

Fitness checks

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 regulatory 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 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.

- Concerning **Enterprise**, the fitness check pilot project will evaluate the legal framework for the type approval of motor vehicles. The automotive industry sector is central to Europe's prosperity and to the growth of its economy. One third of all manufacturing jobs in the EU are linked to this sector. With the inclusion of services related to the industry, 13 million jobs depend on the sector. The principles of smart regulation play an important role in the competitiveness of the industry, and in view of the global dimension of the automotive industry recourse to internationally harmonised rules is essential. The aim of the fitness check is to assess the effectiveness of the recent changes introduced in the legal framework for the type-approval of motor vehicles in achieving the simplification objectives and the smart regulation principles as an essential contribution towards ensuring a favourable business environment in the automotive industry sector.

- In the area of **Environment**, the FC concerns 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.

How can stakeholders 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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Environment	Protection of EU fresh water resources	Unit D1	ENV-FRESHWATER-FITNESS-CHECK@ec.europa.eu	ENV
Mobility and Transport	Internal market for aviation	Unit E1	MOVE-FITNESS-CHECK@ec.europa.eu	MOVE
Secretariat General	Coordination and guidance (coordinator for the fitness check on agro-food industry)	Unit C1	SG-EVALUATION@ec.europa.eu	SG