

EUROPEAN COMMISSION

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# DECISION OF THE PRESIDENT OF THE COMMISSION

amending Decision P(2020)2 as regards the composition of the Regulatory Scrutiny Board, the quorum for its decisions and the focus of its tasks

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## amending Decision P(2020)2 as regards the composition of the Regulatory Scrutiny Board, the quorum for its decisions and the focus of its tasks

#### THE PRESIDENT OF THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Rules of Procedure of the Commission<sup>1</sup>, and in particular Article 22 thereof,

Whereas:

- (1) The Commission's policy on better regulation guides the preparation of new initiatives and the implementation, monitoring and evaluation of existing policies and legislation.
- (2) A Regulatory Scrutiny Board ("the Board") was established by Decision C(2015)3263 of the President of the European Commission<sup>2</sup> to give advice to the President and the Members of the Commission. It performs its tasks independently and prepares its opinions independently from any national or European institution, body, office or agency. Decision C(2015)3263 was repealed and replaced by Decision C(2019)5565 of the President of the European Commission.<sup>3</sup> The latter was repealed and replaced by Decision P(2020)2 of the President of the European Commission.<sup>4</sup>
- (3) It is particularly important to further enhance the Board's scrutiny and focus on the impacts of Commission proposals, also in relation to the competitiveness of European businesses, which is critical for the achievement of a fair green and digital transition. The Board is faced with a heavy workload and should be further strengthened to be able to tackle complex impact assessments and evaluations submitted to its scrutiny.
- (4) To support the commitments of the Commission and as part of its policy on better regulation, the Board should pay particular attention to competitiveness impacts when scrutinising reports submitted to it.
- (5) To reinforce the Board's operations to tackle complex and critical elements of the scrutiny of impact assessments and evaluations, the composition of the Board should be modified to include two additional members, one internal (Commission official) and one external (temporary agent).
- (6) As a result of increasing the number of the Board's members, the necessary quorum to take decisions should be increased to five members.

<sup>&</sup>lt;sup>1</sup> OJ L 55, 5.3.2010, p. 11

<sup>&</sup>lt;sup>2</sup> Decision C(2015 3263 of 19 May 2015 on the establishment of an independent Regulatory Scrutiny Board.

<sup>&</sup>lt;sup>3</sup> Decision C(2019)5565 of 19 July 2019 on an independent Regulatory Scrutiny Board.

<sup>&</sup>lt;sup>4</sup> Decision P(2020)2 of 23 January 2020 on an independent Regulatory Scrutiny Board.

(7) It is therefore appropriate to amend Decision P(2020)2 as regards the composition of the Board, the quorum to take decisions and the focus of its tasks.

HAS DECIDED AS FOLLOWS:

#### Sole Article

Decision P (2020)2 is amended as follows:

- (1) In Article 2, paragraph 3 is replaced by the following
  - 3. When assessing the quality of reports submitted to it, the Board shall pay special attention to the application of the 'one-in, one-out' principle, integration of the foresight dimension and impacts on competitiveness, in line with the guidance provided by the Commission. In doing so, the Board shall assess the quality of cost estimates and whether the reports sufficiently explore the potential to simplify legislation and to reduce unnecessary burdens for businesses and citizens.
- (2) In Article 3, paragraph 1 is replaced by the following:
  - 1. The Board shall be composed of nine members: the Chair, four Commission officials ('internal members'), and four temporary agents ('external members'). The Chair of the Board shall be ranked as Director-General. One member of the Board shall be ranked as Director. The remaining members of the Board shall be ranked as Principal Advisors.
- (3) In Article 5, paragraph 2 is replaced by the following:
  - 2. The Board shall only take decisions when at least five members are present, including the Chair, or where the Chair is prevented from exercising his/her functions, the member of the Board ranked as Director. The Board shall seek to reach as many decisions as possible by consensus. If no consensus can be reached, it shall decide by a simple majority of its members present at the meeting including the Chair, abstentions not counting as a vote. In the event of a tie, the Chair or, where the Chair is prevented from exercising his/her functions, the member of the Board ranked as Director, shall have the casting vote.

Done at Brussels, 11.12.2022

The President Ursula von der Leyen