

What is a "fitness check"?

"Fitness checks" are comprehensive policy evaluations assessing whether the regulatory framework for a policy sector is fit for purpose. Their aim is to identify excessive administrative burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared over time, and to help to identify the cumulative impact of legislation. Their findings will serve as a basis for drawing policy conclusions on the future of the relevant regulatory framework.

Will fitness checks replace "traditional" evaluations?

No. Evaluation of individual instruments and fitness checks of policy sectors are complementary and mutually reinforcing tools. Evaluations of individual initiatives, although indispensable, do not always show the full picture and a more strategic and global view is often required: fitness checks respond to this need.

Which areas are covered by the fitness checks?

No area is excluded, in principle. In 2010 pilot exercises have started in four policy areas: environment, transport, employment and social policy and industrial policy. The results will be presented in 2012 and will show how the measures have worked in practice.

The following policy sectors have been chosen for a fitness check (FC):

- As regards to **Employment and Social Affairs**, the exercise will focus on the information and consultation of workers (ICW). Legislation in this area dates back to the 1970s and led in 2002 to the adoption of a general, permanent and statutory system of ICW at EU level. Given the importance of ICW, further increased by the number of company closures and restructurings prompted by the financial and economic crisis, the Commission finds that a FC of the current ICW regulatory framework is necessary. The FC will help identify gaps and overlaps in order to ensure that the regulation is effective, without unnecessary administrative burdens and up to date. It will build upon an extensive set of studies in this area which will be complemented, where necessary, by additional research and stakeholders' consultations.
- Concerning **Enterprise**, the FC will assess the EU agro-food sector, encompassing agriculture, food processing and distribution. Accounting for more than 5% of EU value-added and 7% of employment, the sector is central to Europe's prosperity. Ensuring a well functioning food supply chain and securing food safety is becoming even more important for citizens as high food prices put pressure on consumers. The FC of this area will have to take into account how different regulations across a whole range of policy areas interact with each other and what is their cumulative impact. The importance of having a "fit" regulatory framework was highlighted by High-level Group on the Competitiveness of Agro Food Industry, set up to advise the Commission on competitiveness-related issues. Since then, the Commission has simplified a number of individual pieces of legislation. The proposed "fitness check" would go a step further, assessing the global regulatory framework and identifying other areas where further improvements could be made.

- In the area of **Environment**, the FC will concern the protection of EU freshwater resources. It will assess the regulatory framework in place, both in environment policy and related areas, particularly looking at its progress in achieving the agreed policy objectives and identifying possible regulatory gaps. The exercise will also pay attention to infringements, issues related to implementation, the coherence of legislation and possible overlaps, inconsistencies and/or obsolete measures. The FC will target in particular the Water Framework Directive, whose objective is to reach a good ecological and chemical status of all EU waters by 2015, and its two complementary directives on the protection of groundwater against pollution and deterioration and on environmental quality standards. In addition, it will cover the directives on urban waste water, nitrates and floods. The FC will also look at quantitative and adaptive water management issues, for which there are currently no regulatory measures at EU level (except for floods).
- The internal market for aviation is the sector chosen in the area of **Transport**. Civil aviation greatly contributes to the EU economy: more than 300 companies, a network of 400 airports, some 3.2 million employees, 800 million passengers carried in, from or to the EU, and activities worth about EUR 135 billion in 2008. European aviation is also a fast-moving market where the number of intra-community routes has increased by 120% between 1992 and 2009, prices have fallen quite dramatically and numerous new companies have appeared. The FC will be useful to assess the extent to which the existing regulatory framework is "fit for purpose", in view of these important changes. The exercise will target one primary piece of legislation on common rules for the operation of air services in the EU as well as two additional regulations on computerized reservation systems and insurance requirements for air carriers and aircraft operators. To support the assessment, studies will be conducted on specific aspects such as price transparency, insurance requirements and public service obligations. In addition, stakeholders will be given the opportunity to contribute in different ways, notably through an online consultation and one or two large workshops.

How can stakeholder contribute to this exercise?

Transparency and stakeholder involvement are vital for the success of the fitness checks. The results of the fitness check will be presented in a Commission document outlining key findings and conclusions. Moreover, there will be adequate opportunities for stakeholders to follow the exercise and share their views from its launch until the publication of its findings.

Useful references

- Political Guidelines for the next Commission – President J-M. Barroso (9 September 2009)
- Commission Work Programme 2010 : "Time to act" - COM(2010)135 (21 March 2010)
- Commission communication on Smart Regulation in the European Union - COM(2010)543 (8 October 2010)

Contact points

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Mobility and Transport	Internal market for aviation	Unit E1	MOVE-FITNESS-CHECK@ec.europa.eu	MOVE
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