

# **RULES OF PROCEDURE OF THE IMPACT ASSESSMENT BOARD ("Board")**

## *Article 1*

### **Composition and appointment**

1. The members of the Board shall be the Deputy Secretary General responsible for better regulation, acting as the Chair of the Board, and two permanent officials at Director level from each of the following groups of Directorates-General:

(1) Macroeconomic area of expertise: ECFIN, TAXUD, COMP, ESTA, TRADE (...)

(2) Microeconomic area of expertise: ENTR, MARKT, INFSO, MOVE, ENER (...)

(3) Environmental area of expertise: ENV, CLIMA, AGRI, MARE, REGIO (...)

(4) Social area of expertise: EMPL, HOME, JUST, SANCO, EAC (...)

They shall be appointed as Board members with voting rights.

2. The Director of the department in the Secretariat General responsible for smart regulation will be the alternate to the Chair of the Board.
3. The members shall be appointed by the Secretary General subject to approval by the President.

## *Article 2*

### **Term of office**

1. The duration of the term of office for each member shall be 2 years and it may be renewed.
2. The term of office of a member can be extended or shortened in agreement with the President on the initiative of the Secretary General.
3. If a member leaves his/her department of origin or, because of a change of position within that department, is no longer able to draw on available expertise in his/her particular field of competence, the Secretary General will without delay appoint a successor subject to approval by the President.

### *Article 3*

#### **Independence**

1. The members of the Board shall act independently in the interest of the institution and their role is to provide expertise on the quality of the impact assessments. They shall act in their personal capacity and on the basis of professional expertise. In so doing, they do not commit their department concerning individual impact assessments, nor may their department give instructions to members of the Board.
2. Any member is obliged to inform the Chair of any interest which might be considered prejudicial to their independence in relation to individual impact assessments.
3. The Chair shall decide on how to deal with cases where independence of a member is questioned.

### *Article 4*

#### **Secretariat**

1. The secretariat of the Board is provided by the Secretariat-General.
2. The Chair instructs the secretariat on tasks to be carried out.

### *Article 5*

#### **Operation**

1. The Commission department responsible for an impact assessment which is subject to Board scrutiny will provide the Board with the draft impact assessment report not later than four weeks before the scheduled Board meeting.
2. The Board may recommend that the draft impact assessment report be revised and, if considered necessary, re-submitted to the Board.
3. On request of departments, and at the discretion of the Chair, the Board may provide advice on impact assessments during the course of their being drawn up. The Board can ask departments to report on the progress of the impact assessment work.
4. As a rule, the Chair will require four members representing all four groups of Commission departments identified above to attend Board meetings on a rotating basis. Attending members are authorized to perform all of the Board's tasks (including the decision mentioned in article 2 above) relating to the impact assessment scheduled to be scrutinized during the meeting in question, through either written or oral procedure. Non-attending Board members do not participate in the Board scrutiny process for the impact assessments in question.
5. In requiring members' attendance at individual meetings, the Chair will aim to achieve a balanced overall participation of Board members at meetings, taking into account the possible existence of conflict of interests.

## *Article 6*

### **Documentation and Minutes of the Board**

The Board will issue opinions on individual impact assessments and notes signed by the Chair on behalf of the Board. These documents and the records on the discussion of each point on the agenda are drawn up by the secretariat under the responsibility of the Chair.

## *Article 7*

### **Meetings of the Board**

1. Board meetings shall be chaired by the Deputy Secretary General. If the Chair is unable to attend a meeting or part of a meeting, his/her alternate shall chair the Board.
2. The Board meets in non-public session.
3. Participants in the meetings are the Board members assigned to it by the Chair. A participant may be assisted by one person. The Chair is assisted by members of the secretariat.
4. The Chair may decide to invite further participants in accordance with Articles 13, 14 and 15.

## *Article 8*

### **Quorum**

1. The Board members should attend all meetings of the Board to which they are assigned.
2. The Board can take decisions in a meeting if at least 4 of the 5 voting members attending the meeting are present.

## *Article 9*

### **Convening a meeting**

Meetings of the Board shall be convened by the Chair, taking account of possible requests of Board members.

## *Article 10*

### **Agenda**

1. The Chair shall draw up in a timely manner a draft agenda and send it to the Board members.
2. Requests for items to be placed on the agenda by the Board members or other departments shall be submitted to the Chair.

## *Article 11*

### **Voting**

1. The Board shall strive to adopt its opinions and notes signed by the Chair on behalf of the Board by consensus.
2. In case a vote is needed, the Board shall take its decision by a simple majority of the members with voting rights present at the meeting, excluding abstentions. In case of a tied vote, the Chair holds the casting vote.

## *Article 12*

### **Decisions by written procedure**

1. The Chair may decide to submit certain matters to the Board in a written procedure. Decisions are deemed to be adopted if no member opposes them within the deadline set by the Chair. When the matters in question refer to the examination of an impact assessment, they will only be submitted for scrutiny to the Board members assigned for the relevant Board meeting.
2. At the initiative of the Chair or if at least two of the assigned members ask for the question to be examined at a meeting of the Board, the written procedure shall be interrupted, and the Chair shall convene a meeting of the Board as soon as possible.

## *Article 13*

### **Participation of departments in the Board meetings**

1. The Chair will normally invite to Board meetings the author department of the impact assessment which is due to be discussed.
2. The Chair may invite any Commission department to contribute its expertise orally or in writing to the Board's examination of any individual impact assessment.
3. The Chair will decide on a case by case basis on the participation of other departments in the Board meetings.

#### *Article 14*

##### **Internal expertise**

1. The Board, acting through its Chair, may seek input from experts within Commission departments.
2. The Board, acting through its Chair, may call on expertise from existing formal and informal groups e.g. the Impact Assessment Working Group, the Economist network and the Evaluation Network.

#### *Article 15*

##### **External expertise**

1. The Board, acting through the Chair, may consult on horizontal and methodological issues with institutions, individuals and groups outside the Commission.
2. The Board, acting through the Chair, may call on external expertise, as needed, to examine particularly complex or problematic issues related to individual impact assessments.

#### *Article 16*

##### **Transparency**

1. The Board will make available its draft agendas, meeting records, opinions and notes signed by the Chair on behalf of the Board as quickly as possible to all Commission departments.
2. The Board's opinion shall be part of the documentation submitted to the College prior to deciding on initiatives.
3. The principles and conditions concerning the public access to the Board's documents are those laid down in Regulation (EC) No 1049/2001<sup>1</sup>. It is for the Chair to take a decision on requests for access to those documents.

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2002, P.43).

## *Article 17*

### **Other matters**

The Chair will decide, after discussion in the Board, on matters which are not covered by the present rules. Where necessary, the Chair shall submit these decisions for approval to the President.