

Brussels, June 2, 2010
C/2010/ 3544

Dear Lord Roper,

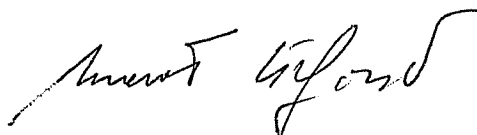
Thank you for sending us the Report of the House of Lords on "Impact Assessments in the EU: room for improvement?" {COM(2009)15}.

Impact assessments are one of the elements of the Commission's approach to Smart Regulation. We very much appreciate the interest taken by the House of Lords in the performance and effectiveness of our impact assessment system, and the high quality of the report you have produced. We will make use of the conclusions and of the detailed supporting evidence in our continued efforts to improve the system where possible.

As requested, I have attached some specific comments on the main conclusions of the report and hope you will find these a valuable contribution to your own deliberations.

We look forward to continuing the policy dialogue in the future.

Yours sincerely,



Lord Roper
Chairman of the European Union Select Committee
House of Lords
Palace of Westminster
UK-London SW1A 0PW



EUROPEAN COMMISSION

COMMENTS OF THE EUROPEAN COMMISSION ON THE REPORT OF THE HOUSE OF LORDS ON IMPACT ASSESMENTS IN THE EU: ROOM FOR IMPROVEMENT - COM(2009)15.

(Paragraphs 18 – 19) The Commission welcomes the positive opinion of the EU Committee on the performance and the quality of the current membership of the Impact Assessment Board, and will ensure that this is maintained in the future. In terms of an independent assessment of the conformity of impact assessments to the Guidelines, the Commission draws the attention of the Lords to an audit which the European Court of Auditors is currently carrying out on the Commission's impact assessment system. This should be completed and made public in the first half of this year, and it will provide an analysis of the extent to which impact assessments conform to the Guidelines.

(Paragraph 35) The Commission agrees that impact assessments should be carried out on all proposals that are likely to have significant impacts. The Commission believes that the case by case screening it does to establish which initiatives should have an impact assessment, and which it described in its written submission, is effective in ensuring that this is the case. The Commission has made a commitment to do impact assessments on comitology proposals that are likely to have significant impacts and is examining how to identify these more systematically.

(Paragraph 49) The Commission is very much aware of the challenges of ensuring that all relevant stakeholders – including non-governmental organisations, voluntary organisations, and SMES – are aware of and able to contribute to consultation processes. While it believes that the current Minimum Standards it has put in place are largely appropriate, it will continue to make all possible efforts to ensure that they are applied to the best possible effect. It is very much interested in the experiences and best practice of Member States on this issue.

(Paragraph 54) While the Commission agrees with the EU Committee that it is probably too early to assess the full impact of the 'SME test', the Commission is committed to implementing the "Think Small First" principle in its policy-making, to assess the impact of forthcoming legislation and administrative initiatives on SMEs, and to take the results of this analysis into account when designing proposals.

(Paragraph 61) The Commission welcomes the EU Committee's assessment of its action programme to reduce administrative burdens. We are convinced that the issue of administrative burdens is most appropriately addressed alongside the full range of benefits and costs – economic, social and environmental – that any piece of legislation will produce.

This is what our impact assessment system has been designed to do, and it is indeed essential that we maintain this balanced approach.

(Paragraph 66) Given that Roadmaps are available at an early stage of the policy development process, and outline the issues that will be covered in the impact assessment, the Commission is encouraging its services to use them more actively to obtain early feedback from stakeholders.

(Paragraphs 87–89 and 97-98) The Commission welcomes all initiatives that would stimulate the use of its impact assessments by the co-legislators, but fully respects their autonomy with regard to their own working procedures. The Commission has made clear that it is willing to provide practical support where possible to both institutions in fulfilling the commitments they made in the Common Approach to Impact Assessment. It stresses nevertheless that the mandate of the Impact Assessment Board is to provide an independent view of the quality of impact assessments as part of the Commission's internal decision-making processes. It therefore does not envisage any relationship between it and the committees of the European Parliament.

(Paragraphs 103) The Commission has a well established evaluation system that has in the past focused primarily on financial programmes (as required by the Financial Regulation). Given that an ex-post evaluation of legislation is essential to ensure that policies form a coherent framework and deliver effectively on their objectives, the Commission will place increased emphasis on this issue. Over time, important legislative acts will have to have a full ex post evaluation before any proposal to revise them can be included in the Commission's Work Programmes. To keep current regulation fit for purpose, the Commission will also begin reviewing, from 2010 onwards, the entire body of legislation in selected policy fields through "fitness checks". The aim is to identify excessive burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared over time, and then to correct them.