

Networking Event on the Role of Scrutiny in Better Regulation

Virtual Networking Event 29/09/2020 with 50 participants

Green impacts, Digitalisation, Reduced Administrative Burden, Foresight, Covid 19

While regulatory oversight can cover different functions and tasks, this event was particularly targeted at scrutinisers exercising quality control of the application of regulatory tools such as impact assessments and ex-post evaluations.

From 9:30 to 12:30 the event was articulated around short interventions from four Member States, Norway and the UK, followed by discussion.

Main Take Aways

There are different models of scrutiny of better regulation practices and tools across the Member States of the European Union. They all have to integrate new political priorities and societal challenges into policy preparation. This event offered participants the opportunity to exchange information on how they deal with this. The European Commission announced its political priorities in 2019, including the “Green deal”, a greater focus on digitalisation and foresight. Since then, Europe and the world have been faced with the Covid-19 pandemic and the associated health and economic impacts. How are these new priorities and the economic shock following the pandemic changing the role of scrutiny?

The Regulatory Scrutiny Board (RSB) hosted this event and invited scrutinisers exercising quality control of the application of regulatory tools such as impact assessments and ex-post evaluations. 50 participants participated from 17 Member States and Norway and the UK. Presentations were made by the Regulatory Scrutiny Board, and representatives from Portugal, Denmark, the UK, Italy, Norway and Greece, with follow-up questions and interesting discussions taking place also in the chat function.

Diversity of approaches: The event highlighted how scrutiny is built into the law making process. Some countries focus on impacts on business (Denmark, Norway). Others (European Commission, Portugal, UK) take a wider approach and assess environmental and social impacts. Examples were given of how better regulation approaches develop to account for new political themes, such as climate change, sustainable development goals, etc. The timing of scrutiny and what is scrutinised also varies. It was stressed that impact assessments should fit into different regulatory cultures of how to draft law. The impact assessment should help making the legislative process more understandable to the public. This should go beyond the legal basis and contribute to broader legitimacy of rule making.

The COVID crisis: In general, COVID crisis measures were introduced as emergency measures and in most cases these emergency measures were time-limited. The RSB indicated that it now asks Commission services to examine their future initiatives to see how the longer term impacts of COVID may require changes in future regulations. While the COVID crisis challenges baselines and future scenarios, impact assessments seem to be even more important

than before the crisis. For crisis measures that were not subject to an ex-ante assessment, ex-post evaluations will be important, to see if the policy delivered as expected.

The Digital dimension: There were discussions on how to link digitalisation, regtech and better regulation processes. It was stressed the importance to consult on data strategies, to ensure digital implementation, once-only reporting and a European Interoperability Framework, including master repository measures, one-stop-shops, etc.

Overall, it was acknowledged that the need for better regulation is even stronger now than ever. The current crisis has underlined the importance of policies informed by sound evidence and solutions that minimise regulatory burdens. Scrutinisers see the value of regular meetings to exchange on their different practises and challenges they face.