Thematic Evaluation on Support to Economic Governance in Enlargement and Neighbourhood Countries

Specific Contracts NEAR-TS/2015/367-897 and IPA/2015/367-895

FINAL INCEPTION REPORT

28 April 2016

Implementing Partners: B&S Europe & Proman
Annex 6 - Stakeholder Consultation in the Context of Evaluation

The text below reproduces the key elements of the evaluation team's overview of the Better Regulation package, providing guidance for stakeholder consultation. Consulting interested parties is an obligation for every evaluation. Stakeholder's views, practical experience and supporting evidence can help deliver higher quality and more credible evaluations. The following key principles of stakeholder consultation are retained in the context of evaluations:

- Design the consultation strategy early in the evaluation process;
- The consultation strategy must include a 12-week internet-based public consultation but should be complemented by other approaches and tools in order to engage all relevant stakeholders and to target potential information gaps;
- Maintain contact with stakeholders throughout the process and provide feedback;

Consultation Strategy Design

The design of the consultation strategy should be fed by a thorough and structured reflection process: it can be drawn up as an informal document, which must be endorsed by the ISG or, if no ISG is established, the SG / concerned DGs. It should cover at least the elements listed below:

- **Step 1: Set consultation objectives.** Key elements: (i) identifying goals of conducting the consultation; and ii) identifying what proposal or initiative (aspects of it) are to be consulted on? The following should be considered: (i) the context, scope and expected impacts of the initiative and the stage in the policy development process; (ii) the consultation background of the initiative under preparation; (iii) the scope of the consultation: What is in the focus, where is it still possible to influence policy preparation; and (iv) the difference between collecting views or opinions (subjective) and collecting data or facts (objective).

- **Step 2: Map Stakeholders.** Key elements: (i) identification of stakeholder categories relevant for or interested in the concerned policy area(s); (ii) sorting stakeholder categories according to the level of interest in or influence on the concrete initiative that is to be consulted upon.

- **Step 3: Determine consultation methods, tools & ensure accessibility:** Key elements: (i) the most appropriate consultation methods and tools depending on the objectives of the consultation, the identified stakeholders, the nature of the initiative as well as required time and resources. The following should be considered: (i) consultation method: Open public consultation or targeted consultation; (ii) consultation tools: The consultation method determines the consultation tools. The selection of the most appropriate consultation tool should take into account including: Proportionality; The degree of interactivity needed (e.g. written consultation versus stakeholder events/ online discussion fora/ other internet based tools); Accessibility considerations; Possible timing requirements; and Necessity to provide statistically representative results (use of surveys, e.g. Eurobarometer); (iii) Accessibility of consultations: Linguistic accessibility: language regime, stakeholder friendly language, participation of persons with disabilities; Accessibility of tools and consultation channels: selection of communication channels; Time accessibility: Timely consultation, timeframe for contributions – mandatory timeframes for consultation and feedback for certain types of initiatives.

- **Step 4 - Create a consultation webpage:** Key elements: (i) Establish a consultation webpage on the DG’s website for the policy initiative under preparation; (ii) Publish the consultation strategy, including the planned dates of the various consultation activities, as soon as known. The following should be considered: (i) Add and up-date all information about the various consultation activities linked to a given initiative; (ii) It is best practice to create specific sub-pages for the various consultation work (e.g. open public consultation, stakeholder conference etc.); (iii) Dates for consultations will also be included in the Commissions’ Consultation Planning Calendar, compiled by the SG based on information received from the DGs and to be published on “Your Voice in Europe”; (iv) Communication relating to a consultation should be clear and concise.
There are a number of initiatives or documents on which stakeholders are consulted or can provide feedback including: Initiatives with or without Impact Assessment; Evaluations and Fitness Checks; Draft Delegated Acts and Implementing Acts; and Post adoption comments.

In terms of evaluations and fitness checks, the road map for public consultation is as follows:

- Prepared in a single language version according to a standard template available in GoPro.
- Published on the Commission’s website following political validation of the initiative (necessary in case the evaluation/fitness check is part of the CWP’s REFIT annex) and finalisation by the inter-service group responsible for preparing the Evaluation/Fitness Check.
- Stakeholders should have the opportunity to provide feedback on the Roadmap during a period of 4 weeks via the relevant website. Stakeholders can comment in any of the official languages of the Union.
- The identity of Stakeholders and their comments should be publicly available via the relevant website. Feedback should be assessed by the lead DG in the subsequent evaluation/Fitness Check and changes may be made to the Roadmap if appropriate. There is no need to acknowledge stakeholder comments or provide feedback on how the Commission has used them.
- If it is sensible and preferable, the Roadmap may be used as one of the supporting documents for the mandatory 12-week internet-based public consultation together with any other consultation documents. Thus stakeholder feedback on the Roadmap can be provided as part of the public consultation process.

The consultation documents are to include:

- A list of upcoming consultations will be published on the Commission’s website to give advance notice to stakeholders.
- Questionnaires and background information used to support the mandatory 12-week internet-based public consultation.
- Other questionnaires/documents used as part of the broader consultation strategy to target relevant stakeholders and evidence.
- The interservice group should agree the consultation strategy and consultation documents.
- It is essential to consult on the 5 mandatory evaluation criteria, which are: (i) effectiveness of the intervention; (ii) efficiency of the intervention in relation to resources used; (iii) the relevance of the intervention in relation to the identified needs/problem it aims to address; (iv) coherence of the intervention with other interventions which share common objective; and (v) The EU added value resulting from the intervention compared to what could be achieved by Member State action only.
- Results of the consultation should be reflected in the contractors’ study (if applicable) and the evaluation SWD and the synopsis report annexed to the document.

Stakeholder Mapping Tools
Identification or mapping of relevant/interested stakeholders involves two steps:

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

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<thead>
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<th>Industry, business or workers’ organisations</th>
<th>Multi-national/global</th>
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<td>National</td>
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<td>Small and Medium-sized Enterprises</td>
<td>Business organisation</td>
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<td>Trade Union</td>
<td>Chamber of commerce</td>
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<tr>
<td>EU platform, network, or association</td>
<td>Representing for-profit interests</td>
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<td>Representing not-for-profit interests</td>
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<td>Organisation or association</td>
<td>National organisation representing for-profit interests</td>
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<td>National organisation representing not-for-profit interests,</td>
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<td>National organisation representing professions/crafts</td>
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<td>International/ Inter-governmental organisation</td>
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<td>National Parliament</td>
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<td>Regional/ local/municipal authority</td>
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<td>National competent authorities or Agencies.</td>
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<td>Consultancy</td>
<td>Think-tank</td>
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<td>Professional consultancy</td>
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<td>Research/academia</td>
<td>University</td>
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<td>School &amp; education establishment</td>
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<td>Research institute</td>
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**Sorting stakeholder categories according to the level of interest in or influence on the concrete initiative:**
- Distinguish between stakeholder categories, which the concrete initiative may affect (both directly and indirectly) in a significantly different way
- Differentiation within a specific stakeholder category which can be affected by the concrete initiative differently, e.g. depending on their size, location, type of activity, whether they are public or private, incumbent 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,
- Seek balance and comprehensive coverage,
- 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',
- Use clear and transparent criteria for selection of participants.

### Accessibility of Consultations
The choice of consultation methods and tools should take account of accessibility issues, so that different stakeholders groups have the opportunity to contribute to Commission’s policy development.

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<tr>
<th>Language regime</th>
<th>• Translation requirements need to be identified according to the scope and outreach of a consultation method.</th>
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<td>• All language versions of the consultation documents should be available on the date of the consultation event/ the launch of the consultation.</td>
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<td>• The Commission translation service (DGT) advises on the appropriate language coverage. DGT should be contacted as early as possible when planning a consultation so that language needs of the target audience(s), length of documents, timing and available translation resources can be properly assessed and taken into account.</td>
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| Stakeholder friendly language | • Communicate effectively and convey information in a manner that is easily understood by diverse audiences including persons of limited linguistic proficiency. |
• All consultation documents and questionnaires should be explicit, clear and understandable.
• Bureaucratic or too technical language should be avoided.
• Specialist terms and abbreviations should be explained to ensure common understanding.

Participation of persons with disabilities
• Foresee provisions that allow persons with disabilities to participate effectively in line with the UN Convention on the Rights of Persons with Disabilities424.
• The use of a variety of communication means and accessible formats to ensure equal access by persons with disabilities can broaden participation.
• Ensure the accessibility of websites and facilitate the use of sign language and Braille when dealing with EU institutions and use an accessible format of websites.

2. Accessibility of tools and consultation channels

Selection of tools and communication channels
• The selection should ensure that relevant target groups are reached and invited to participate in the most effective way.
• Target groups in remote and rural areas, with lower access rates to internet, may need to be addressed by other consultation tools and communication channels than target groups in more densely populated areas with higher access rates to internet.
• Announcements in trade press or specialised publications may be more effective than publication in general press for specific target groups (e.g. SMEs).

3. Time-wise accessibility

Timely consultation
• Stakeholders should have the opportunity to be involved before certain policy decisions have been made. It is therefore crucial to set the appropriate moment for launching each consultation activity as well as their sequence, and to assess the stages of policy preparation where stakeholder input will be needed.
• Spread information early and widely by using various channels, networks and multipliers.

Timeframe for contributions
• Sufficient time for responding must be given to ensure greatest possible participation.
• The consultation period should strike a reasonable balance between the need for adequate input and the need for swift decision-making.
• The minimum period for replies to open public consultations is 12 weeks.
• For meetings, hearings, conferences or other consultation events, the Minimum Standards require that relevant documents are disseminated 20-working-days’ ahead of the meeting.

Open Public Consultation
Its main features are recapitulated in the table next page. In order to ensure consistency and user-friendly access to information, the standard consultation webpage template should be used. When preparing the consultation webpage, the following should be considered:

• Information to facilitate and encourage stakeholder input should be included. It is recommended to set up a single functional mailbox for contributions, but also for information purposes related to the consultation concerned. It might be useful to send reminders or re-send information about an ongoing consultation.
• The webpage should indicate the language regime. When the consultation is conducted in several languages, users should be able to navigate in the same language from entering the page to completing the consultation. Regardless of the languages used for consultation documents or
questionnaires, it must be made clear to potential respondents that they can send their reply in any EU official language.

| Overview | An open public consultation is open to all - anyone interested can provide input and so it is able to reach a broad range and large number of stakeholders.  
  • 'Your Voice in Europe' website to be used.  
  • Other social media not allowed, e.g. as parallel entry point(s).  
  • A specific sub-page to the overall consultation website linked to this initiative should be created. In order to ensure consistency and user-friendly access to information, the standard consultation page template should be used. A vade mecum with explanatory notes on how to prepare the standard consultation page is available on the internal Commission website.  
  • Online-reply as default.  
Instruments which can be used:  
  • Questionnaires;  
  • Surveys;  
  • Documents  
Consultation document and/or questionnaire published on the 'Your Voice in Europe' website.  
Target audience: General public/all stakeholders. |
| --- | --- |
| When to use it? | Mandatory for impact assessments, evaluations and Fitness Checks and Green Papers.  
The minimum time limit for replies to open public consultations is 12 weeks. Allowing a longer period than 12 weeks may be appropriate, depending on:  
  • Specificity of a proposal e.g. complexity of the issue or the diversity of the interested parties on:  
  • Consultations that overlap with holiday periods or bank holidays |
| Procedure | • Consultation documents and questionnaires to be endorsed by the ISG if established, otherwise by SG/concerned DGs.  
  • Requests for publication on "Your Voice in Europe" should be sent to the functional mailbox 'SG YOUR VOICE IN EUROPE' (in copy to 'SG STAKEHOLDER CONSULTATION').  
Requests should be sent (at least) two days prior to the desired publication date.  
  • Information to be included:  
    - Title of the consultation translated into all 24 official EU languages;  
    - Link to the consultation page (url on DG’s website on Europa);  
    - Indication of the policy area of the consultation;  
    - Opening and closing dates for the consultation (minimum 12 weeks). |
| Strengths | Reaches a broad range and large number of stakeholders. |
| Limitations | Might be resource-intensive and is time-intensive. Poor response rates;  
Self-selection bias  
Lack of representativeness; Excludes the 20+% of the population without internet access; Not necessarily useful for initiatives of a more technical nature (e.g. linking of existing databases at EU level) |