

## Kalypso Nicolaïdis: Sustainable integration. The silver lining of a democratically challenged EU

### Background information on existing regulations/policy issues/initiatives

**Keywords:** *EU policy review; EU policy review mechanisms; EU policy impact assessment; human development and EU legislation; long term policy impact; long term impact assessment; policy impact assessment; policy review; sustainability of EU legislation*

### Topic: The EU should set up a body to enforce long term impact assessment of every EU decision on human development, security, and sustainability

#### Overview

- The principle of impact assessment of legislation/policies is, in general terms, already a declared part of EU-policy-making
  - The need to inform the public and stakeholders about “the likely consequences of projects, plans, policies and regulations” has been widely acknowledged within the EU<sup>1</sup>
  - In the “Impact Assessment Handbook” the EU institutions – the European Parliament, the Council and Commission – manifest their “determination to and responsibility for improving the quality of legislation applicable throughout the Union”<sup>2</sup>
- Still, it is widely acknowledged that a furthering and deepening of review processes and an ever greater focus on the suitability of EU policies is needed in order to maximize the effectiveness of policy-making<sup>3</sup>

#### In detail

- In order to involve more people and stakeholders in law-making procedures and testing legislature for effectiveness and suitability, a number of practical bodies and regulatory bodies have been created by EU institutions, including:
  - The Commission's Regulatory Fitness and Performance (REFIT) programme  
**Task:** Ensures that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost  
**Summary:** [https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly\\_en](https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly_en)
  - Regulatory Scrutiny Board  
**Task:** An independent group of Commission officials and experts who check the quality of all impact assessments and major evaluations that inform EU decision-making

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<sup>1</sup> <http://www.oecd.org/greengrowth/40033017.pdf>

<sup>2</sup> [http://www.europarl.europa.eu/EPRS/impact\\_assesement\\_handbook\\_en.pdf](http://www.europarl.europa.eu/EPRS/impact_assesement_handbook_en.pdf)

<sup>3</sup> [http://www.astrid-online.it/static/upload/iai/iai\\_rapporto-better-regulation\\_30\\_01\\_17.pdf](http://www.astrid-online.it/static/upload/iai/iai_rapporto-better-regulation_30_01_17.pdf)

**Summary:** [https://ec.europa.eu/info/law/law-making-process/regulatory-scrutiny-board\\_en](https://ec.europa.eu/info/law/law-making-process/regulatory-scrutiny-board_en)

- Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently”  
**Task:** Makes recommendations on how to better apply the principles of subsidiarity and proportionality  
**Summary:** [https://ec.europa.eu/commission/priorities/democratic-change/better-regulation/task-force-subsidiarity-proportionality-and-doing-less-more-efficiently\\_en](https://ec.europa.eu/commission/priorities/democratic-change/better-regulation/task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en)
- Moreover, there have been specific regulations and directives concerning the improvement of policy regulation and impact assessment:
  - Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making  
**Content:** Confirms the EU institutions commitment to sincere and transparent cooperation throughout the entire legislative cycle  
**Link:** [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.123.01.0001.01.ENG&toc=OJ:L:2016:123:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG&toc=OJ:L:2016:123:TOC)
  - Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance  
**Content:** Lays down principles for the assessment of EU environmental policies with regards to the public and private sector  
**Link:** <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011L0092>
- A comprehensive list of all regulations and directives concerning practical impact assessment by the EU can be accessed via [http://ec.europa.eu/smart-regulation/impact/ia\\_carried\\_out/cia\\_2014\\_en.htm](http://ec.europa.eu/smart-regulation/impact/ia_carried_out/cia_2014_en.htm)

## Topic: Institutions/organizations/NGOs concerned with long term impact assessment of EU policy

- Impact Assessment Institute  
<http://www.impactassessmentinstitute.org>
- RegWatchEurope  
<http://www.actal.nl/english/regwatcheurope/>
- Regulatory Policy Committee  
<https://www.gov.uk/government/organisations/regulatory-policy-committee>

## Further reading

- <http://www.oecd.org/greengrowth/40033017.pdf>
- [http://ec.europa.eu/smart-regulation/impact/ia\\_carried\\_out/cia\\_2014\\_en.htm](http://ec.europa.eu/smart-regulation/impact/ia_carried_out/cia_2014_en.htm)
- [http://www.astrid-online.it/static/upload/iai\\_/iai\\_rapporto-better-regulation\\_30\\_01\\_17.pdf](http://www.astrid-online.it/static/upload/iai_/iai_rapporto-better-regulation_30_01_17.pdf)
- [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en)
- <http://www.oecd.org/regreform/>