluations, whereas especially such an approach could improve policy efficiency and effectiveness and reduce unnecessary administrative burden.

The Netherlands requests the Commission to incorporate the Drafting Principles of Make in Work - that can be applied horizontally- and to develop a strategy towards thematic evaluations or evaluating with the aim of addressing overlapping obligations such as overlapping reporting obligations in different policy fields, for instance in climate, agriculture environment.

48 Are you satisfied with the following aspects of the Commission's impact assessments?

-Transparent information about all the relevant impacts (benefits and costs) of different policy alternatives

No, dissatisfied

-Assessment of the potential for simplifying existing legislation and cutting unnecessary costs

Neither satisfied nor dissatisfied

-Usefulness to inform the Commission's decision-making

Neither satisfied nor dissatisfied

-Usefulness to inform the European Parliament's and the Council's decision-making

Neither satisfied nor dissatisfied

49 Please feel free to explain your answer.

Impact assessments can be valuable and crucial instruments to assess the potential for simplifying existing legislation and cutting unnecessary costs and to inform the Commission's, Council's and European parliament's decision making.

We have clearly seen an improvement in the quality of impact assessments in the last years. However, we feel there is room for further improvement to make impact assessments more useful. We find that:

- in some cases not all relevant policy alternatives are dealt with in impact assessments. Often only the "preferred" policy option is analysed.*
- Important aspects such as the position of SME's are not always assessed in cases where it's clearly relevant to assess them.*
- Quantitative and qualitative impacts should be better described.*
- Impact assessments tend to be too lengthy and complicated, especially for non-expert stakeholders.*

50 Do the Commission's impact assessments analyse the most relevant and important issues? (e.g. impacts on SMEs via the SME test, etc.)

In most cases yes, however, there are strong indications that improvements are necessary as pointed out f.i. by the Eurochambres-report on the application of the SME-test. This clearly showed that the position of SME's is not sufficiently addressed in all impact assessments.

51 What more can the Commission do to justify its proposals with regard to subsidiarity and proportionality?

The impact assessment could better describe the European added value of a proposal. This should give a better indication of whether a problem should be solved through legislation on an EU level or rather be resolved by member states themselves or providing support (financially or expertise) to member states that need it.

52 Do you have any further ideas about how to improve the Commission's impact assessments? Please feel free to share examples of good practice from both EU and non-EU countries.

What we see in the REFIT-scoreboard is that the Commission in certain cases does not give any quantitative or qualitative description of the burdens of regulation with the argument that the Commission does not have all the necessary data. In those cases, the Commission should try to present quantification based on the -limited- information available, clearly stating which assumptions and information was used. This does not have to be a problem. An impact assessment should be more an estimation, rather than an attempt to reach for scientific proof on all aspects and an estimation of impacts is much better than no information on the impacts at all.

The qualitative impacts of regulations should in any case always be clearly described.

Important elements like "the position of SME's" or "the impact on innovation" should when relevant always be addressed.

53 Please indicate the level of your agreement with each of the following statements:

-I am familiar with the Regulatory Scrutiny Board.

I strongly agree

-There is sufficient regulatory scrutiny of EU impact assessments and evaluations.

I tend to disagree

-Regulatory scrutiny adds value to the overall regulatory process.

I strongly agree

-The Regulatory Scrutiny Board is impartial

I tend to disagree

-The Regulatory Scrutiny Board opinions are informative.

I tend to agree

-The Regulatory Scrutiny Board opinions promote evidence-based policies.

I strongly agree

-The Regulatory Scrutiny Board increases the quality of Commission proposals.

I tend to agree

-The Regulatory Scrutiny Board increases transparency of Commission policy-making.

I tend to agree

-The Regulatory Scrutiny Board increases accountability of Commission policy-making.

I tend to agree

54 Do you have any comments on the Regulatory Scrutiny Board?

With the change of the IAB to the RSB, important steps were taken in the right direction, with a broader mandate and a partly independent composition of the Board.

We are in general satisfied with the work of the RSB.

However, the countries that have a national regulatory scrutiny Board, have given those Boards an independent and external status, with members who are all independent and external.

The RSB should in our view also be composed of external and independent members only. This will increase the number of people who see and recognize the RSB as independent.

In the longer run, the Netherlands would like to see a common independent capacity for all three EU institutions for scrutinizing the quality of impact assessments and evaluations, instead of each institution having its own capacity for scrutinizing the quality. This solution would also stimulate the cooperation between the EU institutions in the field of Better Regulation.

55 Please select up to three areas where the Commission has made (relatively more) progress since 2014, if any.

Transparency of policy making process, consultation.

56 If “other”, please specify.

57 Please select up to three areas where the Commission should make improvements in the future.

Impact assessments, scrutiny of regulatory proposals.

59 How could the Commission simplify its better regulation approach to ensure the timely development of proposals while ensuring that these continue to be based on evidence?

Today, impact assessment, consultation and evaluation documents tend to be very long. Time can be saved by making them shorter (not all aspects need to be dealt with extensively). An impact assessment for instance should be more an estimation rather than an attempt to reach for scientific proof on all aspects. Adopting the right approach in this respect can also save time and money.

60 Please feel free to upload a concise document, such as a position paper. The maximum file size is 1MB.

Please find 2 documents related to the “Make it work” project.

61 If you wish to add any further information relevant to this questionnaire, please feel free to do so here.

The Netherlands attaches high importance to the Better Regulation Agenda and its aims of improving the quality of legislation and avoiding and reducing unnecessary burdens. We are very grateful for the efforts made by first-vice-president Timmermans and the Commission staff in the Secretariat-general since 2015. Many important improvements have been made, like the creation of the REFIT-platform, the introduction of enhanced guidelines & toolbox, the transformation of the Impact Assessment Board into a Regulatory Scrutiny Board with a new, broader mandate and a more independent composition and also the introduction of the REFIT-scoreboard as an important monitoring tool.

We congratulate the Commission with these results and the fact that the recent OECD outlook on Better Regulation, clearly recognizes the work that has been done by the Commission.

However, the work on the Better Regulation Agenda is not finished and should be continued beyond 2019. In fact, Better Regulation requires permanent efforts and should in our view be a standard part of the work of future Commissions.

In order to be successful in the field of Better Regulation, future Commissions should continue to provide central strong coordination by the Secretariat-General and high political visibility within the Commission. We believe the guidance from the first-vice president and the active central coordination from the Secretariat-general, are key factors of the success of the Better Regulation policy.

The most important challenges we would like to see addressed are the following:

- *In more cases than today, an impact assessment should be made.*
- *Better description in impact assessments and evaluations of the quantitative and qualitative impacts of -proposed- regulation is needed*
- *The same goes for the REFIT-scoreboard; in too many cases the (expected) quantitative or qualitative impacts of REFIT-initiatives (both ongoing and finished initiatives) are not adequately described. This makes it hard to assess the results of the REFIT programme.*
- *Better assessment of the impacts of -proposed- regulation on SME's and innovation and considering SME- and innovation-friendly solutions.*
- *The introduction of Better Regulation objectives for improving the quality of legislation and avoiding and reducing unnecessary burdens, in line with the Council Conclusions of May 2016. Working with these objectives, as an internal management tool, can help the Commission to formulate ambitions, give guidance within the Commission services and achieve results. This is also the experience of the Netherlands. These objectives can be formulated by the Commission, don't need a baseline measurement and don't lead to undesired deregulation.*
- *The RSB should in our view be composed of external and independent members only. This will also increase the number of people who see and recognize the RSB as independent.*

- *In the longer run, the Netherlands would like to see a common independent capacity for all three EU institutions for scrutinizing the quality of impact assessments and evaluations, instead of each institution having its own capacity for scrutinizing the quality. This solution would also stimulate the cooperation between the EU institutions in the field of Better Regulation.*
- *Better description of the European added value in impact assessment to address the question of subsidiarity.*
- *More systematic use of ex-post review (including evaluation and horizon clauses) of EU legislation, in accordance with the report "Ex-post review of EU legislation: a well-established system but incomplete" submitted by the Court of Auditors in January 2018.*