# Briefing

## Initial Appraisal of a European Commission Impact Assessment

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# Strengthening the market surveillance of products

*Impact Assessment (SWD(2017) 466, SWD(2017) 467 (summary)) of a Commission proposal for a regulation of the European Parliament and of the Council laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products [and amending ...] (COM(2017) 795)*

## Background

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's impact assessment (IA) accompanying its proposal for the above regulation, adopted on 19 December 2017 and referred to Parliament's Committee on the Internal Market and Consumer Protection. The ultimate goal of this proposal is that citizens get safer goods, produced by businesses that compete fairly and that are supervised by administrations that cooperate with each other. The legislation under review covers the majority of industrial products bought by EU citizens, such as toys, cosmetics and machinery. These products include goods produced in the EU and imported goods and should be manufactured according to common rules, also known as harmonised legislation. This body of law is large: the proposal amends six regulations and 16 directives.[1] Moreover, the proposal is related to two legislative procedures for which Parliament has been awaiting the Council's first reading position since 2014: on the market surveillance of products and on consumer product safety.[2] The IA spans over 1 000 pages. Therefore, this initial appraisal focuses on 80 pages of core text and refers to the Annexes where appropriate.[3]

## Problem definition

The IA defines the problem to be addressed by this initiative clearly: a high number of non-compliant[4] products can be bought in the EU. This claim is backed up by two main types of source: the opinion of EU businesses and estimates based on inspections. Inspections reveal non-compliance ranging from 1.5 % to 90 % of inspected products, depending on the aspect checked. In the best case related to toy safety, 1.5 % of 200 toys intended for children under 3 years of age were non-compliant for the 'migration of certain elements', which relates to the exposure of children to certain chemicals. In the worst case, 90 % of 47 repeaters of mobile phones had some sort of formal non-compliance. (IA, pp. 13-14).

1 The proposal amends Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council.

2 The 'EU legislation in progress' briefing provides extra information on the proposal

3 A forthcoming briefing analyses a parallel Commission impact assessment, accompanying a proposal for a regulation of the European Parliament and of the Council on the mutual recognition on goods lawfully marketed in another Member State. This proposal relates to the remaining goods that businesses market in a Member State following national rules. These goods can be sold elsewhere in the EU, as long as they are safe and respect the public interest, in keeping with the principle of mutual recognition. They include clothing, footwear and furniture.

4 Non-compliance means that a product does not comply either with substantive or with formal rules. The battery of a mobile phone that overheats because its circuits do not follow a relevant regulation is an example of substantive non-compliance. A toy that lacks the CE marking and thus may not be placed on the EU market is an example of formal non-compliance.

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There are indications that the problem affects all sectors and all EU countries. The consequences for EU citizens and businesses are clearly demonstrated. Firstly, citizens face risks when buying or working with potentially dangerous goods. Non-compliant goods may also ruin the environment. Secondly, businesses face unfair competition from non-compliant businesses: total compliance costs have been estimated to amount to 0.48 % of a company's turnover and are not faced by non-compliant businesses (IA, p. 27).

The four causes of this problem are extensively and convincingly analysed. They relate to the surveillance framework, as well as to resources, tools and information available for market surveillance. The analysis of these causes is of the utmost importance, because the Commission bases its choices on them. *Firstly*, the Commission says that market surveillance is fragmented within the EU and at the borders, where non-EU products enter. More than 500 authorities are competent only for some products or in a local area. According to the data provided in the IA, they rarely cooperate across national borders. This problem has become more acute as the number of products sold across borders has grown in recent decades. A relative weakness in the analysis is that there is no overview of the number of authorities in each Member State. One footnote refers to an up-to-date list, which is over 250 pages-long (IA, p. 16, footnote 45). *Secondly*, the statement that market surveillance authorities have limited resources to perform their controls is backed up by the opinion of the authorities and by some hard data. For instance, the budget available to these authorities declined by 7 % and staff decreased by over 2.5 % in 19 Member States in the four years between 2010 and 2013 (a decrease equivalent to approximately 200 jobs: IA, p. 19, Figures 5 and 6). Among the four largest Member States, these data include Germany and Italy, but exclude France and the United Kingdom.

*Thirdly*, it is stated that not all the market surveillance authorities have all the deterrent tools needed to respond to new challenges, such as e-commerce and growing imports from third countries. This is backed up by evidence (see for instance Box 4, p. 21 and Table 3, p. 22). The analysis of deterrence is based on recent behavioural studies. *Fourthly*, the IA states that businesses do not know enough about all the rules in this complex area. Likewise, citizens lack information about the compliance of goods. One additional aspect mentioned in the IA is that controls are not effective or efficient enough. One stakeholder insight recounted in the IA is informative: in one of the biggest EU harbours the rate of control is only 0.1 % (this harbour is not identified: IA, p. 19). Annexes contain additional information such as the following statement: 'The most effective way to avoid making available non-conforming or unsafe goods imported from third countries in the Union market is to carry out adequate checks during the import control process' (IA, part 3, p. 580). These insights seem to be an important common thread in the problem definition and could have been expanded and analysed better in the core text.

## Objectives of the legislative proposal

The objectives defined by the impact assessment appear relevant, as well as specific and measurable, and correspond to the problem identified. The *general* objective of the Commission proposal is to improve the functioning of the single market by increasing compliance with EU product harmonisation legislation. In other words, this means reducing the number of non-compliant products marketed in the EU. The IA identifies four *specific* objectives (pp. 33-34), as follows:

1. reinforcing market surveillance cooperation procedures among Member States;
2. increasing operational enforcement capacity;
3. strengthening the enforcement toolbox available to market surveillance authorities; and
4. promoting compliance by making information on EU harmonised legislation more accessible.

Each of the specific objectives seeks to address one of the four main issues previously outlined as problem drivers. This four-fold approach frames the presentation of all the measures that, together, constitute the policy options examined in the impact assessment. *Operational* objectives are not singled out as such, but emerge in the form of 'deliverables' of the preferred policy options (IA, pp. 79-80). This seems broadly coherent with the recommendations provided by the Better Regulation Toolbox (p. 80). A weakness is that these objectives do not have to be achieved by a set date, contrary to standard requirements. For information, the proposed regulation would apply from 2020.

## Range of options considered

One of the strengths of the Commission impact assessment is that it identifies and analyses in depth 18 measures to address the problem (IA, p. 35). Moreover, the IA considers and discards at least eight additional variants of the measures at an earlier stage in the analysis (IA, pp. 39, 43, 45 and 41, and footnote 152). Finally, it analyses three sub-measures in more detail (IA, p. 56).[5] The content of the 18 measures is described at length over 10 pages: providing an informative overview of all the measures is challenging (IA, pp. 35-45). The IA chooses to arrange them in three main options alternative to the baseline (option 1). These are set out in order of increasing ambition, from a modest revision (option 2), through a balanced revision (option 3), to a significant modification of the surveillance framework (option 4). This last option contains four measures that would have established centralised EU-level enforcement and is discarded in the IA. The options are incremental: option 4 builds on option 3 and option 3, the course of action selected by the Commission, builds on option 2.

The following table re-arranges the 14 measures selected by the Commission according to the main features of the proposal, as presented by the Commission to the Internal Market and Consumer Protection Committee on 22 January 2018 (presentation, slide 15[6]). The IA contains a table based on a similar approach (pp. 78-79).

**Table – Linking the main features of the proposal with the measures selected in the impact assessment**

| Main features of the proposal | Description (*the corresponding IA measure is within brackets*) |
|---|---|
| European Product Compliance Network | The Member States and the Commission would create a network to coordinate joint enforcement activities (3b), which would also carry out peer reviews of market surveillance authorities' enforcement strategies (3c). These peer reviews would facilitate exchanges of differences in Member States, such as risk assessment policies, frequencies of controls and sanctioning practices (IA, p. 57). They would use performance indicators and benchmarks (2c) based on new enforcement strategies drawn up by Member States (2b). |
| Person in EU responsible for compliance information | Third-country businesses that place products on the EU market would have to appoint a person responsible for compliance information when they do no work through an importer or an authorised representative (3d). |
| Helping businesses to comply | Economic operators would be obliged to publish online the already existing Declaration of Conformity (3g).<br>Economic operators would have the option to publish in an already existing Commission web portal voluntary measures to withdraw or recall unsafe, non-compliant products (2g). |
| State-of-the-art enforcement tools | Market surveillance authorities would have new tools.<br>- They could recover their costs by charging economic operators administrative fees for non-compliance (3f).<br>- They would be required to publish more systematically the restrictive measures taken against non-compliant products (3e).<br>- They would have wider investigative and enforcement powers, for instance regarding internet traders and controls on imports from third countries (2d).<br>- They would have additional optional common tools, such as compliance assistance schemes (2e).<br>- They would have the possibility to request assistance from authorities in different Member States to provide information to complete an investigation and/or enforcement actions (2a). |

[5] Parliament has already analysed other measures to reduce non-compliant products marketed in the EU, such as a voluntary 'EU Safety Tested' marking for all non-food consumer goods, which was the object of one of Parliament's own IA of substantive amendments.

[6] 22 January 2018, under point 10, Miscellaneous – PPT_Goodspackage – Powerpoint presentation on the goods package

| | |
|---|---|
| | - They could reuse evidence, test-reports and decisions of authorities in other Member States (3a) more easily. |
| Clear assignment of task – Single Contact Point | The Product Contact Points, already existing in all Member States and currently dealing with non-harmonised goods, such as clothing, footwear and furniture, would also deal with harmonised goods such as toys, cosmetics and machinery (2f). |
| Better controls at the external borders | This main feature of the proposal does not seem to correspond to one single measure analysed in detail in the IA. There are nonetheless short references to customs in the core text and detailed information in the Annexes. |

Source: Compiled by the authors on the basis of the Commission IA.

## Scope of the impact assessment

All the options alternative to the status quo are analysed according to a structured approach, firstly against the objectives and secondly regarding specific themes. Administrative simplification, compliance and implementation costs, economic impacts and the impact on fundamental rights are analysed in detail. Regarding fundamental rights, the IA states that the Commission's retained options, such as the wider investigative and enforcement powers, may impact on the presumption of innocence, right to due process/effective remedy, rights of defence, data protection and right to privacy. However, the Commission says that this is justified taking into account the objective of the general interest of protecting consumers, users and the environment from unsafe and non-compliant products. Moreover, it also states that the retained options would be subject to national procedural safeguards (IA, pp. 54 and 66). The annexes contain a wealth of information about Member States, which would be the starting point for an analysis of territorial impacts.

Social and environmental impacts are treated in less depth in the core text (Part 1 of the IA). The positive impact on consumer protection and the environment is an intrinsic indirect result of the initiative, if the problem definition of the IA is correct. Regarding employment, the IA reproduces in the annexes Eurostat statistics on the historical evolution in manufacturing and trade jobs from 2008 to 2014. These point to a heterogeneous picture according to the sector involved. In manufacturing, there was a 0.6 % contraction amounting to approximately 126 000 jobs lost during these seven years, with employment creation in the automotive sector and jobs lost in the textile industry, for instance (IA, Part 2, pp. 164-165). In trade jobs (wholesale and retail sales as well as agents), there was a 0.2 % expansion in employment amounting to some 53 000 jobs created, with employment creation in internet sales and jobs lost in the sale of motor vehicles, for instance (IA, Part 2, pp. 174-175). The Commission expects the initiative to have a positive impact on employment owing to reduced unfair competition and improved competitiveness (IA, Part 1, p. 65).

## Subsidiarity/proportionality

The IA persuasively argues that the problem of consistent enforcement of Union harmonisation legislation has a cross-border aspect and requires measures to be taken at EU level. Surveillance and enforcement actions performed by public authorities are constrained by national boundaries, whereas businesses operate across the single market and goods are moved along complex supply chains. Concerning subsidiarity, the Commission states that the initiative would not affect either the Member States' competences in market surveillance, or interfere with national enforcement or judicial systems (IA, p. 82). The preferred option in the IA aims to establish general principles and operational support mechanisms to the extent necessary to achieve more coordination among Member States (IA, p. 82) without imposing a disproportionate burden on Member States' authorities, according to the IA. The subsidiarity deadline was 23 March 2018. At the time of publication, the Swedish Parliament had issued a reasoned opinion arguing that the proposal is in breach of the subsidiarity principle. The Riksdag shares the general objectives of the proposal, but argues that some powers should be left to national discretion, for instance the power to close down a website.

The Commission discarded some measures on proportionality grounds. For instance, it discarded the extended direct applicability of other Member States' enforcement decisions and the approximation of sanctions, as they were deemed to be highly intrusive in Member States' systems (IA, p. 76). Similarly, it discarded the possibility for the Commission to carry out investigations and directly sanction operators (IA, p. 45). The Regulatory Scrutiny Board (RSB) questioned the proportionality of the requirement for third country businesses to appoint a person responsible for compliance information in the EU. The IA answered by arguing for instance that appointing such a person would not be needed in many cases and that costs would range from approximately €180 to less than €1 450 per year per company, depending on the tasks and assumptions made (IA, Part 3, pp. 658-659).

## Budgetary and public finance implications

Selecting a preferred policy option required a careful cost-benefit analysis. Estimates of costs to be borne by the EU, by Member States and by businesses are provided for each of the policy options considered.

- Regarding the EU, the IA estimates total costs of the EU Product Compliance Network at around €18 million per year, including costs for a staff increase of 59 over the first three years of operation (see SWD(2017) 467 - executive summary).[7] Under option 3(c) the Commission considered two additional different size variants for the EU Product Compliance Network, costing respectively €10 million and €26 million, with 32 and 90 extra staff respectively (IA, Part 3, p. 612). The medium (selected by the IA) and higher estimated sizes were expected to perform better at reviewing Member States' market surveillance systems (IA, pp. 63-64). Hosting the network within the Commission or within the European Intellectual Property Office in Spain both present advantages and disadvantages and the IA does not take a position on this, explaining that 'this is essentially a political choice' (IA, Part 2, p. 96).
- Member States would incur the costs of adapting their legislation and procedures to implement the option preferred by the Commission, but these are not considered to be significant. The qualitative scoring of the options seems to imply that costs would be offset by savings resulting from administrative simplification and increased procedural efficiencies (IA, pp. 54, 66-67).[8] On the contrary, options that entail significant costs for Member States, such as the approximation of sanctions, are discarded (IA, Part 1, p. 71).
- Regarding businesses, costs are deemed significant only for non-compliant businesses (IA, pp. 61-62).

## SME test/competitiveness

The impact assessment analyses competitiveness and the impact on SMEs extensively. A first round of consultation with SMEs took place through the stakeholder consultation described below. In addition, a dedicated, informal consultation of SMEs took place in the form of a Small Business Act follow-up meeting with the Commission in December 2016. Annex 3 of the IA offers a summary of the feedback received from SMEs as well as an evaluation of the impact of the preferred option on such businesses. In general, the IA expects SMEs to benefit from the curbing of unfair competition from non-compliant products. They are also expected to benefit from improved access to compliance information, potentially even at a lower cost (IA, p. 155). Improved consistency of enforcement across the EU would also provide all businesses, especially SMEs, with more predictability and legal certainty in cross-border trade (IA, p. 65).

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7 This IA constitutes an ex-ante evaluation of 'programmes and activities which entail significant spending' (Article 30 of Regulation No 966/2012 (Financial Regulation). This means that an ex-ante evaluation is required for all programmes or activities in excess of €5 million. In this case, the ex-ante evaluation takes the form of an impact assessment, informed by stakeholder consultation and scrutinised by the Regulatory Scrutiny Board (Better Regulation Toolbox of 2017, tool n° 10).

8 A possible new fund to support Member States' enforcement strategies would require co-funding from the Member States and is not part of the impact assessment (IA, p. 53, and footnote 216).

## Relations with non-EU countries

According to the opinions of participants in the public consultation run in 2016, the main countries of origin of *imported* products often found to be non-compliant are China, India, the United States, Turkey and Hong Kong (IA, Part 2, p. 152). The IA analyses the organisation of market surveillance outside the EU, namely in Australia, Canada, Japan, South Korea, New Zealand and the United States (IA, Part 2, pp. 550-560). Regarding relations with non-EU countries, the considerations here listed below under 'customs' are relevant. The IA also confirms the consistency of the proposal with a trade policy based on openness, cooperation and the fight against unfair practices (IA, pp. 33-34).

## Simplification and other regulatory implications

The links between the proposal under review and the proposal on mutual recognition are presented in the Commission communication 'The Goods Package: Reinforcing trust in the single market' (COM(2017) 787). The IA analyses the consistency of the proposal with other EU policies, including the following:

- **Market surveillance of products** and **consumer product safety**: the core text of the IA is brief about the relationship with the two legislative procedures currently on hold at the Council. It states mainly that the new initiative concerns aspects not targeted before. These go beyond the solutions already proposed or are updates that take into account the latest legislation (IA, p. 7). More information on this essential aspect would have been useful.
- **Customs:** Chapter VII of the proposal deals with products entering the Union market. There is detailed information about customs in the Annexes to the IA, for instance, regarding the status quo and the measures suggested by the expert group on the internal market for products (IA, Parts 2/4, pp. 184-186 and pp. 124-125; Part 3, pp. 580-588). Moreover, there are some short references to customs in the core text. For instance, the IA states that the 'policy options take into account the advocated coordination and inter-agency cooperation mechanisms, enhanced risk assessments including at the level of the customs union to make controls more efficient and effective' (IA, p. 34). However, on reading the core text there is no sense that this is one of the main features of the proposal. The Commission department responsible for customs (DG TAXUD) was represented in the impact assessment steering group.
- **Enforcement in other areas:** the IA states that the Commission has taken into account enforcement in the food and feed area, for instance (IA, p. 34[9]).

## Quality of data, research and analysis

The assessments appear to be reasonable and based on expert judgement, sound data, research and analysis. The assumptions and limitations of the analysis are clearly acknowledged. The impact assessment was drawn up by the Commission department for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), assisted by a wide steering group comprising 11 other departments. The work lasted about one and a half years from January 2016 to June 2017. The body of work includes the following sources:

1. Three recent external evaluations:
   - Ex-post evaluation of the application of the market surveillance provisions of Regulation (EC) No 765/2008;
   - Study on good practices in the area of compliance assistance and compliance schemes, which is included in Annex 14 of the impact assessment;
   - Evaluation of impact of the 'Internal Market for Goods – Digital Compliance', also included in Annex 14 of the impact assessment (Section 5, pp. 928-999).

   One example of good practice is that the analysis clearly explains how the evaluation fed into the impact assessment (see Box 6: Evaluation findings of the REFIT potential, IA, p. 32).

[9] Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

2. Several Commission documents and an updated academic bibliography. The IA quotes one study commissioned by the Parliament, and the Commission communication 'The Goods Package: Reinforcing trust in the single market' (COM(2017)787) quotes another.[10]

'Impact assessments shall be presented in such a way as to facilitate the consideration by the European Parliament and the Council of the choices made by the Commission' (Interinstitutional Agreement on Better Law-making, point 14). This IA is organised in four parts, making a total of 1 000 pages. Such a long text can be discouraging for the reader. Perhaps more synthesis in some cases, some layout changes, hyperlinks and more precise cross-references would have been helpful.

## Stakeholder consultation

Stakeholder consultation is overall a strong feature of this impact assessment. The Commission has sought the views of a wide range of stakeholders, notably businesses, Member States, public authorities and citizens, in three main ways. Firstly, a four-month online public consultation was carried out in 2016 and received 239 replies, mainly from businesses (127) and public authorities (80), with the rest coming from citizens (32). Secondly, a stakeholder conference was organised by the Commission in June 2016. Finally, market surveillance authorities were consulted separately during several meetings that spanned the proposal's preparation phase. A sizeable section of the IA (Annex 2, pp. 111-154) provides procedural and substantial details about all these initiatives. The consultations seem to broadly cover all the areas in which the proposal seeks to intervene. The stakeholders' views on the measures included in each policy option are clearly listed in the IA.

## Monitoring and evaluation

The Commission acknowledges that a robust system is essential to monitor and report on the effectiveness and efficiency of the proposed measures. For guidance, the impact assessment includes the main sources of information selected, and a comprehensive set of indicators to monitor progress towards each of the four specific objectives. The already existing Information and Communication System on Market Surveillance would provide data on a set of indicators and the new Compliance Network would use additional sources to improve the indicators in the future (IA, pp. 83-84).

The proposal contains a clause (Article 62) tasking the Commission with carrying out an evaluation every five years from the entry into force of the regulation. It singles out the need to evaluate market surveillance activities that receive EU financing carefully (Article 62). The Commission report would assess progress in attaining the general objective of reducing the number of non-compliant products placed on the Union market, as well as progress towards the specific objectives. The indicators listed in the IA are also listed in the Legislative Financial Statement accompanying the legislative proposal (p. 59). Performance indicators are one of the features of the proposal.

## Commission Regulatory Scrutiny Board

The Regulatory Scrutiny Board (RSB) issued two opinions on this IA: it first issued a negative opinion on 7 March 2017, and two months later it issued an overall positive opinion with reservations upon a resubmission of the IA. The two-month time lag compares well with some previous examples of resubmissions after just a few days. Indeed, the Commission appears to have incorporated the RSB comments as much as possible, although it should be stressed that the draft IAs on which these recommendations were made are not public, making it difficult to draw firm conclusions. The IA contains a comprehensive table matching the recommendations included in both RSB opinions and the Commission's follow-up (IA, Part 2, Annex 2, pp. 92-98). This formally complies with the Better Regulation Guidelines, even though it would have been useful to also provide a straight answer to the RSB's direct questions, rather than simply pointing to the annexes (IA, Part 2, p. 97). Having said that, the IA seems acceptable on the aspects pointed out by the first negative opinion: poor explanation of necessity and

[10] Respectively, Effectiveness of Market Surveillance in the Member States, Policy Department for Economic and Scientific Policy, 2009, and The Cost of Non-Europe in the Single Market, EPRS, 2014.

proportionality of action at EU level; choice between the options not clear enough; evidence for cost quantification not sufficient; and identification of potential for simplification and burden reduction not present (IA, p. 93). The second, positive RSB opinion contained again reservations on the analysis backing up two key features of the proposal: the implementation modalities of the new Product Compliance Network and the proportionality of the mandatory appointment of a 'person responsible for compliance information' for third country businesses. The Product Compliance Network is analysed extensively in Part 3 of the IA, Annex 12, in particular from page 611 to page 629. The person responsible for compliance information is analysed extensively in Part 3 of the IA, Annex 13 and in particular from pages 638 to 665.

## Coherence between the Commission's legislative proposal and the IA

The Commission's legislative proposal seems to follow the recommendations expressed in the IA. The need to improve the controls at the external borders is one of the main features of the proposal according to the Commission. However, this feature does not seem to correspond to one single measure analysed in detail in the IA. Information about this important aspect is scattered throughout the analysis of the core text and is more present in the Annexes (See 'Simplification and other regulatory implications' on customs above, for more information).

## Conclusions: overall a convincing analysis with some room for improvement

An initial appraisal of the impact assessment suggests that methodological strengths outweigh the weaknesses in this overall convincing analysis. This impact assessment is underpinned by a substantial body of work, including three evaluations, a wide selection of studies and a broad consultation strategy. It follows a structured approach, complies as much as possible with Commission internal requirements and clearly shows expertise. The analysis clearly defines the problem in need of EU action and the corresponding objectives. It identifies a wide range of measures, which also take into account the need for administrative simplification voiced by stakeholders. It provides mainly qualitative evidence, but also some quantitative data, for instance regarding budgetary aspects. Nonetheless, the IA could have provided more information on the links with two pending legislative procedures, dealing with market surveillance of products and consumer product safety. Finally, a 1 000-page analysis of this kind can discourage potential readers if its presentation does not facilitate consideration of the choices made by the Commission. For instance, the need to improve controls at the external borders is one of the main features of the proposal and could have been better presented.

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*This note, prepared by the Ex-Ante Impact Assessment Unit for the European Parliament's Committee on Internal Market and Consumer Protection (IMCO), analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.*

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