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COMMUNICATION FROM THE COMMISSION

on enhancing the security of explosives

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Opinion

Title **Impact Assessment on: action plan on enhancing the security of explosives**

(draft version of 8 August 2007)

Lead DG **DG JLS**

1) Impact Assessment Board Opinion

(A) Context

In 2005 the Commission adopted a communication on the security of explosives, which put forward several ideas for action which were undertaken in subsequent years. This includes the establishment of the Explosives Security Experts Task Force (ESETF), composed of over 100 public and private sector representatives. In June 2007 the ESETF submitted a report with 50 recommendations for action. The present IA report analyses all the measures proposed in the ESETF report with a view to establishing an action plan.

(B) Positive aspects

The objectives of this initiative are set out in a clear and concise way by breaking down the general objective into specific objectives, and translating the latter into operational objectives. In this way this section provides a good and logical connection between the problems identified and the potential policy options assessed.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The IA report would gain robustness and clarity if the assessment is focused on the measures with most significant impacts, if the EU value added and right to act are explained for each measure separately, and if the choice of which options to carry forward and which options to hold back for further study is better explained.

(1) The conclusion on which measures to carry forward and which to refer back for

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further assessment should be made more transparent. The assessment of costs and benefits of individual measures is of a qualitative nature. While this is understandable considering the stage of policy development, it makes it hard to compare the cost-efficiency of these measures and fully understand the IA report's conclusion on which to carry forward and which to refer back to further feasibility studies. The IA report should better explain this selection, if possible by using some sort of indicative or range estimates of the size of the various costs, and the benefits in terms of the marginal contribution to risk reduction. With regard to those measures that will be further studied, the IA report should make it clear whether the Commission is already committed to carrying them forward, or whether this depends on the outcome of these studies.

(2) The EU right to act and value added should be demonstrated for every measure. The proposed action plan contains a wide variety of different measures, which cannot all be founded on the same legal basis and on a single analysis of subsidiarity and EU value added. In its written contribution to the Board, JLS acknowledges this. The IA report should therefore address these aspects for each proposed measure, at least insofar as the content of the measures is sufficiently clear at this stage. The reasoning should go beyond a reference to the EU-wide occurrence of problems and threats, demonstrating that action at Community level is either indispensable to address the problem or more efficient or effective compared to action at the level of the Member States. This analysis should also take account of national differences in threat levels and available countermeasures, including the presence or absence of border controls.

(3) Measures with significant impacts should be assessed in more detail than measures with minor impacts. The IA report assesses all recommendations of the Explosives Security Experts Task Force in a similar level of detail, which contributes to the IA report considerably exceeding the recommended maximum length of 30 pages excl. annexes. The clarity and usefulness of the IA report would be improved by focusing the assessment mostly on those options with significant impacts (and how they interfere with each other), and a more limited assessment of the measures with minor impacts.

(D) Procedure and presentation

The IA report should clarify whether it is also intended to meet the requirements from the Financial Regulation for ex-ante evaluation, and if so provide the necessary elements for such an evaluation. It should in any case provide more information on especially the monitoring and evaluation arrangements.

2) IAB scrutiny process

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Author DG	JLS-D-1
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