

Chapter VII

Guidelines on Stakeholder Consultation

Key requirements

- A simple consultation strategy identifying and targeting relevant stakeholders and evidence must be developed for each initiative, evaluation or fitness check, a Communication launching a consultation or Green Paper. The key elements should be outlined prior to requesting validation and be outlined in the roadmap/inception impact assessment on which stakeholders can provide feedback.
- After the feedback period, the consultation strategy and consultation documents must be finalised and agreed by the interservice group (ISG) or by the Secretariat-General and other associated services if no ISG is established.
- A 12 week internet-based public consultation must be part of the consultation strategy for initiatives supported by impact assessments, evaluations and fitness checks as well as for Green Papers (unless an exemption has been granted).
- The consultation strategy needs to set out the language coverage of each consultation activity. Public consultations on Commission Work Programme priority initiatives must be made available in all official EU languages. All other public consultations need to be made available in at least English, French and German. Additional translations must be provided for consultations on initiatives of broad public interest and justified in the consultation strategy.
- Stakeholders must be able to provide feedback on each roadmap (including for evaluations) or inception impact assessment, on legislative proposals adopted by the College and on draft implementing and delegated acts⁹⁹.
- Any consultation activity must fulfil the Commission's minimum standards for consultation, as outlined in these guidelines (but not the opportunities to provide feedback on roadmaps, inception impact assessments, proposals, impact assessments, delegated acts and implementing acts).
- A report outlining the overall results of the consultation work and providing feedback to stakeholders (synopsis report) must be published on the consultation website and, where applicable, added as an annex to the impact assessment/evaluation report. The report should include a summary of the feedback received on roadmaps or inception impact assessments as well as other relevant input received in parallel to the formal consultation work.

1. INTRODUCTION

Who should read these guidelines?

All officials involved in the preparation of legislative or policy initiatives or in their evaluation should read these guidelines including officials and managers who are responsible for ensuring the quality of stakeholder consultation in the lead DG.

⁹⁹ Draft delegated and implementing acts as well as draft measures subject to regulatory scrutiny (RPS/PRAC measures); certain exceptions apply, see section 4.1.

More detailed guidance is also available in the Toolbox which accompanies these guidelines. This is aimed at those directly involved in preparing the various steps of stakeholder consultation.

Why does the Commission consult stakeholders?

The initial design, evaluation and revision of policy initiatives benefits from considering the input and views provided by citizens and stakeholders, including those who will be directly affected by the policy but also those who are involved in ensuring its correct application. Stakeholder consultation can also improve the evidence base underpinning a given policy initiative. Early consultation can avoid problems later and promote greater acceptance of the policy initiative.

In addition, the Commission has a duty to identify and promote the general public interest of the Union in its policy initiatives as opposed to special interests of particular Member States or groups or parts of society – hence the need to consult widely.

Box 1. Treaty provisions

- According to Article 11 of the Treaty on European Union¹⁰⁰, "*the European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.*"
- Protocol No. 2 on the application of the principles of subsidiarity and proportionality annexed to the Treaty stipulates that "*before proposing legislative acts, the Commission shall consult widely*".

2. SCOPE AND DEFINITION OF STAKEHOLDER CONSULTATION

Stakeholder consultation is a formal process by which the Commission collects information and views from stakeholders about its policies.

Stakeholder engagement is a continuous process and formal stakeholder consultations complement the Commission's broader interaction with stakeholders (e.g. meetings or exchanges or through existing permanent platforms for dialogue¹⁰¹).

In these guidelines, stakeholder consultation means all consultations with stakeholders in the process of preparing a policy initiative or evaluating an existing intervention.

It does not apply to:

- Interinstitutional consultations (e.g. reports from the European Parliament, opinions from national Parliaments etc.);
- Opinions provided by expert groups involved in the preparation of Delegated Acts;
- Stakeholder consultations prepared by any EU agency or body of the Commission which precede the Commission's finalisation of draft Delegated and Implementing Acts;

¹⁰⁰ http://europa.eu/about-eu/basic-information/decision-making/treaties/index_en.htm

¹⁰¹ E.g. [Action Platform on Diet, Physical Activity and Health](#) (DG SANTE), Technical Platform for Cooperation on the Environment (DG ENV).

- European Citizen's Initiatives' submitted under Article 11 (4) of the TEU; and does not replace specific frameworks for consultation provided for in the Treaties or in primary legislation, such as
 - the consultation of the consultative committees in the context of the legislative process (Articles 304 and 307 TEU);
 - the consultation of social partners (Articles 154-155 TFEU)¹⁰²;

For consultations in the area of environment, the guidelines apply without prejudice to the requirements under Regulation (EC) N° 1367/2006.

3. GENERAL PRINCIPLES AND MINIMUM STANDARDS FOR STAKEHOLDER CONSULTATION

Stakeholder consultation is governed by four principles and five minimum standards taking proportionality into account.¹⁰³ They are complemented and further defined by these guidelines.

Box 2. General principles and minimum standards for consultation

Relations with stakeholders are governed by **four general principles**:

- (1) **Participation:** Adopt an inclusive approach by consulting as widely as possible;
- (2) **Openness and Accountability:** Make the consultation process and how it has affected policymaking transparent to those involved and to the general public;
- (3) **Effectiveness:** Consult at a time where stakeholder views can still make a difference, respect proportionality and specific restraints;
- (4) **Coherence:** Ensure consistency of consultation processes across all services as well as evaluation, review and quality control.

These principles are complemented by **five minimum standards** that all consultations have to respect:

- (A) **Clear content of the consultation process** ('clarity'): All communication and the consultation document itself should be clear, concise and include all necessary information to facilitate responses;
- (B) **Consultation of target groups** ('targeting'): When defining the target group(s) in a consultation process, the Commission should ensure that all relevant parties have an opportunity to express their opinions;
- (C) **Publication:** The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, (open public)

¹⁰² However, if after a social partner consultation, which did not lead to an agreement, a Commission proposal is foreseen, the stakeholder consultation guidelines apply. More details can be found in the Toolbox.

¹⁰³ These general rules on how Commission services should consult are set out in the 2002 Commission Communication *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission*; COM(2002) 704 final, complemented by COM(2012) 746 and accompanying SWD(2012) 422 and by COM(2014) 368.

consultations should be published on the internet and announced at the "single access point"¹⁰⁴;

- (D) **Time limits for participation** ('consultation period'): The Commission should provide sufficient time for planning and responses to invitations and written contributions;
- (E) **Acknowledgement of feedback** ('Feedback'): Receipt of contributions should be acknowledged and contributions published. Publication of contributions on the single access point replaces a separate acknowledgment if published within 15 working days. Results of (public) consultations should be published and displayed on websites linked to the single access point on the internet and adequate feedback given on how the results of the consultation have been taken into account.

4. WHEN IS STAKEHOLDER CONSULTATION REQUIRED?

Stakeholders should always be consulted when preparing a Commission legislative or policy initiative or when performing an evaluation or fitness check and on Communications which launch a consultation exercise or Green Papers.

Stakeholder engagement can in principle take place **throughout the whole policy cycle**. However, formal stakeholder consultations can only be launched for initiatives which have received political validation by the appropriate political level (c.f. Chapter II on Planning).

As part of promoting greater transparency, stakeholders should be consulted or be able to provide feedback on the following¹⁰⁵.

Box 3. Mandatory consultation and feedback requirements¹⁰⁶

Mandatory open, internet-based public consultation (minimum 12 weeks)¹⁰⁷:

- *Initiatives with impact assessments.* Consultations are based on consultation documents including questionnaires, background information, the inception IA etc.;
- *Evaluations.* Consultations are based on consultation documents including questionnaires and background information, the roadmap, etc.;

¹⁰⁴ <https://ec.europa.eu/info/consultations>.

¹⁰⁵ For more details see *Summary of documents on which stakeholders are consulted or can provide feedback* in the Toolbox. Consultation involves a more structured engagement with stakeholders where the consultation principles and standards apply; whereas the feedback process allows stakeholders to provide comments on a particular document which will be considered in the further elaboration of the document or initiative.

¹⁰⁶ The portal 'contribute to lawmaking' provides access to all consultation and feedback mechanisms: http://ec.europa.eu/info/law/contribute-law-making_en

¹⁰⁷ Without prejudice to the exceptional cases referred to in box 1 and in full respect of the general rules set out in COM(2002) 704. Accordingly, where several consultation steps are mandated as part of a process to elaborate an initiative, it is not necessary to conduct multiple 12 week consultations each time.

- *Fitness checks*. Consultations are based on consultation documents, including questionnaires, background information, roadmaps, etc.;
- *Commission Communications* with the explicit purpose of launching a consultation process. The consultation is based on the Communication itself as adopted by the Commission;
- *Green Papers*. The consultation uses the Green Paper as adopted by the Commission.

Stakeholders must be able to give feedback on:

- Roadmaps for evaluations and fitness checks, and roadmaps and inception impact assessments for a period of 4 weeks after publication.
- Draft delegated acts and implementing acts of general application and draft measures following the regulatory procedure with scrutiny (4 weeks). There are limited exceptions to outlined in the Toolbox¹⁰⁸ such as the need for urgent action or where the feedback would bring no added value.
- Legislative proposals adopted by the College and, where applicable, the accompanying impact assessments (8 weeks).
- How to improve existing legislation, at any time via the website 'Lighten the load'

5. WHO IN THE COMMISSION SERVICES IS RESPONSIBLE FOR CONSULTATION ACTIVITIES?

The responsibility for managing stakeholder consultation activities is decentralised to the Commission service in the lead for the respective initiative. Commission services choose consultation tools and methods on the basis of consultation objectives, target groups and available resources, taking into account the key mandatory requirements set out in these guidelines.

The lead Commission service must start preparing the consultation strategy early in the preparatory process of the initiative. For major initiatives, a first reflection on the consultation strategy is already required at the time of requesting validation. After political validation, the consultation strategy should be finalised and **endorsed by the interservice group (ISG)** established for the policy initiative¹⁰⁹. If no interservice group is established or if no roadmap/inception impact assessment is needed, the consultation strategy is finalised by the Secretariat-General and, where relevant, associated Directorate-Generals. The interservice group ensures that the consultation strategy and the various consultation activities are in line with the relevant requirements and monitors the quality of consultation activities, including where parts of them are outsourced.

The key elements of the consultation strategy must be included in the roadmap or inception impact assessment on which stakeholders can provide feedback. It also allows stakeholders to plan for subsequent consultation activities.

¹⁰⁸ See Tool#56 on *Stakeholder feedback mechanisms*. Delegated acts and implementing acts are included in the Decide planning tool where an indication should be provided about posting the draft act for stakeholders to provide feedback.

¹⁰⁹ See Table 1 in chapter II (Planning) for which initiatives an ISG should always be set up.

After the feedback period on the roadmap/inception impact assessment has closed, the consultation strategy may need to be updated based on the feedback received. The Secretariat-General is responsible for launching all public internet-based consultations on the 'Contribute to EU law-making' website¹¹⁰. This site cross-links to the web page constructed by the lead DG to host the consultation and related documents. However, the corporate "contribute to EU law making" webpage must first announce the consultation before the lead DG publicises its own dedicated webpage.

External consultants can support or conduct the consultation work, but the lead service remains accountable for setting the scope and objectives of the consultation, its process, outcome as well as compliance with the minimum standards and these Guidelines.

6. HOW TO PREPARE AND CONDUCT A CONSULTATION - THREE INTERACTING PHASES

The consultation process can be structured into three interacting phases:

- (1) Establishing the consultation strategy;
- (2) Conducting consultation work;
- (3) Informing policymaking.

Each phase consists of several consecutive steps which provide the framework for a high quality, transparent stakeholder consultation.

6.1. Phase 1 - Establishing a consultation strategy

Effective and useful consultation starts with the sound design of all consultation work that is to be conducted in the course of preparing an evaluation or initiative (consultation strategy).

Consultation is not a one-off event, but a dynamic, ongoing process that may vary in terms of objectives, target groups, methods and tools used and timing. It is important, therefore, to plan carefully and design a consultation strategy which:

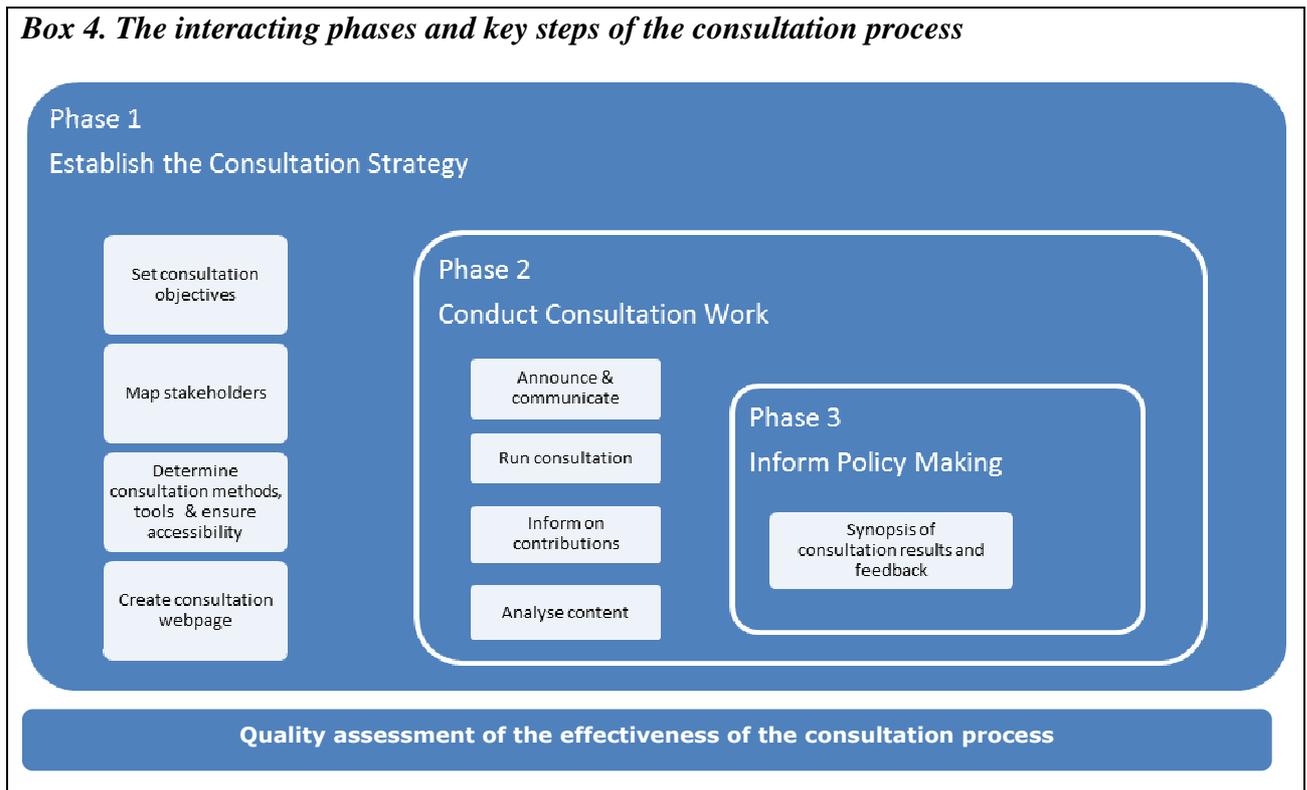
- Sets out clearly the scope of the consultation and its objectives;
- Identifies all relevant stakeholders that may have an interest in the policy matter;
- Determines the most appropriate consultation activities, methods and tools, which ensures accessibility and considers the appropriate communication methods to promote the consultation. The strategy should consider:
 - the scope and objectives;
 - the opportunity for all identified stakeholders to express their views; the adequate language coverage of consultation activities depending on the

¹¹⁰ https://ec.europa.eu/info/law/contribute-law-making_en

scope and outreach¹¹¹; the aim to collect relevant input of highest possible quality;

- the required time and resources to prepare and carry out the different consultation activities;
 - Proportionality to the expected scope and impact of the initiative it supports.
-
- Foresees the creation of a consultation webpage.

Box 4. The interacting phases and key steps of the consultation process



A consultation strategy¹¹² is always case-specific and should be defined early in the preparation process of the initiative, impact assessment, evaluation or fitness check. The consultation strategy may need to be adjusted throughout the policy preparation phase, in order to take into account policy developments or conclusions drawn from the application of other better regulation tools.

The consultation strategy should cover the four key steps set out in the graph above (Box 4):

6.1.1. Set consultation scope and objectives

The first step in designing the consultation strategy is to define the consultation objectives:

¹¹¹ See box 'key requirements' in the beginning of Chapter 7 and the Toolbox, Tool #53 on *The consultation strategy*.

¹¹² For details see Tool #53 *The consultation strategy*.

- What is the goal of conducting the consultation?
- What proposal or initiative, or what aspects of it are to be consulted on?

Based on the stage in the policy development process, the consultation objectives can be, for example, to gather new ideas¹¹³, collect views and opinions¹¹⁴, gather factual information, data and knowledge¹¹⁵; and test existing ideas and analysis¹¹⁶.

Issues to consider when defining consultation objectives
<ul style="list-style-type: none"> • The <i>context, scope and expected impacts of the initiative</i> and the <i>stage in the policy development process</i>.
<ul style="list-style-type: none"> • The <i>data collection and consultation background</i> of the initiative under preparation: <ul style="list-style-type: none"> • Available data through other sources (reports, statistics, complaints, etc); • consultations that have already taken place; • future consultations that will take place after the current one and their respective objectives. <p>This should help identify the information already available and the additional elements sought from the stakeholder consultation.</p>
<ul style="list-style-type: none"> • The <i>scope of the consultation</i>: <ul style="list-style-type: none"> • What items or aspects are the focus of a consultation at a particular stage of the procedure? • Where is it still possible to influence the outcome of the policy preparation, what items or aspects have already been decided?
<ul style="list-style-type: none"> • The difference between collecting views or opinions (subjective) and collecting data or facts (objective).
<p>Clear <i>communication of the objectives</i> on the consultation webpage and in the relevant consultation documents: transparency about the objectives of each consultation activity allows stakeholders to identify quickly and at minimum effort if the content of a consultation affects them or not, and its expected outcome will avoid mismatched expectations from the responding target groups and obtain the input that is being sought.</p>

The scope of consultation activities differs depending on the type and scope of the initiative or evaluation, the timing and the context. For initiatives accompanied by impact assessments as well as for evaluations and fitness checks, the scope must at least cover the following aspects:

¹¹³ For example, identifying issues at stake, additional policy options, and possible (indirect) impacts.

¹¹⁴ For example, opinions of respondents on a given topic, on the suggested EU level involvement in a given policy area, or views on the implementation arrangements for selected policy options.

¹¹⁵ For example, examples/evidence/data/experience that would help to estimate or indicate the magnitude and scale of identified problems and their potential effects on the performance of existing policy

¹¹⁶ For example, clarify whether the identified issues are perceived in the same way by relevant stakeholders/whether they are considered as priority for them, clarify possible impacts of a proposal, verify assumptions/hypothesis, validate existing information or analysis, as a form of external quality control, receive critical feedback on analysis or on suggested ways forward.

Mandatory scope of consultations in impact assessments, evaluations and fitness checks^{117,118}

Initiatives accompanied by impact assessments¹¹⁹:

Stakeholders must be consulted on all IA elements in the IA process. The key issues which must be addressed in the consultation strategy, including in the public consultation, are therefore:

- The problem to be tackled;
- The issue of subsidiarity and the EU dimension to the problem;
- The available policy options;
- When modifying existing interventions, the scope for efficiency improvement (regulatory cost reduction) and simplification measures not affecting the achievement of objectives;
- The impacts of the policy options.

Evaluations and fitness checks¹²⁰:

The combined consultation activities defined in the consultation strategy must together cover the five mandatory evaluation criteria. However, individual consultation activities (such as the public consultation) may omit one or more of these criteria:

- Effectiveness of the intervention;
- Efficiency of the intervention in relation to resources used (including the existence of unnecessary costs and legal complexities from the point of view of the achievement of the objectives);
- The relevance of the intervention in relation to the identified needs/problem it aims to address;
- Coherence of the intervention with other interventions which share common objectives;
- The EU added value resulting from the intervention compared to what could be achieved by Member State action only.

6.1.2. Map Stakeholders

An important element of any consultation strategy is to identify and map the stakeholder groups that should be consulted. This will help determine the most appropriate consultation methods and tools.

¹¹⁷ Where the evaluation and IA are conducted "back to back" only one public consultation need be conducted as long as relevant stakeholders are consulted on all the main elements of the IA.

¹¹⁸ Where the evaluation is of an activity conducted outside the EU or where the internet is not a practical support tool, the mandatory public consultation may be waived as long as the consultation strategy envisages appropriate tools to reach the relevant stakeholders. Before applying exceptions, the lead DG must contact the Secretariat-General.

¹¹⁹ For details, see chapter III on Impact assessments.

¹²⁰ For details, see chapter VI on Evaluations and fitness checks.

The basic rule is to consult broadly and transparently among stakeholders who might be concerned by the initiative, seeking the whole spectrum of views in order to avoid bias or skewed conclusions ("capture") promoted by specific constituencies.

A successful stakeholder mapping involves¹²¹:

- Identification of stakeholder categories relevant for or interested in the concerned policy area(s),
- Prioritising the stakeholder categories to engage with according to the level of interest in or influence on the concrete initiative that is to be consulted upon.

Identification of stakeholder categories relevant for or interested in the policy area

The key issue is to identify which stakeholder categories are relevant for the concerned policy area(s).

Services should build up knowledge on who has an interest in the policy area. They should also identify the persons and groups with expertise or technical knowledge in a given field and keep track of inputs made in earlier consultation exercises or less formal contacts and exchanges. Member States could also be invited to provide a list of interest groups for the concerned policy area within their countries.

Existing contacts (e.g. in mailing or distribution lists), subscriptions in the 'Commission at work notifications'¹²² and the 'Transparency register'¹²³ or the track record of participants in previous consultations could be used as a starting point. Also advisory or expert groups or standing groups of stakeholders, established by Directorates-General around a specific policy area could be considered, in particular for targeted consultations. interservice group members could also suggest new contacts. Due attention should be paid to data protection issues¹²⁴.

Sorting stakeholder categories according to the level of interest in or influence on the concrete initiative

Understanding the stakeholder type to which stakeholders belong helps identifying their potential level of interest or influence on the concrete initiative which is to be consulted upon. In turn, this supports the selection of the most appropriate consultation methods and tools.

¹²¹ See the Tool #53 on *The consultation strategy* for guidance on stakeholder mapping.

¹²² <https://webgate.ec.europa.eu/notifications/homePage.do?locale=en#en>

¹²³ <http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>

¹²⁴ For information on data protection rules see the better regulation Toolbox.

Box 5. Stakeholder types

The minimum standards define three stakeholder types, those:

- Affected by the policy;
- Who will have to implement it;
- Who have a stated interest in the policy.

It is useful to distinguish *between* the different stakeholder categories that the initiative may affect (both directly and indirectly) in a significantly different way, e.g. consumers versus industry, those who will benefit versus those who will have to pay/to change their actions/behaviour etc..

Differentiation *within* a specific stakeholder category should also be examined. For example, businesses can be affected by the concrete initiative differently, depending on their size (e.g. micro, small or medium-sized businesses), location (including those in third countries), type of activity, whether they are public or private, established operators or new entrants.

For a successful stakeholder mapping, the following aspects should be considered:

- **Identify target groups that run the risk of being excluded:** There might be differences between stakeholder groups regarding their access to consultations or availability of resources they can dedicate to participation in consultations. For example, for remote areas with limited internet access, using different tools than an internet-based consultation can ensure wider participation.
- Seek **balance and comprehensive coverage:** social, economic and environmental bodies; large and small organisations or companies; wider constituencies (e.g. religious communities) and specific target groups (e.g. women, the elderly, the unemployed, ethnic minorities), organisations in the EU and those in non-member countries (e.g. candidate, associated or developing countries or major trading partners of the EU). It should also be recognised that similar stakeholder groups in different Member States may operate under different conditions (such as for instance the local business environment and market or regulatory conditions) and may not always have similar interests.
- Identify if you have the need:
 - **For specific experience**, expertise or technical knowledge; or
 - **To involve non-organised interests**, as opposed to organised interested parties at European or Member States level.
- **Avoid regulatory capture:** The same businesses/representative organisations should not always be exclusively consulted, as this increases the risk of listening to a narrow range of interests.
- **Use clear and transparent criteria for selection of participants:** For targeted consultations like meetings, conferences or other types of stakeholder events with limited capacity, a pre-selection of participants in the consultation event may be necessary.

6.1.3. Determine consultation methods, tools & ensure accessibility

The most appropriate consultation methods and tools¹²⁵ depend on the objectives of the consultation, the identified stakeholders, the nature of the initiative as well as required time and resources.

A consultation strategy can foresee several consultation activities, using different consultation methods and tools, serving different purposes at different stages of the evaluation or policy development process and **targeting different stakeholder categories**. Not all stakeholders must be addressed in every consultation activity.

Anticipate how contributions will be analysed in relation to the choice and design of the consultation activities;

The **overall result of the consultation will be the sum of various inputs received**, at various moments, through different methods and tools and from all participating stakeholders, all of which will inform the ultimate decision.

Consultation methods

Consultation methods encompass public or targeted consultations. For some initiatives, a public consultation is mandatory (see Box 3). The selected methods should reflect the consultation objectives and the target group(s) identified through the stakeholder mapping:

- **Public consultation** reaches a wide spectrum of respondents without, however, ensuring full representativeness as respondents are self-selected.. The relevance of opinions collected needs, therefore, to be thoroughly assessed particularly where response rates are low or large campaigns have been identified.. Public consultations can foster transparency and accountability and ensure broadest public validation and support for an initiative.
- **Targeted consultations** allow more focused interactions or dialogue and may tap expertise more efficiently, in particular when dealing with a very specific or technical subject. Privileged access for some stakeholders should be avoided.

Consultation tools

The choice of the consultation method will determine the consultation tools. The consultation tools most commonly used are written consultations via consultation documents or questionnaires as well as direct interactions with stakeholders via meetings, conferences, hearings or other events¹²⁶.

¹²⁵ See the Toolbox for an overview of consultation methods and tools.

¹²⁶ Specific tools exist to reach particular groups, such as SMEs: the Small Business Act Follow-Up meetings with stakeholders or SME Panel Consultations run by DG GROW, or platforms of the Committee of the Regions and the Economic and Social Committee etc.

The selection of the most appropriate consultation tool should take into account:

- Proportionality;
- The degree of interactivity needed (e.g. written consultation versus stakeholder events/ online discussion fora/ other internet based tools);
- Accessibility considerations (language regime, disability etc.)¹²⁷; and
- Timing requirements.

In practice, effective consultation often requires a combination of written consultation tools (used for both public and targeted consultations) and more direct interactions with stakeholders. Consultation documents, including questionnaires, should cover sufficient languages in order to reach targeted stakeholders. This should be identified in the consultation strategy in respect of each consultation activity. In any case, public consultations on priority initiatives in the Commission's work programme (Annex I) need to be translated into all official languages.¹²⁸ Any other public consultation needs to be made available in, at least, English, French and German but additional translations should be provided if the initiative is likely to generate broad public interest.

If the consultation is intended to provide statistically representative results then appropriate tools should be envisaged such as surveys (e.g. Eurobarometer).

Mandatory timeframes for consultation and feedback		
<i>Mandatory open, internet-based public consultation:</i>	<i>How long?</i>	<i>When?</i>
<ul style="list-style-type: none"> • Initiatives with impact assessments • Evaluations • Fitness checks 	Minimum 12 weeks ¹²⁹	Decision on case-by-case basis
<ul style="list-style-type: none"> • Consultative Communications • Green Papers 		After adoption by the Commission
<i>Stakeholders must be enabled to give feedback on:</i>	<i>How long?</i>	<i>When?</i>
<ul style="list-style-type: none"> • Roadmaps for evaluations and fitness checks 	4 weeks	After publication
<ul style="list-style-type: none"> • Roadmaps, inception impact assessments 	4 weeks	After publication

¹²⁷ See Tool #53 on *The consultation strategy*; and Tool #54 on *Conducting the consultation activities and data analysis*.

¹²⁸ For details see Tool # 53 *The consultation strategy*

¹²⁹ Without prejudice to the exceptional cases referred to in box 1 and the general rules set out in COM(2002) 704.

<ul style="list-style-type: none"> • Draft Delegated Acts¹³⁰ 	4 weeks	After conclusion of the interservice consultation in parallel with Member State experts.
<ul style="list-style-type: none"> • Draft Implementing Acts¹³⁰ 	4 weeks	After conclusion of the interservice consultation and before the vote in the Comitology Committee
<ul style="list-style-type: none"> • Legislative or policy proposals adopted by the College and, where applicable, the accompanying impact assessments 	8 weeks	After adoption by the Commission, from the moment all language versions of the document are published

6.1.4. Create a consultation webpage

Establish a consultation webpage on the Europa websites for the evaluation or policy initiative under preparation. Publish the consultation strategy or its content, including the planned dates of the various consultation activities, as soon as known. Dates for consultations will also be included in the Commission's consultation planning calendar, which is published on the Contribute to EU law-making europa webpage.

Update all information about the various consultation activities linked to a given initiative. Communication materials relating to a consultation should be clear and concise.

Specific subpages for the various consultation work should be created (e.g. public consultation, stakeholder conference, etc.).

The link to an **public** consultation webpage will be posted on the 'Contribute to EU law-making' website which is available in all official EU languages.

In order to ensure consistency and user-friendly access to information, the standard consultation page template should be used¹³¹.

6.2. Phase 2 – Conduct the consultation work

Once the consultation strategy has been endorsed by the ISG (Phase 1), the various consultation activities can be launched. For each consultation activity, the following steps should be followed:

- Announce and communicate;
- Run consultation;
- Inform on contributions;
- Analyse content.

¹³⁰ For exact scope, see Tool #56 on *Stakeholder feedback mechanisms*.

¹³¹ For further information, please see the Toolbox.

6.2.1. *Announce and communicate*

Announce the launch of a planned consultation activity on the dedicated website and ensure that the advertisement chosen is adapted to all target audiences. Services should use those communication channels which are most appropriate to reach the relevant target groups.

The consultation target group(s) should be clearly specified in the consultation document and on the consultation web page.

Box 6. Ways to publicise consultation activities

- Press conference, including issuing a press release and/or the possibility of a more in-depth briefing for journalists;
- Midday express and newsletters;
- Speeches delivered during relevant events;
- Placing announcements in relevant publications; adding links on websites and proposing articles for either general and/or more specialised media;
- Commission's blogs and social media;
- Commission Representations in the Member States could also be a distribution point, as well as DG COMM which can provide useful input and resources;
- Other intermediaries through which information can be spread are the Permanent Representations to the EU and the Member States' expert groups; invite Member States to publicise on national/regional/local websites;
- If a public consultation is launched, certain stakeholders will be automatically alerted via their registration with the Transparency Register or the Notifications system of the Commission¹³².
- Contacting interested parties or organisations.¹³³

6.2.2. *Run the consultation and provide acknowledgment*

The practical organisation and facilitation of any consultation activity needs full attention. There should be sufficient resources foreseen to reply to questions, solve technical problems and process the contributions.

Consultation documents

All consultation documents need to be endorsed by the ISG or, for public consultations for initiatives for which no ISG exists, by the Secretariat-General after consultation of interested DG's where relevant.

¹³² <https://webgate.ec.europa.eu/notifications/homePage.do?locale=en>

¹³³ Organisations representing the interest of SMEs can be alerted also through the Small Business Act Follow-Up meetings managed by DG GROW.

The quality of consultation documents determines the quality of contributions and thus the quality of input to policymaking.

It is good practice to **test consultation documents** (e.g. presentations, surveys or questionnaires) with some test persons who were not involved in the drafting. These should be as closely as possible resembling the actual target audience of the consultation or subgroups of this target audience.

The purpose of this testing is to find out whether the target group will find the consultation documents easy to understand and practical to use. Test persons can for instance be colleagues in other units, other DGs or stakeholder groups who can give their personal critical feedback on how to improve the documents further, e.g. the European Enterprise Network if the consultation targets also individual SMEs.

Stakeholder identification and Transparency Register

It is important to mention clearly in the consultation that the identity of stakeholders and their interests should be mentioned in order to ensure consideration of the contribution¹³⁴. Make sure that the personal and background information is requested from respondents before they reply as this will allow subsequent analysis of replies disaggregated by the stakeholder categories you target (e.g. if individual SMEs cannot identify themselves as such in their reply, it is not possible to analyse their replies separately).

Organisations, networks, platforms or self-employed individuals engaged in activities aiming at influencing the EU decision-making process are expected to register in the Transparency Register. During the analysis of replies to a consultation, contributions from respondents who choose not to register will be processed as a separate category "non-registered organisations/businesses"¹³⁵ unless the contributors are recognised as representative stakeholders through Treaty provisions¹³⁶.

Acknowledgement of receipt

Written contributions can be provided under different forms such as (e-)mail, web tools or social media. Whenever stakeholders provide written contributions to any type of consultation, it is best practise to send an acknowledgement of receipt and provide information as to when the contributions are likely to be published. If contributions are sent by e-mail or using social media platforms, these same channels can be used to acknowledge receipt. To minimise work, individual or collective acknowledgments of receipt could be automatically generated at the entry point.

In case contributions are published within 15 days after the end of a consultation activity, the publication will replace a separate acknowledgment of receipt.

¹³⁴ See also Box 5 under step 4, bullet on the Transparency Register

¹³⁵ See Tool #53 on *The consultation strategy*

¹³⁶ European Social Dialogue, Art. 154-155 TFEU

6.2.3. *Inform about contributions*

The careful and transparent treatment of contributions received in the course of a consultation is crucial and establishes a good basis for preserving constructive cooperation and fruitful relations with stakeholders.

Publication of contributions on the webpage

Contributions to a consultation must be published. They should be published in the languages in which they were submitted and/or the language used for the consultation activity.

Written contributions should be made public on the dedicated consultation webpage. In the case of stakeholder consultation events (meetings, hearings, conferences, etc.), summary minutes and speeches or presentations provided during the event should be made public on the consultation webpage.

Respondents have the following options as regards publication of their contributions:

- Publication of the contribution with personal information;
- Anonymised publication of the contribution (without the name/name of the organisation);

Collection, handling and publication of personal data should respect the relevant data protection rules¹³⁷ and be specified in the privacy statement¹³⁷, to be published on the consultation page.

Inform on key issues of the contributions

It is good practice to prepare and publish on the consultation website a short factual summary on the key issues raised in each of the separate stakeholder consultations foreseen in the consultation strategy (e.g. informal report, minutes of a stakeholder meeting, list or table of contributions). This is particularly useful where consultation activities are spread out over a longer period of time and will facilitate the preparation of the final synopsis report which should summarise the results of all consultation activities undertaken.

The factual summaries of consultation activities help increase transparency and provide the basis for further analysis and feedback to stakeholders on how the consultation has informed policymaking.

Summarise contributions	
Give a concise and balanced overview of contributions received during a specific consultation activity	
Give factual information on input received	<ul style="list-style-type: none">• Who contributed?• Whom are they representing?• What aspects are addressed?

¹³⁷ See Tool #54 on *Conducting the consultation activities and data analysis*.

	<ul style="list-style-type: none"> • What are their views and concerns? • Which communication channels were used for contributions?
Stay neutral	<ul style="list-style-type: none"> • Document the input as received: Avoid qualifying it, taking position or giving feedback
Aggregate at an appropriate level	<ul style="list-style-type: none"> • Cluster information
Inform on the process	<ul style="list-style-type: none"> • Inform on what was done so far in terms of consultation activities and on the next steps
Add disclaimer	<ul style="list-style-type: none"> • Emphasise that the contributions received cannot be regarded as the official position of the Commission and its services and thus does not bind the Commission.

6.2.4. Analyse content

Once consultation work is completed, the input received for each consultation needs to be thoroughly analysed.

Keep in mind that responses to consultations are generally not statistically representative of the target population. Ratios can generate a false perception of representativeness and can thus lead to wrong conclusions. If you need statistically representative input, use an appropriate consultation method (e.g. Eurobarometer¹³⁸).

The way of presenting results should be objective and unbiased.

A brief descriptive overview of contributions should be complemented by a qualitative assessment.

Brief descriptive overview of the profile of respondents

Based on simple descriptive data, an overview of the profiles of respondents can, for example, provide information on:

- The distribution of respondents across Member States and/or third countries;
- The distribution of respondents by stakeholder category;
- The distribution across any other dimension (e.g. clustering by sector) that might be relevant for the specific consultation or where similar trends in replies or particular concerns can be observed.

Analysis based on substance/content of responses (qualitative)

Examine the content of contributions:

- Do the contributions respond to the questions/expectations?

¹³⁸ http://ec.europa.eu/public_opinion/index_en.htm

- Compare the input with the objectives of the consultation, as defined in the consultation strategy and identify replies unrelated to the consultation topic.
- Distinguish between information (data/facts) and subjective opinions and views provided by respondents. Where possible, the source and reliability of data/facts needs to be verified.
- Are there views that strongly diverge from the mainstream view?
- Do the contributors match up with the list of stakeholder target groups? If not, is additional consultation necessary?

Provide a qualitative appreciation of the responses and the respondents:

- Respondents' involvement and interest in the policy;
- The way they benefit or are impacted by the policy;
- If they reply on their behalf or if they represent some specific interests;
- To which extent and how their contribution has been consolidated (i.e. stakeholder organisations should as a good practice describe how they organised their internal consultation and come up with a consolidated reply).

Presentation of the analysis

(i) Analysis on the basis of the different stakeholder categories

This approach would be appropriate when consulting many different stakeholder groups with differing and potentially conflicting views on a few issues:

- Distinguish the main stakeholder categories – the brief descriptive overview builds already the basis for this.
- Distinguish within the main stakeholder categories e.g. if similar response profiles can be identified (geographical-Member State group 1 and Member State group 2; citizens–students and citizens-retired; or industry-producer, intermediary, distributor etc.)

Once broken down by stakeholder category, identify the nature of the responses, e.g.:

- Do they support/oppose/suggest modifications to a certain policy measure?
- Do they provide new ideas? Do they suggest an alternative approach?
- Do they provide further information/facts of the impact of a policy measure?
- Can the information/facts be considered objective? How reliable is the provided information/facts (identify source and reliability)

The relative importance of this analysis should result from the consultation scope and objectives in the consultation strategy (Phase 1).

(ii) Analysis on the basis of the different consultation topics

This approach would be suitable when many issues are discussed and fewer stakeholders with potentially less differing or conflicting views consulted.

- Identify the main issues that stem from the replies to the consultation
- Distinguish between the views of main stakeholder categories, for each of these issues and identify the nature of responses (e.g. facts versus opinions). The questions could be structured as indicated under (i).
- Tools for the processing and analysis of different types of data are described in the better regulation Toolbox¹³⁹.

6.3. Phase 3 – Inform policymaking and provide feedback

The contributions received through the various consultations carried out in the context of the consultation strategy feed into the further work related to the policy initiative. It is up to the lead Directorate-General to provide information on the outcome of the overall consultation work, the conclusions that may result and any other related issues.

6.3.1. Synopsis of entire consultation results

Adequate feedback should be provided to stakeholders. It is critical for those participating in stakeholder consultations to know how, and to what extent, their input has been taken into account and to understand why certain suggestions could not be taken up in the policy formulation. Providing effective feedback will contribute to the overall transparency of the Commission's policy-making, enhance the Commission's accountability and credibility, and potentially solicit better responses to future consultations.

Synopsis report

At the end of the consultation work, an overall synopsis report should be drawn up covering the results of the different consultation activities that took place.

The synopsis report should accompany the initiative through interservice consultation to adoption of the initiative by the Commission. If the consultation has taken place in the context of an impact assessment or evaluation, the synopsis report is integrated into the IA report or evaluation SWD as an annex.

Further guidance on format and content of the synopsis report is provided in the better regulation Toolbox¹⁴⁰.

Explanatory memorandum

For legislative proposals, reference to the outcome of the stakeholder consultation should be made in the explanatory memorandum. Further guidance on elements to be included is provided in the better regulation Toolbox¹⁴⁰.

¹³⁹ See Tool #54 on *Conducting the consultation activities and data analysis*.

¹⁴⁰ See Tool #55 on *Informing policymaking- the synopsis report*.

7. QUALITY CONTROL

Internal quality assessment of the consultation process

With the view to improve future consultations and stakeholder engagement, it is good practice to carry out a proportionate internal quality assessment of the consultation process. The conclusions should be shared with the services involved in the interservice group or, in case no ISG has been established, with the services associated for the initiative, including the Secretariat-General.

Assessment of the effectiveness of the consultation strategy

An end-of-process survey addressed to all consulted parties could help gauge the depth of stakeholder satisfaction with the process, as well as with the final outputs and outcomes. This could also help to identify best practices, learn from past experiences and to reap the benefits of a well organised consultation process. A summary of the outcome of this survey should be published on the consultation webpage established for the evaluation or initiative.

The assessment of the consultation strategy should help answer three questions:

- (1) Did the consultation strategy work? (E.g. did it reach its target groups, did it meet its objectives, how effective and efficient were the different tools, and how relevant were the responses collected and what was their impact?)
- (2) Did the process work? (E.g. what worked well and less well, how satisfied were stakeholders participating in the consultation, which are the lessons to be drawn for the future?)
- (3) What impact did the process have? (E.g. on participants, on the outcome, on policymakers?)