



European Parliament work in the fields of impact assessment and European added value

Activity report for
2023



EPRS | European Parliamentary Research Service

Directorate for Impact Assessment and Foresight

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List of acronyms

AFCO	European Parliament Committee on Constitutional Affairs
AFET	European Parliament Committee on Foreign Affairs
CCC	European Parliament Conference of Committee Chairs
COVI	Special Committee on the COVID-19 pandemic: lessons learned and recommendations for the future
CWP	Commission work programme
CoNE	Cost of non-Europe report
CULT	European Parliament Committee on Culture and Education
DG	Directorate-general
DG IPOL	Directorate-General for Internal Policies of the Union
EAVA	European Added Value Unit
ECA	European Court of Auditors
ECBM	European Cross-Border Mechanism
ECOS	European Council Oversight Unit
ENVI	European Parliament Committee on Environment, Public Health and Food Safety
EPRS	European Parliamentary Research Service
EVAL	Ex-Post Evaluation Unit
FEMM	European Parliament Committee on Women's Rights and Gender Equality
FISC	Subcommittee on Tax Matters
IA	Impact assessment
IIA	Interinstitutional agreement
IMCO	European Parliament Committee on Internal Market and Consumer Protection
IMPA	Ex-Ante Impact Assessment Unit
INI	Own-initiative implementation reports

INL	Legislative initiative reports
INTA	European Parliament Committee on International Trade
ITRE	European Parliament Committee on Industry, Research and Energy
JURI	European Parliament Committee on Legal Affairs
LIBE	European Parliament Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of the European Parliament
OIOO	One in one out
BRG	Better Regulation Guidelines
RSB	Regulatory Scrutiny Board
SDG	Sustainable development goals
STOA	Scientific Foresight Unit
TRAN	European Parliament Committee on Transport and Tourism

1. Introduction

This activity report summarises the work undertaken by the **Directorate for Impact Assessment and Foresight**¹ within the European Parliamentary Research Service (EPRS) between January and December 2023. It focuses on the Directorate's work in support of both legislative activity and oversight, and scrutiny of the executive by parliamentary committees, specifically in the fields of: (i) ex-ante impact assessment; (ii) European added value; and (iii) ex-post evaluation. It also refers to the Directorate's work in the field of European Council oversight. (A separate annual report on the activities of the European Parliament Panel on the Future of Science and Technology (STOA), which also falls within the remit of the Directorate, is published in parallel).

During the European Parliament's previous five-year legislative term, from July 2014 to June 2019, the Directorate produced a total of 573 publications in the fields covered by this report. The corresponding figure for the first four and a half years of the current legislative period (from July 2019 to the end of 2023) is 479 publications; 120 works were finalised in 2023 alone. All these publications are available to read on the European Parliament's [Think Tank](#) website and on the [EPRS intranet](#) and EPRS app.

This activity report, the ninth in a series dating back to mid-2012, provides detailed information on activities undertaken in 2023. More information about earlier work, undertaken and published between mid-2012 and the end of 2022, can be found in previous editions of this report.²

Background

This Directorate's central purpose is to help policy-makers take informed decisions, in a way that contributes to better law-making in the European Union. This should ensure that EU policies and laws are prepared in an open, transparent manner, informed by the best available evidence and backed by comprehensive stakeholder involvement, so that they achieve their objectives at minimum cost.

Better law-making as an objective and a dynamic process has evolved over time and is now a common undertaking by all EU institutions, encompassing all phases of the policy cycle, from agenda-setting to the adoption and evaluation of legislation.

The European institutions have agreed and confirmed this under the current EU Interinstitutional Agreement on Better Law-Making (IIA), signed by the European Commission, European Parliament and Council of Ministers in April 2016.³ The IIA

1 Previously named the Directorate for Impact Assessment and European Added Value.

2 All activity reports are available on the European Parliament's Think Tank website. They cover June 2012 to June 2014, July 2014 to December 2015, the years 2016, 2017, 2018, the period from July 2019 to December 2020 as well as the years 2021 and 2022. In addition, one edition, published in July 2019, provided a synthesis of the whole 2014-19 legislative term.

3 Interinstitutional agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making, 13 April 2016.

reaffirms the joint commitment to strengthening the process of evidence-based policy-making at various stages of the legislative and policy cycles, by emphasising the importance of effective programming, enactment and implementation of EU law. The IIA also includes a commitment by the institutions to using certain better law-making tools, notably ex-ante impact assessment, advance public and stakeholder consultation, and ex-post policy evaluation of existing legislation.

Based on the IIA, the EU institutions are using better law-making tools for policy preparation, decision-making and policy review. This includes work related to the notion of 'European added value', to better explain and justify the reasons for political initiatives undertaken at European level, or of the 'cost of non-Europe' in the absence of appropriate action at Union level.

Of course, EU institutions have long been striving to enhance the quality of legislation. Already in 2002, the European Commission started accompanying many of its legislative proposals with ex-ante impact assessments, looking notably at the potential economic, social and environmental effects of each measure put forward. Some basic provisions in relation to such assessments were already included in the first Interinstitutional Agreement on Better Law-Making, concluded in December 2003.⁴ Subsequently, in July 2005, the three institutions agreed on a common approach to impact assessments, which built on these commitments in greater detail.⁵

During this period, in a series of annual reports on better law-making, drafted by its Legal Affairs Committee (JURI), the European Parliament successfully encouraged the Commission to move to the (current) situation whereby every significant legislative proposal is now supposed to be accompanied by an ex-ante impact assessment, sometimes running to several hundred pages. In the same spirit, the Parliament also began working on a limited amount of its own ex-ante impact assessments.

To assist the Parliament's committees in this, the Conference of Committee Chairs (CCC) adopted an Impact Assessment Handbook in 2008. They updated it in November 2013 and September 2017, in the latter case to take account of the new Interinstitutional Agreement. The Handbook in its current form is included, for reference, as an annex to this activity report.⁶

The Directorate provides products and services throughout the whole EU legislative and policy cycle that are specifically designed to assist parliamentarians in their legislative and scrutiny work.

4 Official Journal, 31.12.2003 (2003/C321/01).

5 NT/551/551547 PE 353.887.

6 Conference of Committee Chairs Impact Assessment Handbook 1 – Guidelines for Committees, 12 September 2017.

Parliamentary structures and support

Parliament's own impact assessment work goes back to 2011, when it adopted an own-initiative report (Niebler Report) on 'guaranteeing independent impact assessment', which welcomed the ongoing development of the impact assessment process as an important aid to the legislator. The report also argued that the concept of 'impact assessment' should be applied in its broad sense, throughout the policy cycle – on both an *ex-ante* and an *ex-post* basis – from the design of legislation through to its implementation, evaluation and possible revision.⁷

In response to this report, and with a view to strengthening the capacity of parliamentary committees to engage in oversight and scrutiny work of various kinds, the Parliament's Bureau decided in 2011 to establish a dedicated Directorate for Impact Assessment and European Added Value, which started work in January 2012. Since November 2013, it has formed part of the **Directorate-General for Parliamentary Research Services** (DG EPRS), which was established at that time. Since May 2023, the Directorate holds its current name: Directorate for Impact Assessment and Foresight.

For reference, DG EPRS as a whole aims to provide comprehensive research and analytical support for Members and, where appropriate, parliamentary committees, in all EU policy fields. It is organised into four directorates:

- Directorate A: the Directorate for the **Members' Research Service**, which provides confidential briefings and research for individual MEPs, as well as a wide range of publications – in the form of at a glance notes, briefings, in-depth analyses and studies – on all EU policies, issues and legislation;
- Directorate B: the Directorate for **Impact Assessment and Foresight**, which provides, inter alia, the products and services detailed in this activity report;
- Directorate C: the Directorate for the **Library and Knowledge Services**, which provides on-site and online library services of multiple kinds and responds to citizens' enquiries; and
- Directorate D: the Directorate for **Resources**, which provides support for the whole Directorate-General in areas such as facilities' management, financial management, human resources and information technology.

The Directorate for Impact Assessment and Foresight in particular works to strengthen the Parliament's capacity for scrutiny and oversight of the executive at successive stages of the policy cycle – generating analysis in-house wherever possible and drawing on outside expertise as necessary – as well as contributing to the quality of

⁷ European Parliament resolution, [2010/2016 \(INI\)](#), 8 June 2011.

law-making itself. European Parliamentary committees may commission a variety of products and services from the Directorate to support their work in these fields.

The Directorate for Impact Assessment and Foresight includes the following **three units providing direct support to parliamentary committees** in various aspects of their oversight and scrutiny roles:

- The **Ex-Ante Impact Assessment Unit** (IMPA) undertakes an initial appraisal of the quality of each impact assessment accompanying the legislative proposals produced by the European Commission, checking that it meets certain criteria and identifying its basic methodological strengths and weaknesses. At the request of individual committees, the unit can then provide detailed appraisals of the quality and independence of Commission impact assessments, or complementary or substitute impact assessments on aspects of a legislative proposal not dealt with adequately (or at all) by the Commission. At the request of the committee responsible, the unit can also undertake impact assessments of substantial amendments to the Commission proposal. (In accordance with the procedures laid down in the Conference of Committee Chairs' Impact Assessment Handbook, the latter are always carried out by external experts).
- The **European Added Value Unit** (EAVA) analyses the potential benefit of future action by the Union through cost of non-Europe reports in policy areas where common action at European level could realise greater efficiency or a collective good. The unit also provides European added value assessments to set out and explain the rationale for and quantify the potential benefits from legislative initiative reports put forward by parliamentary committees, and analyses the added value of existing EU policies in practice.
- The **Ex-Post Evaluation Unit** (EVAL) assists committees in ex-post evaluation work – including on the transposition, implementation and enforcement of EU policy or law at national level – notably by providing European implementation assessments to support own-initiative (INI) implementation reports being undertaken by parliamentary committees. The unit also provides committees with other ex-post evaluations, not linked to such reports, on request. It prepares implementation appraisals of the operation of existing legislation, notably whenever a new proposal to update such legislation is announced in the Commission's annual work programme, and acts as a form of 'policy cycle competence centre', generating 'rolling checklists' and synoptic overviews on relevant issues.

In addition to these three units, the **European Council Oversight Unit** (ECOS) provides horizontal analytical support for both parliamentary committees and Members, by monitoring and analysing delivery on commitments made in the conclusions of the European Council, and with regard to its various responsibilities either in law or based on inter-governmental agreements. The unit maintains a rolling

checklist of all such commitments and/or responsibilities, provides routine briefing notes on their degree of attainment within the Council system, provides briefings in advance of and after each European Council meeting, and undertakes detailed research in various aspects of European Council activity.

In November 2012, the Parliament's Conference of Presidents tasked the **Conference of Committee Chairs** (CCC) with 'coordinating the parliamentary committees' approach towards impact assessment and European added value, and supervising the Parliament's work in this area, as well as developing a more consistent and integrated approach to the matter'.⁸ The Directorate sends a monthly update of all completed, on-going and planned work in these fields to the CCC, of which the latter body takes note at its monthly meetings.

As of December 2023, around 40 people – comprising heads of unit, policy analysts, and support staff – were assigned to work in the four fields described above.

The **Parliament's 2023 budget** set aside €1 million (Budget item 23-0-3210-01) to acquire, as necessary, external expertise in the fields of impact assessment and European added value, in order to support the institution's activities in these fields. However, during the internal transfers, the budget of €1 million was reduced to €405 000 end of the year (after the final mopping-up in October 2023).

During the 12-month period under review in this activity report, 15 public procurement procedures were launched, for a total committed value of €399 302. Of this figure, 34.00 % (€135 775) was used for ex-post impact assessment work, 37.34 % (€149 127) was used for European added value work, 20.52 % (€116 700) was used for ex-ante impact assessment work and 3.75 % (€15 000) was used for studies commissioned by the European Council Oversight Unit.

In this context, procurement procedures were commissioned in support of on-going work for six parliamentary committees: AFET: €14 500; CULT: €112 638; DEVE: €90 627; INTA: €15 000; SANT: €22 837 and LIBE: €118 700.

For reference, the Directorate for Impact Assessment and Foresight also includes two other units: The **Policy Foresight Unit** (PFOR) and the **Scientific Foresight Unit** (STOA), with the latter undertaking work specifically in the field of science and technology for the Parliament's **Panel for the Future of Science and Technology** (STOA Panel). The European Science-Media Hub (ESMH) also forms part of that unit.

Recent developments and outlook

In general, the workload and output of the Directorate for Impact Assessment and Foresight has remained substantial over time. The precise rhythm of the work of its

⁸ PE 499.457/CPG 28/38.

various units however varies depending on the development of parliamentary activity during the legislative cycle.

As 2023 was the last full year of the legislative cycle, the European Parliament and its committees have been extremely busy scrutinising and deciding on legislation submitted by the European Commission. Consequently, the Directorate produced a large number of initial appraisals of Commission impact assessments, which is a trend that is typical for the end of a legislative five-year cycle.

The Directorate however also continued to conduct 'own' impact assessment work, notably where the Commission failed to provide impact assessments at all or when parliamentary committees required more detailed information on the potential impacts of a proposal before moving towards a final decision.

In parallel, the Directorate has again supported the ever-growing interest of parliamentary committees in evaluating how existing EU policies are being implemented and how effective they are proving on the ground.

In addition, European added value work – primarily in the form of cost of non-Europe reports and European added value assessments – is undertaken fairly continuously throughout the legislative term and an impressive mapping of existing work in this area has been published again in 2023. European added value assessments support legislative initiatives of the Parliament whenever a parliamentary committee decides to draw up such a report, and the Directorate also monitors, in a joint project with the Directorate-General of the Presidency, if and how the European Commission responds to Parliaments requests in this regard.

Finally, it should be mentioned that the Directorate has continued to complement its work on European added value with other innovative approaches, for instance by further defining its methodology for 'stress-testing' of current or future EU policies. The Directorate is now prepared to reply to parliamentary committees' potential requests for this tool to be applied in various policy areas, now and in the future.

Overall, the 2016 IIA still provides useful guidance on many issues directly relevant to the work described in this activity report. Since its entry into force, its implementation has not only been regularly monitored by the Parliament and discussed with the Commission and the Council but – following comprehensive [stock-taking](#) on the better regulation agenda – the Commission also presented a new communication on better regulation in April 2021. This communication, entitled '[Joining forces to make better laws](#)', set out a policy-making framework aimed at supporting post-crisis recovery and the twin digital and green transformation, on the basis of what it calls 'future-proof legislation that can stand the test of time'.

In line with this strategic communication, the Commission had also updated its **Better Regulation Guidelines** ([SWD\(2021\) 305](#)) and [Toolbox](#). While the tools are not binding on the Commission vis-à-vis other EU institutions, they complement the Commission's Better Regulation Guidelines. For that reason, they are in practice essential documents

when it comes to understanding the Commission's methodological approach to policy-making, which also guides the Parliament's own scrutiny work.

Through the revision of these documents, the Commission added new elements to the better law-making process. Novelties included a commitment to make better use of strategic foresight, mainstream the sustainable development goals in all its legislative proposals and do more to take into account sustainability and the importance of digitalisation. It also introduced the 'one in, one out' principle, aiming to balance any new burdens resulting from the Commission's legislative proposals by correspondingly reducing existing burdens in the same policy area.

Following that, the Commission, in the second half of 2021, carried out a first pilot project, with ten legislative proposals covering a broad range of policy areas and impacting different sectors and stakeholders, to test the approach, its methodology and the related calculations. Building on the lessons learnt from the pilot, the Commission then moved on to implementing 'one in, one out' more widely, starting with the 2022 Commission work programme.

In the meantime, in July 2022, Parliament responded to these developments by adopting a resolution (Wölken Report) on **'Better Regulation: joining forces to make better laws'**.⁹ The report includes a series of detailed recommendations to strengthen EU strategy on better law-making and to make EU legislation fit for purpose, proportionate and comprehensive. It further comments – inter alia – on the Commission's 'one in, one out approach' and the work of the Regulatory Scrutiny Board and recalls the need for transparency and openness to confer greater legitimacy to and confidence in the EU democratic legislative process.

Later that year, the European Parliamentary Research Service (EPRS) organised a conference on the subject, entitled: **Conference on better law-making: Forward looking policy-making in times of multiple crisis**. In 2024, EPRS and the European Parliament's Directorate for Relations with National Parliaments will follow up on that initiative by organising another international conference, this time on foresight and better law-making in Parliaments. The title of this new event will be **'Legislating for future generations: Trends and challenges in impact assessment and anticipatory policy-making'**, with practitioners and experts on better law-making and strategic foresight and officials from national parliaments participating.

These activities aim at involving EU institutions, Member States, the Organisation for Economic Cooperation and Development – OECD, and other stakeholders, as well as academics. They also provide an opportunity to reach out to likeminded partners in Parliament and other institutions with a shared interest in better law-making, with the objective of establishing a continuous dialogue through cooperation, regular contact and sharing best practice.

9 European Parliament resolution, 7 July 2022, 2021/2166(INI).

Finally, 2023 has shown that better law-making is here to stay as a guiding philosophy for the policy process but needs to be evaluated, adapted and potentially further strengthened at all governing levels and over time. To this end, reflections have started on how to adapt processes including on issues such as interinstitutional programming, scrutiny and follow-up on parliamentary initiatives, and how the current IIA may need to be modified in this regard.

In any case, the task of better law-making will remain a joint responsibility of all partners in the legislative process, even though each EU institution will keep its distinct responsibility to determine how to organise its related work.

On this basis, the process of better law-making has all potential to contribute positively to improving the quality and effectiveness of legislation in the future, provided this remains a support for, and does not become a substitute for, political choices in decision-making, and that this does not delay the legislative process unduly.

In this spirit, the Parliament's Directorate for Impact Assessment and Foresight stands ready to engage in dialogue and cooperation at all levels, to scrutinise progress and to find appropriate ways and means to support Parliament's prerogatives and to best enhance the quality of the law-making process in this regard. The Directorate's main objective, however, remains that of supplying the institution and its committees with the research and analysis needed to help enable it to better evaluate, justify and quantify its legislative priorities and options, and to exercise effective oversight and scrutiny of the executive, at all stages of the EU policy cycle.

For reference, all of the Directorate's publications are available for consultation and download on the Parliament's [Think Tank](#) internet page, as well as on the EPRS [intranet webpage](#) and [blog](#). Studies and in-depth analyses can also be found at the [EU Bookshop](#) of the Publications Office of the European Union.

Wolfgang Hiller

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2. Work on ex-ante impact assessment

Since July 2012, **the Ex-Ante Impact Assessment Unit** of the Directorate for Impact Assessment and Foresight has developed a series of products and services that offer targeted, timely and specialised support to parliamentary committees in their work on ex-ante impact assessment, covering all policy areas and available at any stage in the law-making process.

The unit offers support by proactively producing **initial appraisals, which provide a critical overview of, and analyse the quality of, European Commission impact assessments** (IAs) accompanying its legislative proposals. These appraisals take the form of short, comprehensive briefing papers, which check that certain quality criteria are met and identify the basic methodological strengths and weaknesses of the IAs, in the light of the Commission's own [Better Regulation Guidelines](#) and relevant European Parliament resolutions.¹⁰ At the request of individual parliamentary committees, the unit can provide more **detailed appraisals** of the quality, completeness and independence of Commission IAs, and/or **complementary or substitute impact assessments** on aspects of a legislative proposal not dealt with adequately (or at all) by the Commission in its IA. At the request of the committee responsible, the unit can also undertake **impact assessments of substantial amendments** to a Commission proposal Parliament is considering. (Under the provisions of the Parliament's Impact Assessment Handbook, such impact assessments of amendments are always carried out by external experts).

Contribution to European Parliament committee work

Continued support to Ukraine, energy security and taming inflation were three main drivers of the political scene in 2023, paralleled with the need to deliver on the ambitions set at the beginning of the mandate before the European elections in 2024. Against this backdrop, the Commission's 2023 work programme included 39 legislative proposals, of which 33 were to be accompanied by an impact assessment.¹¹

a) Initial appraisals of Commission impact assessments

¹⁰ European Parliament [resolution](#) of 7 July 2022 on Better regulation: Joining forces to make better laws (2021/2166(INI)); European Parliament [resolution](#) of 23 November 2023 on European Union regulatory fitness and subsidiarity and proportionality – report on Better Law-Making covering 2020, 2021 and 2022 (2023/2079(INI)); European Parliament [resolution](#) of 24 June 2021 on European Union regulatory fitness and subsidiarity and proportionality – report on Better Law Making covering the years 2017, 2018 and 2019 (2020/2262(INI)); European Parliament [resolution](#) of 8 June 2011 on guaranteeing independent impact assessments (2010/2016(INI)).

¹¹ N. Hahnkamper-Vandenbulcke and S. Vettorazzi, European Commission work programme for 2023, EPRS, European Parliament, November 2022.

In light of the Parliament's commitment under the [Interinstitutional Agreement \(IIA\) on Better Law-Making](#) to take full account of the Commission's impact assessments when considering legislative proposals, in 2023 the Ex-Ante Impact Assessment Unit remained focused on a systematic analysis of the impact assessments accompanying priority legislative files. Between 1 January and 31 December 2023, the unit produced **41 initial appraisals** of Commission impact assessments (45 in 2022), with the aim of supporting the informed and effective consideration of legislative proposals at committee stage within the Parliament and of helping to strengthen the Parliament's role as an effective co-legislator and its capacity for scrutiny of the executive. These initial appraisals alert parliamentary committees to the impact assessments' strengths and weaknesses, flagging up issues that Members may wish to examine further. They raise awareness of the fact that the quality scrutiny continues after the Commission's own internal review board, the Regulatory Scrutiny Board (RSB), has considered the draft (but not the final) impact assessment. An initial appraisal may prompt committees to invite the Commission to explain the reasoning and methodology behind its impact assessment, to respond to any criticisms or shortcomings identified, and/or to complement its impact assessment, as envisaged by the IIA. In this context, committees may also request further support from the Ex-Ante Impact Assessment Unit, as indicated below.

The production and timely delivery of such a high number of briefings in a variety of policy areas continued to be a major challenge. This challenge was addressed by applying a methodological selection of the files and planning of the briefings, as well as by nurturing good communication with the committee secretariats.

b) Impact assessment work on request

The unit also commissioned two **complementary impact assessments** at the request of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) on the proposal for a regulation laying down rules to prevent and combat child sexual abuse (CSA) and on the proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum. Answering another request from the LIBE committee, the unit also produced a **detailed appraisal** of the Commission's Impact Assessment on the CSA proposal, examining the Commission's engagement with stakeholders.

Complementary impact assessment on the proposal for a regulation laying down rules to prevent and combat child sexual abuse

On 11 May 2022, the European Commission presented a proposal for a regulation laying down rules to prevent and combat child sexual abuse, with an accompanying impact assessment. The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested the present [complementary impact assessment](#) of the proposal.

Without disputing the need to protect children against child sexual abuse, this study focuses on specific aspects of the proposal. It reviews the problem definition in the impact assessment by the European Commission; assesses the impact of the proposal on the internet and on fundamental rights; considers whether the prohibition of the general monitoring obligations is respected; and assesses the necessity and proportionality of the proposed measures. It also reviews the European Commission's cost-benefit analysis underpinning the creation of the EU Centre to prevent and counter child sexual abuse.

Substitute impact assessment: Proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum

The [substitute impact assessment](#) of the European Commission's proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE). This impact assessment (IA) critically assesses the problem identified by the Commission and the objectives of the instrumentalisation proposal. It studies the proposal's relationship with the EU Treaties, existing EU border, migration and asylum acquis and the legislative proposals in the 2016 common European asylum system (CEAS) reform and those under the 2020 European Commission's new pact on migration and asylum. The IA identifies and analyses the main expected impacts of the proposal, notably the fundamental rights, societal, economic and territorial impacts, as well as those related to EU external relations. The assessment includes an examination of the effectiveness and efficiency of the proposal's derogations to EU asylum, border and returns standards, and its compatibility with the EU general principles of subsidiarity, proportionality and the rule of law. Attention is also paid to how to ensure the monitoring and evaluation of the proposal.

Detailed appraisal of the Commission's impact assessment on the proposal on preventing and combating child sexual abuse: The Commission's engagement with stakeholders

This [detailed appraisal](#) of a Commission's impact assessment builds on the initial appraisal prepared by the Ex-Ante Impact Assessment Unit of the EPRS in December 2022. It was drawn up in response to a specific request by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), and in accordance with the European Parliament's Impact Assessment Handbook.

The request concerns the European Commission's proposal for a Regulation of the European Parliament and of the Council on laying down rules to prevent and combat child sexual abuse (COM(2022) 209) – the same proposal which was also the subject of the above mentioned complementary impact assessment. The LIBE committee asked the EPRS on 16 October 2023 to prepare a 'briefing note, which should in particular

aim at mapping out the companies and organisations, which were involved in the preparatory phase of the above-mentioned legislative proposal. Special attention should be paid to Thorn and its partners, in particular Palantir'.

The briefing provides a detailed analysis from a methodological point of view of Annex 2 (stakeholder consultation) of the European Commission's impact assessment accompanying the above-mentioned proposal. It does not attempt to deal with the substance of the proposal and is drafted for information purposes to assist the LIBE committee in its work. It does not represent an official position of the Parliament.

c) Other impact assessment work

Throughout 2023, the Ex-Ante Impact Assessment Unit continued to build and consolidate its internal digital database to improve statistical analysis and report on the quality of the European Commission's impact assessments and on proposals adopted without an impact assessment. The unit also continued to inform parliamentary committees about adopted and expected legislative proposals that are not or will not be accompanied by a Commission impact assessment. In some instances committees had follow-up questions on the validity of the justification provided or requested the Commission to undertake impact assessments or analysis.

The unit remained committed to raising awareness within the Parliament, and more widely, of interinstitutional intentions, best practice and general developments in respect of ex-ante impact assessment as part of the evolving better law-making scene.

The unit keeps in regular contact with parliamentary committees and follows their work and priorities closely, notably through its active participation in the five inter-directorate-general 'steering groups' within the Parliament's administration, and in administrative project teams for legislative files.

As in previous years, the Ex-Ante Impact Assessment Unit maintained close contact with the other EU institutions and participated in the Council's Working Party meeting on competitiveness and growth (Better Regulation). It also continued regular exchanges with the European Commission and the RSB. The unit also increased its outreach, presenting its activities to various external stakeholders within and beyond the EU in several events, meetings and similar occasions throughout the year. The unit continued to nurture its relations with the academic world with its annual lecture delivered at KU Leuven.

As in previous years, the unit cooperated with the EVAL unit and co-authored the briefing on the Commission work programme for 2024.

A full **list of the publications** produced during the period covered by this activity report, from January 2023 to December 2023, with hyperlinks, can be found immediately below.

Publications

The following publications in the field of ex-ante impact assessment were produced between January and December 2023:

Initial appraisals of European Commission impact assessments (41)

- [Establishing the European health data space](#), January 2023, PE 730.342
- [Protection of workers from the risks related to exposure to asbestos at work](#), January 2023, PE 734.709

- [Updating liability rules for defective products](#), January 2023, PE 734.220
- [Interoperable digital public services in the EU](#), February 2023, PE 740.222
- [Safeguarding media freedom and pluralism in the internal market \(Media Freedom Act\)](#), February 2023, PE 740.226
- [Cleaner Air for Europe](#), March 2023, PE 740.241
- [Revising the standards for surface water and groundwater pollutants](#), March 2023, PE 740.239
- [Revising the Urban Wastewater Treatment Directive](#), March 2023, PE 740.240
- [Harmonising certain aspects of insolvency law](#), March 2023, PE 740.242
- [Packaging and packaging waste](#), March 2023, PE 740.245
- [Updating Euro emission standards \(Euro 7\)](#), March 2023, PE 740.246
- [Listing Act package](#), April 2023, PE 740.253
- [Revising the Community Design Regulation and the Design Directive \(recast\)](#), May 2023, PE 740.254
- [Classification, labelling and packaging of substances and mixtures](#), May 2023, PE 740.257
- [EU critical raw materials act](#), May 2023, PE 747.419
- [Certification of carbon removals](#), May 2023, PE 747.423
- [Updating CO2 emission standards for heavy-duty vehicles](#), May 2023, PE 747.427
- [Advance passenger information \(API\): Revising the rules](#), June 2023, PE 747.429
- [Anti-trafficking in human beings](#), June 2023, PE 747.428
- [Reducing exposures to third-country central counterparties](#), July 2023, PE 747.451
- [EU Company law: Expanding and upgrading the use of digital tools and processes](#), July 2023, PE 747.452
- [Promoting the repair of consumer goods](#), July 2023, PE 747.455
- [Bank crisis management and depositor insurance](#), September 2023, PE 747.463
- [Revision of the EU pharmaceutical legislation](#), September 2023, PE 747.464
- [Revision of EU customs legislation](#), September 2023, PE 747.466
- [Intellectual property: Regulation on standard essential patents](#), September 2023, PE 747.467

- [Legislation for plants produced by certain new genomic techniques](#), September 2023, PE 747.468
- [Soil monitoring and resilience in the EU](#), October 2023, PE 753.157
- [Plant and forest reproductive material](#), October 2023, PE 753.161
- [Compliance with flag state requirements](#), October 2023, PE 753.163
- [Revision of the Waste framework directive](#), October 2023, PE 753.168
- [Intellectual property: A revised framework for compulsory licensing of patents](#), October 2023, PE 753.165
- [Stepping up toy safety](#), October 2023, PE 753.164
- [Intellectual property: Revising legislation on supplementary protection certificates](#), November 2023, PE 753.173
- [Maximum authorised weights and dimensions for certain road vehicles](#), November 2023, PE 753.177
- [Open Financial Data implications](#), November 2023, PE 753.178
- [Revision of the Victims' Rights Directive](#), November 2023, PE 753.181
- [Transparency and integrity of environmental, social and governance rating activities](#), November 2023, PE 753.185
- [European cross-border associations](#), November 2023, PE 753.191
- [Introducing a European disability card and a European parking card](#), December 2023, PE 753.188
- [Accounting of greenhouse gas emissions of transport services](#), December 2023, PE 753.193

Complementary/substitute impact assessments

- [Complementary impact assessment on the proposal for a Regulation laying down rules to prevent and combat child sexual abuse](#), April 2023, PE 740.248;
- [Substitute impact assessment: Proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum](#), October 2023, PE 753.156.

Detailed appraisals of the Commission's impact assessments

- [Commission proposal on preventing and combating child sexual abuse: The Commission's engagement with stakeholders](#), November 2023, PE 753.179.

In collaboration with the Ex-Post Evaluation (EVAL) Unit:

- [2024 Commission work programme](#), November 2023, PE 753.176

Each of these publications can be accessed by clicking on the **hyperlinks** above (in the electronic version of this activity report) or online on the European Parliament's [Think Tank](#) website).

3. Work on European added value

The **European Added Value Unit** of the Directorate for Impact Assessment and Foresight analyses the potential benefit of future action by the European Union. It offers three main types of service to the committees of the European Parliament, drawing on external expertise when necessary:

- **European added value assessments** (EAVAs) identify and evaluate the advantages and potential impacts of proposals made by the Parliament in **legislative own-initiative reports** based on Article 225 of the Treaty on the Functioning of the European Union (TFEU). These assessments are undertaken automatically once the European Parliament Conference of Presidents has authorised the drafting of a legislative initiative report by a parliamentary committee. (They may also explain the legal and practical basis for EU policy actions, and consider any subsidiarity or proportionality issues).
- **Cost of non-Europe reports** (CoNEs) focus on policy areas where there is significant potential for greater efficiency and/or the realisation of a 'public good' through common action at EU level, where such action is currently absent. These reports are normally drafted at the request of committees.
- **European added value in action** publications explore the added value of existing EU policies in practice, and any other relevant research.

During the period from January to December 2023, the European Added Value Unit supported the work of parliamentary committees by producing three European added value assessments, five cost of non-Europe reports, and one other European added value study.

Contribution to European Parliament committee work

Supporting parliamentary committees' work on legislative initiative reports, drawn-up under Article 225 TFEU, the European Added Value Unit completed **three European added value assessments** (EAVAs) during the period from January to December 2023. These were drafted at the request of the Committees on Regional Development (REGI), Industry, Research and Energy (ITRE), Culture and Education (CULT) and Employment and Social Affairs (EMPL). The three EAVAs can be summarised as follows:

- The European added value assessment on a '**Mechanism to resolve legal and administrative obstacles in a cross-border context**', was requested by the European Parliament's REGI committee, 2022/2194(INL). The study focused on EU land border regions that encounter legal and administrative obstacles in their cooperation and where citizens and businesses face unequal access to public services and fewer economic opportunities. The COVID-19 pandemic highlighted the urgent need to address remaining cross-border obstacles and define a long-

term vision for unleashing the potential of border regions to become the drivers of European cooperation. To this end, the study identifies and assesses three policy options: (1) status quo, (2) soft-law measures, and (3) adopting a new legislative instrument (ECBM 2.0). Policy option 3, assuming a realistic reduction of one fifth of the obstacles, has the highest potential impact, addressing both legal and administrative obstacles, bringing potential economic benefits of €123 billion per year, as well as positive social impacts.

- The European added value assessment on '**Promotion of the freedom of scientific research in the EU**' was commissioned by Parliament's ITRE committee, 2023/2184(INL). Freedom of scientific research forms an integral part of academic freedom, and this study confirms the *de facto* erosion of the latter, including its underlying conditions, across the EU. The study identifies new threats, such as the role of new technologies, use of strategic lawsuits, increasing private sector influence and vulnerability to foreign interference. The main challenges to protecting freedom of scientific research stem from the absence of a common understanding and a lack of systematic monitoring at EU level of threats to academic freedom. The study proposes three policy options to address the challenges: (1) boosting research and raising awareness; (2) monitoring academic freedom at EU level; (3) ensuring EU-level protection of the freedom of scientific research. The main added value of action at EU level includes strengthening the internal market for research, protecting freedom of scientific research more effectively, and generating efficiency gains through systematic monitoring and awareness raising.
- The European added value assessment on '**EU framework for the social and professional situation of artists and workers in the cultural and creative sectors**' was requested by Parliament's CULT and EMPL committees, 2023/2051(INL). Reviewing the existing legal framework and identifying the gaps, the study explores possible policy options to tackle problems and looks at why EU action is needed. It analyses the potential impacts of the policy options, also conducting a qualitative and quantitative assessment. The analysis considers that, to a varying extent, the four policy options have the potential to reduce the fragmentation stemming from differing national legislation on working conditions and social security rights for certain groups of workers in the cultural and creative sectors.

In parallel, the European Added Value Unit undertook **five cost of non-Europe reports** (CoNEs) during the period from January to December 2023. They covered the cost of non-Europe in the areas of corruption, the space sector, mapping the cost of non-Europe, qualified majority voting in common foreign and security policy and the theoretical foundations and practical considerations of mapping the cost of non-Europe. The five CoNEs may be summarised as follows:

- The cost of non-Europe report entitled '**Stepping up the EU's efforts to tackle corruption**' defines corruption as 'abuse of entrusted power for private gain' and stresses the fact that corruption poses a significant threat in the European Union. Corrupt practices can lead to a misuse of public funds and can contribute to the erosion of democracy and the rule of law. The report draws on a quantitative analysis of corruption in the EU with a focus on three aspects: i) democracy and the rule of law; ii) public trust in institutions; and iii) public procurement. To tackle corruption and curb its negative impacts on society, the EU could strengthen trust in public institutions and enhance regulatory certainty. In quantitative terms, the social and economic gains could reach up to €58.5 billion per year.
- The cost of non-Europe report entitled '**Towards EU leadership in the space sector through open strategic autonomy**' looks at the potential benefits of efficient, ambitious and united EU-level action in the space sector. The report finds that the EU must act decisively to enable the European space sector to benefit from open strategic autonomy, and to ensure EU access to and use of space, including for its security. Moving away from fragmentation could bring large benefits, amounting to at least €140 billion per year by 2050.
- The study '**Increasing European added value in an age of global challenges: Mapping the Cost of non-Europe 2022-2032**' seeks to support the European Parliament in defining the political agenda and stimulating debate on a sustainable path forward. It investigates the potential benefits that could be achieved in 50 policy areas, taking into account the state of EU legislation and its untapped potential, and applies quantitative analysis tailored to each policy area. If the EU does not pursue the path of ambitious, collective action, the benefits identified might not materialise fully, leading to a 'cost of non-Europe'. The study finds that further EU integration could generate over €2.8 trillion per year by 2032 and help to achieve the EU's objectives in the areas of social rights, fundamental rights and the environment. Gains from further EU integration would not replace or undermine the gains from actions taken at national, regional or local level, but rather complement and reinforce them.
- The cost of non-Europe report entitled '**Qualified majority voting in common foreign and security policy**' starts by considering that the common foreign and security policy (CFSP) has a particular status in the EU legal framework, part of which is the unanimity rule within the Council. The report analyses decision-making rules in CFSP and looks at the extent to which current challenges could be attributed to unanimity. This leads to the identification of the current 'cost of unanimity' accompanied by analyses of the costs and benefits of possible alternatives to unanimity decision-making in CFSP, such as a switch to qualified majority voting (QMV). The study develops several policy options, including options within the current legal framework, options requiring Treaty change, and options requiring a departure from the intergovernmentalism in CFSP.

- The study entitled '**Mapping the cost of non-Europe report: Theoretical foundations and practical considerations**' is part of a research project to better define the concepts of the cost of non-Europe and of European added value. The study recounts the development of these concepts and look at how they have been used to support the European Parliament's work in setting the legislative agenda. It also presents their theoretical underpinnings and the main considerations in their application. Finally, the study offers some reflections on the continued evolution of the concepts, in particular on budgetary aspects and on stress-testing.

Other European added value work

As part of the 2022-2024 strategic execution framework of the European Parliament, another European added value work was undertaken in 2023: '**Stress-testing to promote the resilience of EU policies**'. The publication can be summarised as follows:

- Stress-testing is a promising foresight policy tool that can support the design of EU policies able to withstand both current and future shocks and challenges. This study explores how the European Parliament could use stress-tests to identify weak points in EU legislation and avenues for further EU action. The study draws on the findings of a stress-test of EU rail transport policy and recommendations from an expert practitioner of foresight and regulatory policy. It finds that stress-tests across different policy areas could boost the European Parliament's role as co-legislator in the European Union, especially in the agenda-setting and law-making phases of the legislative cycle.

Publications

The following publications in the field of European added value were produced from January 2023 to December 2023:

European added value assessments (3)

- [Mechanism to resolve legal and administrative obstacles in a cross-border context](#), May 2023, PE 740.233
- [Promotion of freedom of scientific research in the EU](#), November 2023, PE 753.160
- [EU framework for the social and professional situation of artists and workers in the cultural and creative sectors](#), November 2023, PE 747.426

Cost of non-Europe reports (5)

- [Stepping up the EU's efforts to tackle corruption – Cost of non-Europe Report](#), January 2023, PE 734.687

- [Towards EU leadership in the space sector through open strategic autonomy - Cost of non-Europe](#), January 2023, PE 734.691
- [Increasing European added value in an age of global challenges: Mapping the cost of non-Europe 2022-2032](#), February 2023, PE 734.690
- [Qualified majority voting in common foreign and security policy - A cost of non-Europe report](#), August 2023, PE 740.243
- [Mapping the cost of non-Europe report: Theoretical foundations and practical considerations](#), October 2023, PE 747.436

Other European added value work (1)

- [Stress-testing to promote the resilience of EU policies](#), May 2023, PE 734.710

Each of the publications can be accessed by clicking on the **hyperlinks** above (in the electronic version of this activity report) or online on the European Parliament's [Think Tank](#) website.

4. Work on ex-post evaluation

The **Ex-Post Evaluation Unit (EVAL)** of the Directorate for Impact Assessment and Foresight helps to strengthen the European Parliament's capacity for oversight of the executive. It does this by serving as an information and analysis centre for all work in the European Parliament, the Commission and other EU bodies on the implementation, enforcement and effectiveness of EU law and policies in practice.

The EVAL Unit provides the following products and services, inter alia:

- a **central information and support service** on work being done by the European Parliament, European Commission and other bodies on the implementation and effectiveness of EU law and policies in practice, and on all the phases of the EU policy cycle downstream of the adoption of EU law;
- horizontal '**rolling checklists**' to provide key reference material, in easily accessible formats, to help parliamentary committees decide what type of scrutiny of the Commission and EU policies to engage in, and when and how best to undertake it;
- short (four- to twelve-page) **implementation appraisals** of the operation of existing EU legislation in practice, whenever a new proposal to update such legislation is planned in the Commission's annual work programme (CWP). These appraisals are delivered to the relevant parliamentary committee in advance of the latter's consideration of the new proposal in question;
- longer and more detailed **European implementation assessments** on how specific existing EU laws or policies operate in practice, drafted each time a parliamentary committee decides to undertake an own-initiative implementation report on an existing EU policy or law, providing a detailed analysis of the experience to date; and
- any **other analyses or studies** on implementation issues as required.

The material generated in ex-post evaluations draws on available input from the EU institutions and bodies, including notably the two advisory committees and the European Court of Auditors, from national governments and parliaments, and from any other external consultation and outreach exercises.

Contribution to European Parliament committee work

In 2023, the EVAL Unit continued to enhance the range and quality of its products and services for the parliamentary committees, and to strengthen its practical interface with committees in their policy evaluation work.

During the course of 2023, the unit contributed directly to the work of **16 parliamentary committees** through specialised and tailored research, analysis and information on the implementation, enforcement and effectiveness of EU policy or law.

The unit supported the work of parliamentary committees by producing **seven European implementation assessments (EIAs) and four other in-depth ex-post evaluations** to underpin their own-initiative implementation reports.

European implementation assessments

- The EIA on the **Implementation of the 2018 Geo-blocking Regulation in the digital single market** was drafted at request of the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO). This EIA sought to assist the IMCO committee in drafting its report on the extent to which the implementation of the Geo-blocking Regulation has contributed to the integration of the internal market and thereby to better deals for consumers and more opportunities for businesses. This publication gives some useful insights into the first practical experience with the regulation and its potential extension to copyright-protected online content. In addition, the EIA reviews information provided by the national enforcement and consumer protection bodies, such as their own assessments of the implementation of the regulation, in which they describe the issues that consumers and traders face when buying or selling across borders online.
- The EIA titled '**Early implementation of four 2021-2027 EU programmes: Erasmus +, Creative Europe, European Solidarity Corps and Citizens, Equality, Rights and Values (Strand 3)**' was prepared at the request of the Committee on Culture and Education (CULT). The EIA provides an initial evaluation of the implementation of these funding programmes since their launch in late 2021. The evaluation focuses primarily on the relevance, coherence and effectiveness of the funding programmes, with a view to identifying challenges and shortcomings, but also to highlighting good

practices and potential for future development. The research shows that despite the impact of events such as the COVID-19 health crisis and the geopolitical situation, the launch of these programmes was successful and they have demonstrated a high level of flexibility and resilience in a fast changing environment.

- The EIA titled **'EU-UK Trade and Cooperation Agreement (TCA) two years on: Unpacking early evidence'** was drafted at the joint request of the Committees on Foreign Affairs (AFET) and International Trade (INTA). It analyses the early outcomes, benefits, risks and challenges linked to the implementation of the EU-UK TCA for the EU and its Member States. It focuses on the level playing field provisions dealing with environmental and social/labour rights protection, as well as on trade flows between the EU and the UK. Concretely, the study outlines the potential sources of tension in EU-UK relations that hinder the agreement's application. It examines the EU evaluations of the TCA's implementation at national and regional level and presents experts' views on how the agreement has been performing. The study also provides a longitudinal and visual analysis of EU-UK trade flows to explain the changes and continuities observed, and analyses the European Parliament's scrutiny of the EU-UK TCA. It concludes by charting possible paths for enhancing the performance of the EU-UK TCA, so that it can contribute to building trust between the two parties.
- The EIA on **Health claims made on foods: Findings on the implementation and application of Regulation (EC) No 1924/2006** was drawn up to support the work of the European Parliament's Subcommittee on Public Health (SANT). Building on the Commission evaluation report published in 2020, the study assesses the implementation and application of the Regulation on nutrition and health claims made on foods excluding nutrition claims and issues related to food safety. The study is composed of three independent parts: an overview of the Nutrition and Health Claims Regulation and its evaluation report, plus two research papers drafted by external experts. One of them analyses the application of the regulation through the case law of the Court of Justice of the European Union, presenting findings on the main legal issues and the European Food Safety Agency's risk assessment procedure. The other research paper examines the available literature on health implications of botanicals; delves into marketing practices on health claims and their impact on consumer behaviour; and describes similarities and differences between the legal framework for health claims in the EU, the UK and the US.
- The EIA on **Working with national parliaments on EU affairs – an overview (2009-2022)** was drafted at the request of the Committee on Constitutional Affairs (AFCO) in support of a topical implementation report. The study finds that despite the inclusion of national parliaments in the text of the Treaties, their

ability to impact EU affairs remained generally limited in the examined period. However, national parliaments were willing to play a more active role in EU affairs by being more closely involved in the substance of EU policies and legislation, rather than on matters of subsidiarity alone. Discussions on the need to give national parliaments the opportunity to intervene throughout the EU decision-making process, including on granting them the right to propose initiatives to the EU level, are intensifying. The study suggests that the debate on the common understanding of the role of national parliaments in the EU and the instruments necessary to fulfil it needs to be sustained at all levels of governance, and its results put into practice.

- The study **EU-Southern African Development Community (SADC) Economic Partnership Agreement (EPA): a geo-economic perspective** was prepared at the request of the Committee on International Trade (INTA). The study aims to provide an overview of the implementation of the EU-SADC EPA, focusing on the geo-economic perspective, given the complex and tumultuous geopolitical landscape. It examines the implementation context, including disruptive and regional risk factors, and the impact of relations between the SADC EPA countries and key global partners. The study also surveys EU and expert evaluations and effects of the EU-SADC EPA to date. It outlines the development of EU-SADC trade and investment flows and studies Parliament's position and oversight activities on the EPA. The study ends with some lessons identified on ways to enhance the implementation of the agreement.
- The study titled **The 2020-2025 LGBTIQ equality strategy** was conducted at the request of the Committee on Civil Liberties, Justice and Home Affairs (LIBE). The study offers an overview of implementation of the Commission's LGBTIQ equality strategy to date and examines the progress made in the past three years. It also studies the position of the European Parliament, which has been very active as regards the protection of rights of lesbian, gay, bisexual, trans, non-binary and intersex (LGBTI) people in the past four decades, along with the positions of other EU institutions, stakeholders and experts. While progress has been made in a number of areas, it is clear that some proposed action points of the LGBTIQ equality strategy still have to be implemented by the Commission and/or the Member States.

Other ex-post evaluations

In 2023, the unit provided tailor-made ex-post evaluation products for Committees in the following areas:

- **Parliamentary oversight of governments' response to the COVID 19 pandemic: literature review**, for the Special Committee on the COVID 19 pandemic;

- **The European public health response to the Covid-19 pandemic: lessons for future cross-border health threats**, for the Special Committee on the COVID 19 pandemic;
- **Peace and security in 2023: The EU's relations with Iraq – State of play**, for the Foreign Affairs Committee (AFET) and the Delegation for relations with the Republic of Iraq;
- **Stakeholder consultation report on the implementation of selected aspects of the EU-Canada Comprehensive Economic and Trade Agreement (CETA)**, for the Committee on International Trade (INTA).

In addition to the evaluation work outlined above, the unit prepared **two implementation in action** briefings:

- **Citizenship education in national curricula**, for the Committee on Culture and Education (CULT);
- **European Commission work programme for 2024 – Overview for parliamentary committees.**¹²

These various categories of publications resulted in five presentations by the unit to parliamentary committees. The unit also continued seeking to communicate and engage in broader outreach with think tanks, academic bodies and other external partners in the field of ex-post evaluation.

Implementation appraisals

The unit meanwhile produced **22 implementation appraisals**, to assist parliamentary committees in their work and to strengthen the institutional capacity for scrutiny and oversight. With an average length of 12 pages, these appraisals analysed the implementation, application and effectiveness of existing EU legislation that the Commission had announced would be subject to an amending proposal to update the current text. These appraisals covered:

- **Revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;**
- **Revision of Directive 2006/126/EC on driving licences;**
- **Revision of the EU Regulation on classification, labelling and packaging of substances and mixtures;**
- **The EU bank crisis management and deposit insurance framework;**
- **Revision of Regulation (EC) 648/2004 on detergents;**
- **Revision of Directive (EU) 2015/413 on cross-border exchange of information on road-safety-related traffic offences;**

¹² Jointly with the Ex-Ante Impact Assessment Unit.

- **Revision of Directive 2019/1151/EU on digital tools and processes in company law;**
- **Revision of Directive 2009/16/EC on port state control;**
- **EU electricity market design reform: Findings on implementation of the existing rules;**
- **Revision of Directive 2009/21/EC on flag State requirements and of Directive 2009/18/EC on accident investigations;**
- **Revision of the Supplementary Protection Certificate Regulations for medicinal and plant protection products;**
- **Revision of the EU's general pharmaceutical legislation;**
- **Revision of Directive 2007/59/EC on the certification of train drivers operating locomotives and trains;**
- **Revision of the EU legislation on medicines for children and rare diseases;**
- **Victims' rights in the EU: Revision of Directive 2012/29/EU;**
- **Revision of Regulation (EC) 1406/2002 establishing the European Maritime Safety Agency;**
- **Revision of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements;**
- **Revision of Directive (EU) 2015/2366 on Payment Services;**
- **Visa suspension mechanism: Revision of Regulation (EU) 2018/1806;**
- **Review of the passenger rights framework;**
- **Revision of Council Directive 92/106/EEC on combined transport;**
- **Revision of Directive 2015/637 on consular protection for unrepresented citizens of the Union in third countries.**

Rolling checklists

Reviews of existing legislation provide an evidence-based assessment of the performance of policies and legislation. Review findings support political decision-making and inform the design of possible future revisions. The systematic review of legislation has become a key policy-making tool at EU level, most notably in the context of the EU's better regulation agenda.

In 2023, the EVAL Unit provided two rolling checklists:

- **Review and monitoring clauses in EU international agreements – A rolling checklist:** Conceived as a tool to monitor implementation for the European Parliament, the rolling checklist gives an analytical overview of the various review and monitoring clauses, management and implementation clauses, reporting clauses, consultation clauses, and sunset clauses contained in bilateral and multilateral agreements the EU has concluded with third countries. Complementing the October 2019 edition, the dataset for this fifth edition focuses

on international agreements signed between 1 September 2019 and 31 December 2022 – those in force, those including a clause for provisional application, and those that have expired. The dataset is preceded by an analysis of the European Parliament's role in the negotiation, conclusion, monitoring and implementation of EU international agreements.

- **Evaluation in the European Commission: Rolling checklist and state of play:** The fifth edition of this rolling checklist offers a comprehensive overview of planned, ongoing and recently completed Commission evaluations. Compiled from a range of sources in the public domain, it seeks to fill a gap by granting a single point of access to the Commission's evaluation planning and output, as of 10 October 2023. The dataset is preceded by an analysis of ex-post evaluation under the Better Regulation agenda. It places particular emphasis on the transparency of the European Commission's evaluation process and output, measured against the commitments set out in the 2016 Interinstitutional Agreement on Better Law-Making and the Commission's own Better Regulation Guidelines and toolbox. New to this edition is a section on how the European Parliament uses the Commission's evaluations.

To support a stronger right of initiative for the Parliament, the Interinstitutional Relations Unit in DG PRES and the Ex-Post Evaluation Unit collaborate on a **rolling checklist of the European Commission's follow-up to European Parliament requests**. It presents how the Commission has responded and acted upon requests voiced in Parliament resolutions adopted on the basis of own-initiative reports. The first two editions of this rolling checklist were provided for the second half of the eighth legislative term (2017-2019) and the first half of the ninth legislative term (2019-2021). Preparatory work on the third edition started in 2023, with a view to publish at the end of the ninth legislative term, in 2024.

Finally, the Ex-Post Evaluation Unit also provides the Budgetary Control Committee (CONT) secretariat with targeted background information on the European Court of Auditors' (ECA) special reports. Based on this collaboration, in early 2024 the unit will publish the next edition of **Special reports of the European Court of Auditors: A rolling checklist of recent findings**.

Publications

The following publications in the field of ex-post evaluation were produced between January and December 2023:

European implementation assessments (7)

- [Implementation of the 2018 Geo-blocking Regulation in the digital single market](#), May 2023, PE 740.255;

- [Early implementation of four 2021-2027 EU programmes: Erasmus +, Creative Europe, European Solidarity Corps and Citizens, Equality, Rights and Values \(Strand 3\)](#), July 2023, PE 747.442;
- [The EU-UK Trade and Cooperation Agreement two years on: Unpacking early evidence](#), August 2023, PE 747.433;
- [Health claims made on foods: Findings on the implementation and application of Regulation \(EC\) No 1924/2006](#), September 2023, PE 747.456;
- [Working with national parliaments on EU affairs - an overview \(2009-2022\)](#), September 2023, PE 747.461;
- [EU-Southern African Development Community Economic Partnership Agreement: a geo-economic perspective](#), November 2023, PE 747.457;
- [The 2020-2025 LGBTIQ equality strategy](#), December 2023, PE 753.174;

Implementation appraisals (22)

- [Revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#), January 2023, PE 740.213
- [Revision of Directive 2006/126/EC on driving licences](#), March 2022, PE 740.224;
- [Revision of the EU Regulation on classification, labelling and packaging of substances and mixtures](#), March 2023, PE 740.223;
- [The EU bank crisis management and deposit insurance framework](#), March 2023, PE 740.229;
- [Revision of Regulation \(EC\) 648/2004 on detergents](#), March 2023, PE 740.234;
- [Revision of Directive \(EU\) 2015/413 on cross-border exchange of information on road-safety-related traffic offences](#), March 2023, PE 740.237
- [Revision of Directive 2019/1151/EU on digital tools and processes in company law](#), April 2023, PE 740.247;
- [Revision of Directive 2009/16/EC on port state control](#), May 2023, PE 740.211;
- [EU electricity market design reform: Findings on implementation of the existing rules](#), May 2023, PE 747.421;
- [Revision of Directive 2009/21/EC on flag State requirements and of Directive 2009/18/EC on accident investigations](#), May 2023, PE 740.251;
- [Revision of the Supplementary Protection Certificate Regulations for medicinal and plant protection products](#), May 2023, PE 740.258;
- [Revision of the EU's general pharmaceutical legislation](#), May 2023, PE 747.422;

- [Revision of Directive 2007/59/EC on the certification of train drivers operating locomotives and trains](#), May 2023, PE 747.424;
- [Revision of the EU legislation on medicines for children and rare diseases](#), June 2022, PE 747.440
- [Victims' rights in the EU: Revision of Directive 2012/29/EU](#), July 2023, PE 747.432;
- [Revision of Regulation \(EC\) 1406/2002 establishing the European Maritime Safety Agency](#), July 2023, PE 747.443;
- [Revision of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements](#), July 2023, PE 747.445;
- [Revision of Directive \(EU\) 2015/2366 on Payment Services](#), July 2023, PE 747.447;
- [Visa suspension mechanism: Revision of Regulation \(EU\) 2018/1806](#), November 2023, PE 747.462;
- [Review of the passenger rights framework](#), November 2023, PE 753.186;
- [Revision of Council Directive 92/106/EEC on combined transport](#), December 2023, PE 747.446;
- [Revision of Directive 2015/637 on consular protection for unrepresented citizens of the Union in third countries](#), December 2023, PE 753.187

Other ex-post evaluations (4)

- [Parliamentary oversight of governments' response to the COVID 19 pandemic: literature review](#)¹, January 2023, PE 740.217;
- [The European public health response to the Covid-19 pandemic: lessons for future cross-border health threats](#), February 2023, PE 740.218;¹³
- [Peace and security in 2023: The EU's relations with Iraq – State of play](#), July 2023, PE 747.444; – **Translated into FR**
- [Stakeholder consultation report on the implementation of selected aspects of the EU-Canada Comprehensive Economic and Trade Agreement \(CETA\)](#)¹⁴, November 2023, PE 753.175;

Implementation in action (2)

- [Citizenship education in national curricula](#), November 2023, PE 747.459;
- [European Commission work programme for 2024 - Overview for parliamentary committees](#)¹⁵, November 2023, PE 753.176;

¹³ External Study only.

¹⁴ External Study only.

¹⁵ Jointly with the Ex-Ante Impact Assessment Unit.

Rolling checklists (2)

- [Review and monitoring clauses in EU International Agreements - A Rolling Checklist - 5th edition](#), April 2023, PE 734.697
- [Evaluation in the European Commission: Rolling checklist and state of play-Fifth edition](#), October 2023, PE 747.435

Each of these publications can be accessed by clicking on the **hyperlinks** above (in the electronic version of this Activity Report) or online on the European Parliament's [Think Tank](#) website.

5. Wider horizontal support

In addition to the various specific products and services described above – which are provided by the Directorate for Impact Assessment and Foresight to support parliamentary committees in their role in providing scrutiny and oversight of the executive – Members and committees can also draw upon a series of horizontal analytical publications prepared for use in the Parliament as a whole.

Scrutiny throughout the policy cycle

During 2023, the **Ex-Post Evaluation Unit (EVAL)** worked on the digitalisation of a series of rolling checklists that bring together in a simple and accessible form a large amount of otherwise disparate or complex material. This is known as the 'PERFORM' database.

These checklists provide an overview of review clauses (provisions for a review, an evaluation or an implementation report) contained in EU legislation since the sixth parliamentary term. They also contain an overview of the review and monitoring clauses, sunset clauses and management and implementation clauses contained in bilateral and multilateral international agreements concluded between the EU and third countries that are currently in force.

After a pilot phase with selected committee secretariats, the PERFORM database was rolled out to the entire European Parliament in June 2023. Since then, it is accessible for Members, assistants, political advisors, administrators of committee secretariats and all other staff working in the Parliament. PERFORM allows online access to regularly updated information and complements the 'rolling checklist' studies (i.e. regular EPRS studies providing an in-depth analysis of PERFORM data) as users can benefit from its content whenever a question arises.

You can access the PERFORM database here:

<http://www.eprs.sso.ep.parl.union.eu/eprs/auth/en/ScrutinyToolbox/>

In addition, the Ex-Post Evaluation Unit has been working together with the Interinstitutional Relations Unit of DG Presidency (IRU) on the identification, collection of all interinstitutional agreements (IIAs) concluded between EU institutions. The project seeks to ensure the establishment of a comprehensive database to enable Members and staff of the European Parliament to access most IIAs via a single point, together with basic information on their object, scope, duration and relevance.

The database will contribute to enhancing knowledge and awareness of interinstitutional agreements (IIAs) in force and providing Members and staff of Parliament with an effective 'scrutiny tool' for IIAs of the past and a useful 'construction tool' for IIAs of the future.

At present, the database comprises 116 IIAs of different types that relate to topics such as better law-making, budget, European Parliament powers, international agreements,

comitology and so forth. The database is a living document subject to regular updates as the list is not exhaustive.

The legal service has also been involved throughout the process in order to crosscheck legal questions raised by IIAs such as their applicability and legal basis.

EVAL and IRU are currently finalising the database with a view to making it available inside the Parliament soon.

Scrutiny of the European Council

The **European Council Oversight Unit** (ECOS) monitors and analyses the delivery by the European Council (EU heads of state or government) on commitments made in the conclusions of its summit meetings, as well as in respect to various responsibilities either in law or based on intergovernmental agreements. The unit's publications include:

- **A rolling checklist of European Council conclusions:** published regularly since 2014, this rolling checklist is the core product of the ECOS unit. The European Council conclusions are recorded by policy area, thus reflecting the priorities set by EU leaders in their 2019-2024 strategic agenda. The publication indicates the follow-up given to calls for action and the degree of implementation thereof. It also offers an introductory analysis for each policy area, explaining the European Council's main positions and the follow-up given to them, as well as challenges ahead. Now accessible electronically via a digital tool made available to European Parliament services in spring 2023, the checklist is updated every two months, in principle after each meeting of the European Council, be it regular or special. The printed edition, which was published once in 2023, outlines policy pronouncements of the EU Heads of State or Governments throughout the current institutional cycle, so since 2019. Commitments made in the previous institutional cycle starting in 2014 are recorded in the European Council database.
- **Key issues in the European Council:** along with the rolling checklist, the unit produces an overview of developments structured along 12 policy fields and corresponding to main priorities defined by the European Council in its 2019-24 strategic agenda. The '[Key issues in the European Council](#)' were updated twice in 2023. Jointly, the 'rolling checklist' and the 'key issues' provide a broad insight into the European Council's activities over time.
- **Outlook and outcome of European Council meetings:** the unit also prepares briefing notes before and after each European Council meeting. The 'outlook' briefings are accompanied by an 'at a glance' note on the current membership of the European Council (four in 2023), which includes the political affiliation of EU heads of state or government at European level. In 2023, the unit produced 13 outlook and outcome briefings (five of the former and eight of the latter), regarding both regular quarterly summits, special European Council meetings and informal meetings of Heads of State or Government. It notably reported on i) the special European Council meeting of 9 February 2023: initially dedicated to migration and aimed at addressing the increasing pressure at the EU external borders, it then mainly focussed on Ukraine due to the

symbolic attendance of the President of Ukraine, Volodymyr Zelenskyy, at the meeting, ii) the [second] European Political Community meeting, hosted by Moldova at Mimi Castle in Bulboaca, 20 kilometres from the Ukrainian border on 1 June 2023, iii) the informal meeting of EU leaders of 6 October 2023 in Granada, preceded on 5 October by the third meeting of the European Political Community (EPC), and iv) the extraordinary meeting of the European Council by video-conference on 17 October 2023, called in to address the escalating situation in the Middle East and to unify the messaging of the various EU actors on the matter.

- **Annual report on European Council activities:** to complement its series of standard publications, the unit also commissions an annual report on European Council activity, which is outsourced to a senior academic. The study published in 2023 had a retrospective look at the 'The European Council in 2021: Overview of dynamics, discussions and decisions' and provides a detailed analysis of how the European Council managed the coronavirus crisis, which dominated the year 2021. It notably looks at how the European Council addresses problems besetting the procurement and distribution of vaccines throughout the EU that year. In 2023, the ECOS unit also worked on the annual report for 2022, which was finalised in December and then published early 2024.
- **Institutional and subject-specific analysis:** in addition to recurrent publications, the unit carries out research on the activities of the European Council in specific policy areas and in its role as a political institution. In 2023, it carried out the first part of its research on the interaction between the European Parliament and the European Council, with an 'Analysis of the 2022 plenary debates on European Council conclusions'. It also looked closely at the communication of EU leaders around European Council meetings, with a study on 'EU leaders' unity and diversity in their press statements'. On the external relations side, the unit looked into the division of work between EU institutions in the field of external relations, which is of critical importance considering the challenges facing the EU in its neighbourhood and beyond. The briefing was entitled 'The European Council President and EU's external representation: (inter)action in times of war on the European continent'.
- **'This is Europe' debates and the future of Europe:** in connection with the 'This is Europe' initiative proposed by the President of the European Parliament, Roberta Metsola, the ECOS unit has analysed all the speeches of EU-leaders held in the European Parliament plenary sessions in the course of 2023. This series of debates allowed EU leaders to discuss their visions for the future of the European Union, and includes speeches by Gitanas Nausėda, President of Lithuania, on 14 March 2023, Xavier Bettel, Prime Minister of Luxembourg, on 19 April 2023, by Olaf Scholz, Chancellor of Germany, on 9 May 2023, by Nikos Christodoulides, President of Cyprus, on 13 June 2023, and the address by Nikolai Denkov, Prime Minister of Bulgaria, on 22 November 2023. These short papers notably list the main topics raised and suggested priorities for action.
- **Events:** the ECOS unit periodically organises policy roundtables looking at the role of the European Council in various policy areas and in the institutional architecture of the

European Union. On 30 November 2023, ECOS organised a roundtable debate on 'Who speaks for Europe? Dynamics and interactions in EU's external representation'. David McAllister, Chair of the European Parliament Committee on Foreign Affairs, delivered a keynote address, which was followed by a panel discussion with five practitioners, academics and Think Tank representatives. Speakers included Jim Cloos, former Director in the Council Secretariat, Camilo Villarino Marzo, Head of Cabinet of the HR/VP Josep Borrell, Desmond Dinan, Jean Monnet Professor at George Masson University, Teona Lavrelashvili, Policy Analyst at the European Policy Centre, and Suzana Anghel, Policy Analyst in the EPRS Policy Foresight Unit.

Publications

Rolling checklist of European Council conclusions and key issues (3)

- [Key Issues in the European Council - State of play in March 2023](#), March 2023, PE 740.230
- [Key Issues in the European Council - State of play in September 2023](#), October 2023, PE 747.439
- [European Council conclusions: A rolling check-list of commitments to date 11/12/2023](#), December 2023, PE 753.183

European Council in action (4)

- [The European Council in 2021 - Overview of dynamics, discussions and decisions](#), January 2023, PE 734.696
- [Interaction between the European Parliament and the European Council: Parliament's plenary debates on European Council conclusions](#), March 2023, PE 740.216
- [The European Council President and the EU's external representation: \(Inter\)action in times of war in Europe](#), June 2023, PE 747.430
- [EU leaders' unity and diversity in their press statements. \(19/7\)](#), July 2023, PE 734.689

Pre-European Council briefings (9)

- [Outlook for the special European Council meeting of 9-10 February 2023](#), February 2023, PE 740.212
- [Outlook for the meetings of EU leaders on 23-24 March 2023](#), March 2023, PE 740.235
- Current membership of the European Council, March 2023, PE 608.781
- [Outlook for the European Council of 29-30 June 2023](#), June 2023, PE 747.437
- Current membership of the European Council June 2023, PE 681.78
- [Outlook for the European Council, 26-27 October 2023](#), October 2023, PE 753.169
- Current membership of the European Council, October 2023, PE 753.170
- [Outlook for the European Council, 14-15 December 2023](#), December 2023, PE 753.194
- [Current membership of the European Council](#), December 2023, PE 608.781

Post-European Council briefings (8)

- [Outcome of the special European Council meeting of 9 February 2023](#), February 2023, PE 740.215
- [Outcome of the meetings of EU leaders of 23-24 March 2023](#), March 2023, PE 740.244
- [Outcome of the European Political Community meeting in Bulboaca, Moldova, on 1 June 2023](#), June 2023, PE 747.431
- [Outcome of the European Council of 29-30 June 2023](#), July 2023, PE 747.450
- [Outcome of the meetings of EU leaders, 5-6 October 2023](#), October 2023, PE 753.158
- [Outcome of the European Council video-conference of 17 October 2023](#), October 2023, PE 753.167
- [Outcome of the meetings of EU leaders, 26-27 October 2023](#), November 2023, PE 753.171
- [Outcome of the European Council meeting of 14-15 December 2023](#), December 2023, PE 753.197

'This is Europe' debate and Conference on the Future of Europe (5)

- [Speech by Gitanas Nausėda, President of Lithuania, 14 March 2023](#), March 2023, PE 740.236
- [Speech by Xavier Bettel, Prime Minister of Luxembourg, 19 April 2023](#), April 2023, PE 740.250
- [Speech by Olaf Scholz, Chancellor of Germany, 9 May 2023](#), May 2023, PE 740.260
- [Speech by Nikos Christodoulides, President of Cyprus, 13 June 2023](#), June 2023, PE 747.438
- [Speech by Nikolai Denkov, Prime Minister of Bulgaria, 22 November 2023](#), November 2023, PE 753.180

Each of these publications can be accessed by clicking on the **hyperlinks** above (in the electronic version of this Activity Report) or online on the European Parliament's [Think Tank](#) website).

6. Selected publications from January to December 2023

Ex-ante impact assessment



European added value





Ex-post evaluation



[illegible]

The image shows the front cover of a book. The cover has a white background with a blue header and footer. The title, 'Interaction between the European Parliament and the European Council', is written in a large, black, serif font, centered in the upper half. Below the title, the subtitle 'Parliament's plenary debates on European Council conclusions' is written in a smaller, black, serif font, also centered. The author's name, 'Hans-Joachim Lauth', is at the bottom center in a small, black, serif font. In the top left corner, there is a small logo of the European Parliament, which consists of a stylized semicircular building and the text 'European Parliament'. In the bottom left corner, there is a square QR code. In the bottom right corner, the text 'IN-DEPTH ANALYSIS' is written in a bold, black, sans-serif font. The publisher's name, 'EN', is at the very bottom right in a large, black, serif font.

Annex: European Parliament Impact Assessment Handbook

12 September 2017

CONFERENCE OF COMMITTEE CHAIRS

Impact Assessment Handbook¹⁶

Guidelines for Committees

I. Preliminary considerations

1. The European Parliament shares with the Council and Commission the determination to and responsibility for improving the quality of legislation applicable throughout the Union. The Interinstitutional Agreement on Better Law-Making¹⁷, which enshrines that joint commitment, identifies impact assessment as one of the tools which can help the institutions reach well informed decisions and achieve the goal of high-quality, clear, simple and effective legislation.

For the purpose of this Handbook, impact assessments are deemed to be ex-ante analyses of the likely or foreseeable effects of draft EU legislation or policies proposed for adoption at European Union level, as defined in the Interinstitutional Agreement on Better Law-Making¹⁸.

2. In that connection, Parliament has given two undertakings, reiterated in a number of resolutions¹⁹ and enshrined in the Interinstitutional Agreement on Better Law-Making²⁰:

- to take full account of the Commission's impact assessments;
- to carry out impact assessments on its own substantial amendments when it regards it as appropriate and necessary for the legislative process.

¹⁶ The arrangements for the oversight and coordination of impact assessment work within the Parliament were defined by the Conference of Presidents on 15 November 2012 (PV CPG 15.11.2012 PE 499.457/CPG). Administrative support is provided by the Ex-Ante Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, which works in close cooperation with the Parliament's committee secretariats, policy departments and other horizontal services.

¹⁷ Official Journal, 12:05:16 (2016/L 123).

¹⁸ Article 12.

¹⁹ Resolution on guaranteeing independent impact assessments (2010/2016(INI)) – Rapporteur: Angelika NIEBLER, 8 June 2011 and resolutions cited therein; Resolution on the 18th report on Better legislation - Application of the principles of subsidiarity and proportionality (2010) (2011/2276(INI)) - Rapporteur: Sajjad KARIM, 13 September 2012; Resolution on EU Regulatory Fitness and Subsidiarity and Proportionality - 19th report on Better Lawmaking covering the year 2011 (2013/2077(INI)) - Rapporteur: Sajjad KARIM, 4 February 2014; Resolution on the revision of the Commission's impact assessment guidelines and the role of the SME test (2014/2967(RSP)) - 27 November 2014; Resolution on the Annual reports 2012-2013 on subsidiarity and proportionality (2014/2252(INI)) - Rapporteur: Sajjad KARIM, 12 April 2016; Resolution on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook (2014/2150(INI)) - Rapporteur: Sylvia-Yvonne KAUFMANN, 12 April 2016.

²⁰ Articles 14 and 15.

3. In practical terms, the three institutions have included in the Interinstitutional agreement on Better Law-Making a specific section on impact assessment²¹, which clarifies their respective roles and lays down a number of basic rules to govern the conduct of their use of this tool

What is an ex-ante impact assessment?

Under the terms of the Interinstitutional Agreement, impact assessments 'should cover the existence, scale and consequences of a problem and the question whether or not Union action is needed. They should map out alternative solutions and, where possible, potential short and long-term costs and benefits, assessing the economic, environmental and social impacts in an integrated and balanced way and using both qualitative and quantitative analyses. The principles of subsidiarity and proportionality should be fully respected, as should fundamental rights. Impact assessments should also address, whenever possible, the "cost of non-Europe" and the impact on competitiveness and the administrative burdens of the different options, having particular regard to SMEs ("Think Small First"), digital aspects and territorial impact'²².

The objective is to identify systematically the evidence which can be used to assess the potential impact of a series of political options with a view to comparing their respective advantages and drawbacks.

4. An impact assessment is a tool to aid decision and policy-making in the three institutions. It is in no sense a substitute for political decisions within the democratic decision-making process.

5. Impact assessments form an integral part of the process of shaping Union policies, without prejudice to the role conferred on each institution in the decision-making process and in keeping with their respective institutional roles and responsibilities.

6. Impact assessments must not lead to undue delays in the law-making process or prejudice the co-legislators' capacity to propose amendments.

Why is a practical guide to impact assessments needed?

The purpose of this guide is to help the parliamentary committees deal with impact assessments, in keeping with the undertakings given by Parliament. In that connection:

- it sets out the main principles governing impact assessments as also outlined in article 12 of the Interinstitutional Agreement on Better Law-Making²³;

²¹ Articles 12 to 18 of the Interinstitutional Agreement on Better Law-Making

²² Article 12.

²³ Reference may also be made to the Commission's Better Regulation Guidelines SWD (2017) 350 and the Council Guide to dealing with impact assessments Document 9790/16 of 9 June 2016.

- it brings together in one document details of the best practices tested in the committees and sets out some practical criteria so that the committees can enjoy the benefits of impact assessments in the context of negotiations under the ordinary legislative procedure;
- it seeks to improve the degree of consistency in the way that the parliamentary committees deal with impact assessments.

This Handbook is intended to be used flexibly by the committees.

II. Criteria for assessing and using Commission impact assessments

7. In keeping with its inter-institutional undertakings, Parliament, 'upon considering Commission legislative proposals, will take full account of the Commission's impact assessments'²⁴.

EP-Commission Framework Agreement

The EP-Commission Framework Agreement²⁵ commits the Commission to ensure that its impact assessments are conducted under its responsibility by means of a transparent procedure which guarantees an independent assessment. Impact assessments shall be published in due time, taking into consideration a number of different scenarios, including a 'do nothing' option, and shall in principle be presented to the relevant parliamentary committee during the phase of the provision of information to national parliaments under TFEU Protocols 1 and 2.

8. The parliamentary committees may draw on the assistance of the Parliament's Ex-Ante Impact Assessment Unit, with a view to assessing the quality, methodology and the independence of the impact assessments provided by the Commission and their relevance for Parliament's work.

9. The road-maps and inception impact assessments accompanying the Commission's Work Programme are screened by the Ex-Ante Impact Assessment Unit to check which legislative proposals will be accompanied by impact assessments. When a Commission proposal is referred to a parliamentary committee, the Unit checks whether it is duly accompanied by an impact assessment and routinely provides an initial appraisal of the strengths and weaknesses of the impact assessment in question. This initial appraisal provides an overview of the Commission's impact assessment and 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 this Handbook, appear to be met by the Commission impact assessment.

²⁴ Article 14 of the Interinstitutional Agreement on Better Law-Making.

²⁵ OJL 304, 20.11.2010, p. 47.

When should a proposal be accompanied by an impact assessment?

According to the Interinstitutional Agreement on Better Law-Making 'initiatives included in the Commission Work Programme or in the joint declaration²⁶ will, as a general rule, be accompanied by an impact assessment'.²⁷

The Commission's Better Regulation Guidelines²⁸ state that:

An IA is required for Commission initiatives that are likely to have significant economic, environmental or social impacts.

Provided that the above conditions are fulfilled, impact assessments should be carried out for:

- both legislative and non-legislative initiatives, as well as
- delegated acts and implementing measures, taking into account the principle of proportionate analysis.

10. If a proposal likely to have a substantial impact²⁹ is not accompanied by an impact assessment, the committee responsible, on the basis of a decision by the coordinators, may, with or without suspending consideration of the proposal in question:

- ask the Commission to provide an impact assessment, or,
- ask the Ex-Ante Impact Assessment Unit to carry out or commission the Parliament's own impact assessment of the proposal in question.

There must be broad political support for these decisions.

11. In keeping with Parliament's calls that all Commission proposals should be accompanied by an impact assessment, the impact assessment is considered with a view to assessing its relevance for the ongoing work in committee. With that aim in view, a committee, on the basis of a decision by the coordinators, may ask the Ex-Ante Impact Assessment Unit to:

- provide a detailed appraisal of the quality and independence of the Commission's impact assessment;
- assist the committee in organising a specific meeting, with the participation, where appropriate, of external experts, to ask the Commission to present its analysis and submit to it any requests for clarification.

If such a request is made by a committee other than a committee responsible, that request is to be made in agreement with the committee(s) responsible.

²⁶ The joint declaration referred to here is the joint declaration on interinstitutional programming mentioned in Article 7 of the Interinstitutional Agreement, which follows the adoption of the Commission Work Programme.

²⁷ The Commission's Better Regulation Guidelines require Commission impact assessments to be accompanied by a two-page executive summary translated into all the official languages.

²⁸ Better Regulation Guidelines (SWD (2017) 350 final), p. 15. See also Tool 9 on when an impact assessment is necessary for more detail.

²⁹ For example, a proposal not included in the Commission Work Programme or a regulatory or implementing act.

There must be broad political support for these decisions.

The appraisal mentioned above, in this point, are drawn up by the Ex-Ante Impact Assessment Unit or, where necessary, commissioned from external experts. The scope of the assignment is to be defined by the requesting committee itself.

12. The initial appraisal mentioned in point 9, and the detailed appraisal mentioned in point 11, must enable the committee to determine whether the impact assessment will facilitate consideration of the substance of the proposal in full knowledge of the facts and whether the impact assessment meets, firstly, the standards which the Commission has laid down in its internal guidelines (cf. Annex I), and, secondly, the quality criteria which Parliament has defined in its resolutions.

Parliamentary committees may invite the Commission to present its impact assessment in a full committee meeting (as foreseen in Paragraph 42 of the Framework Agreement between the European Parliament and the Commission³⁰) or, where appropriate, in a separate meeting agreed by coordinators, in order to explain its analysis and methodology, and respond to any criticisms or apparent shortcomings so far identified.

Whenever the Commission is invited to present its impact assessment, the Ex-Ante Impact Assessment Unit may also be invited to present, where possible, its initial appraisal or other work it produced in relation to that impact assessment.

What quality criteria apply to impact assessments?

The Commission's proposals - and by definition the impact assessments accompanying them - must respect Treaty obligations in respect of (inter alia):

- fundamental rights, including the Charter of Fundamental Rights, non-discrimination and European citizenship (Article 6 TEU and Articles 10 and 18 TFEU);
- requirements of the MFF and budgetary procedures (Article 310(4) TFEU);
- the precautionary principle (Article 191(1) TFEU);
- the potential costs owing to the lack of action in the field of environmental policy (Article 191(3) TFEU);
- requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health (Article 9 TFEU);
- the conditions necessary for the competitiveness of the Union's industry (Article 173 TFEU);
- impact on developing countries (Article 208 TFEU).

Further requirements laid down by Parliament include:

- transparent and targeted public consultations, involving regional and local authorities;
- a rigorous, objective and exhaustive approach;

³⁰ Official Journal, 20:11:10 (2010/L 304)

- an adequate choice of strategic scenarios and options (including the option of taking no action);
- proper justification of the options selected in the light of the principles of subsidiarity and proportionality;
- a balanced analysis of the impact on the economic, social and environmental pillars and on public health;
- more detailed consultations with stakeholders before impact assessments are prepared to offset any lack of methodology or data.
- consideration of other assessment criteria, such as:
 - impacts outside the Union, including on international trade;
 - impact on the four freedoms of the internal market ('Single market test');
 - impact on SMEs and micro-enterprises (SME test);
 - regional and local impacts;
 - impact in terms of administrative burdens,
 - the objective of effective application in the Member States,
 - as far as possible, qualitative criteria, such as the impact on vulnerable social groups (social benchmarking), gender equality;

13. If the Commission's methodology and reasoning fail to meet these criteria or reveal shortcomings, the committee responsible, on the basis of a decision by the coordinators, may ask the Commission to revise its original impact assessment with a view to analysing certain aspects or policy options in greater detail or complementing or updating the analysis of certain aspects³¹. There must be broad political support for this decision.

14. Alternatively or in parallel to the procedure in point 13, the committee(s) responsible, on the basis of a decision by the coordinators, may ask the Ex-Ante Impact Assessment Unit to undertake or commission the Parliament's own complementary or substitute impact assessment of the aspects dealt with inadequately or not at all in the Commission's original impact assessment. There must be broad political support for this decision. The terms of reference for such impact assessment work are defined, in each case, by the committee itself.

III. Criteria for analysing the impact of *substantial* Parliament amendments

15. When it regards it as appropriate and necessary to the legislative process, Parliament carries out impact assessments of its substantial amendments, without in any way undermining its ability to adopt such amendments. There must be broad political support for this decision.

What is the definition of a *substantial* amendment?

The Interinstitutional Agreement on Better Law-Making states in Article 15 that 'the definition of a 'substantial' amendment should be for the respective Institution to determine.' It is difficult

³¹ Article 16 of the IIA on Better Law-Making: 'The Commission may, on its own initiative or upon invitation of the European Parliament or the Council, complement its own impact assessment or undertake other analytical work it considers necessary'.

to provide a definition of 'substantial' which is valid across the board - it is an assessment which must be made on a case-by-case basis.

16. It is up to the parliamentary committee(s) responsible to determine whether one or more of the amendments tabled during its consideration of a Commission proposal is 'substantial' and, if appropriate, whether it or they should be the subject of an impact assessment. The terms of reference for impact assessments on such amendments are defined, in each case, by the committee itself.

17. The committee responsible, on the basis of a decision by the coordinators, may request an impact assessment of one or more specific substantial amendments³². There must be broad political support for that decision.

18. The associated committees involved, pursuant to the procedure under Rule 54, may, on the same basis, carry out impact assessments of the substantial amendments which fall within their spheres of responsibility, provided that this is compatible with the procedural timetable agreed with the committee responsible.

In the case of a procedure with Joint Committee Meetings, under Rule 55, decisions concerning the carrying out of impact assessments on substantial amendments are taken jointly by the committees concerned.

19. Impact assessments can be carried out at any stage of the legislative procedure, taking account of the time constraints specific to each reading, and provided that they do not unduly delay the legislative process.

20. As a rule, the committee responsible tries to identify substantial amendments likely to be the subject of an impact assessment before they are adopted in committee. However, it may regard it as more appropriate to carry out the impact assessment at a later date:

- prior to the vote in plenary, if that is possible, in particular in connection with a procedure with associated committees,
- after the vote in plenary.

There must be broad political support for this decision.

At what stage of the legislative procedure should an impact assessment of a substantial amendment be carried out?

The Inter-Institutional Agreement on Better Law-Making does not stipulate at which stage an impact assessment of a substantial amendment should be carried out. In practice, the parliamentary committees have had impact assessments of substantial amendments carried out at first reading, second reading and conciliation stage, and they may do so at any stage of an inter-institutional negotiation on a legislative proposal.

³² Taking account of the deadlines and the procedures required to meet such requests.

21. The task of carrying out impact assessments of substantial Parliament amendments is conferred on external experts.
22. The decision by the committee responsible to request an impact assessment on substantial amendments is forwarded to the Ex-Ante Impact Assessment Unit, which selects external experts, in keeping with the provisions of the Financial Regulation, EU law on public contracts and the Parliament's own internal procurement rules, in a way that ensures that the experts are as independent and objective as possible and the procedure for selecting them is as transparent as possible.
23. In methodological terms, in accordance with Article 15 of the Interinstitutional Agreement on Better Law-Making, impact assessments of substantial amendments take, as a general rule, the Commission's impact assessment as their starting point. As far as possible, the impact assessment is structured in such a way as to facilitate comparisons with the Commission text, although without duplicating the Commission's work.
24. It follows from Article 17 of the Interinstitutional Agreement on Better Law-Making, that, in keeping with a spirit of sincere cooperation, the Commission is expected to assist Parliament in its work by making available to it details of any specific methodology used in preparing an impact assessment (economic modelling, cost-benefit and/or cost-effectiveness analysis) and forwarding the data employed.
25. Impact assessments of substantial Parliament amendments are made available in the language requested by the Committee. At the request of the coordinators, a summary may be translated into the language of the rapporteur and/or into no more than three working languages.
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- o o
26. Parliamentary committees should take account of the deadlines and procedures required to meet their requests for impact assessment work³³ and allow in their work timetable sufficient time for the completion of the requested impact assessment work and for its due consideration by the requesting committee.
27. Parliamentary committees which ask for impact assessment work to be drawn up should inform any other committees to which the performance and results of the analyses requested might be of interest.

³³ Apart from impact assessment work referred to in this Handbook, parliamentary committees may ask the Ex-Ante Impact Assessment Unit to produce other work related to impact assessment according to specific needs. The modalities for the performance of such work are to be agreed on an ad hoc basis between the committee responsible and the Ex-Ante Impact Assessment Unit.

28. The Ex-Ante Impact Assessment Unit is responsible for monitoring and ensuring that impact assessment-related work performed by external experts is consistent with Parliament's quality criteria.

29. Impact assessment-related work referred to in this Handbook is published on Parliament's Internet site, in line with Article 18 of the Interinstitutional Agreement on Better Law-Making, unless a duly justified decision to the contrary is taken by the committee responsible.

30. In accordance with Article 17 of the Interinstitutional Agreement on Better Law-Making, the three institutions will, on a regular basis, cooperate by exchanging information on best practice and methodologies relating to impact assessments, enabling each Institution to further improve its own methodology and procedures and the coherence of the overall impact assessment work.

31. Parliament endeavours to keep the Council and Commission informed, regularly and in good time, about on-going impact assessment work.

ANNEX

Assessment sheet concerning the key components of an impact assessment

The Commission³⁴ has developed a standard format for its impact assessments (hereinafter IA) which identifies the key stages in the procedure and the questions to which the IA must provide a clear, precise answer. This annex is based on it.

General requirements for the main IA report

- Is the main IA report a self-standing document written using non-technical language with non-expert readers in mind? Does the IA meet the benchmark length of 30 to 40 pages (excluding annexes but including tables and figures)?
- Are underlying data, statistics, information, expert contributions and stakeholder views all referenced, particularly where choices are made or conclusions are made based on them?
- Is consultation of interested parties integrated throughout the text of the IA? A compulsory annex on stakeholder consultation must be included in the impact assessment report. Questions to be answered include:
 - o Have the Commission's relevant minimum standards³⁵ been observed? If not, why not?
 - o Which stakeholders have been consulted?
 - o How, at what stage in the IA process were they consulted (transparency, minimum deadline of 12 weeks for online public consultation, minimum time-limit for reply)?
 - o What are the main results of the consultations and how have they been taken into account?

Detailed structure and content of the main IA report

1. What is the problem and why is it a problem?

- What is the issue or problem that may require action? What is the size of the problem?
- Why is it a problem? What are the main drivers?
- Who is affected by the problem, in what ways, and to what extent? Whose behaviour would have to change to improve the situation?
- What is the EU dimension of the problem?
- How would the problem evolve, all things being equal?
- Has any fitness check/retrospective evaluation been carried out of the existing policy framework? What was concluded from the evaluation/fitness check?

2. Why should the EU act?

³⁴ SWD (2017)350. [Commission's Better Regulation Toolbox, tool 12 on the 'Format of the IA report'](#)

³⁵ General principles and minimum standards for consultation of interested parties (COM(2002)704), complemented by COM(2012) 746 and accompanying SWD(2012) 422 and by COM(2014) 368

<ul style="list-style-type: none"> - Does the EU have the right to act? - Why could Member States not achieve the objectives of the proposed action sufficiently by themselves? - What would be the added-value of action at EU-level?
<p>3. What should be achieved?</p> <ul style="list-style-type: none"> - What are the general policy objectives? What are the more specific objectives? - How do they link to the problem? How do the objectives relate to each other, i.e. are there any synergies or trade-offs? - Are these objectives consistent with other EU policies and with the Charter for Fundamental Rights?
<p>4. What are the various options to achieve the objectives?</p> <ul style="list-style-type: none"> - What are the possible options for meeting the objectives and tackling the problem? Have all possible options been considered (including the option of changing nothing and a non-regulatory option, where appropriate)? - Which options have been discarded at an early stage and why? - Who would be targeted by the different policy options? Have different digital solutions been considered? - Has the Think Small Principle been applied? Are micro-SMEs a priori exempted from new regulations unless appropriately justified? Are 'lighter' regimes considered for SMEs generally?
<p>5. What are the impacts of the different policy options and who will be affected?</p> <ul style="list-style-type: none"> - What are the likely economic, social and environmental impacts of each of the short-listed options? - Are all impacts (positive and negative, direct and indirect, intended and unintended, including those outside the EU) listed? - Are impacts on SMEs assessed, as far as possible including quantitative estimates of administrative and compliance costs? - Are impacts on competitiveness assessed, in particular on the most affected businesses sectors? - Who would be affected (e.g. businesses, citizens, workers, consumers, public administrations, regions, third country actors) and how? Which actions/measures would those affected by the measure need to take to comply with the requirements (see also Annex 3)? Are uncertainties specified? In particular, how the estimated impact may be affected by changes in parameters? - Which impacts are likely to change over time and how? - What are the potential obstacles that might be encountered for an effective implementation of the option and compliance by Member States and targeted entities?
<p>6. How do the options compare?</p> <ul style="list-style-type: none"> - How do options compare, with regard to: <ul style="list-style-type: none"> o The extent to which they would achieve the objectives (effectiveness)?

- Their respective key economic, social and environmental impacts and benefit/cost ratio, cost-effectiveness (efficiency), other means of ranking options such as multi-criteria analysis? And
- The coherence of each option with other EU policy objectives, including the Charter for Fundamental Rights, and with other policy initiatives and instruments (coherence)?
- What are the trade-offs and synergies associated with each option?
- What is the likely uncertainty in the key findings and conclusions? How these might affect the choice of preferred option?
- Which policy option is preferred and why? Alternatively, why no preferred option is presented?
- How do the options, and in particular the preferred one, conform to the principles of subsidiarity and proportionality, given the size and nature of the identified problem?

7. How would actual impacts be monitored and evaluated?

- What should be monitored and evaluated and when? In particular:
 - What are the core monitoring indicators for the main policy objectives? What are the corresponding benchmarks against which progress will be evaluated?
 - Are monitoring arrangements in place from the outset? Are evaluations designed and scheduled in a way whereby the results can be used as input for future impact assessments?
 - For the preferred policy option:
 - Are operational objectives and the corresponding monitoring indicators identified?
 - What would be monitored and evaluated, by whom, and how will the results be used?

Annexes that must be included in the impact assessment report

Annex 1: Procedural information

Annex 2: Stakeholder consultation

Annex 3: Who is affected by the initiative and how

Annex 4: Analytical models used in preparing the impact assessment

This activity report summarises and explains the work undertaken by the European Parliament in the fields of impact assessment and European added value between January and December 2023. It details the support given by the Directorate for Impact Assessment and Foresight within the European Parliamentary Research Service (EPRS) to assist parliamentary committees in their oversight and scrutiny of the executive in the fields of ex-ante impact assessment, European added value, and ex-post evaluation of EU law and policy in practice. It also outlines the wider horizontal support offered to the institution as a whole with regard to the policy cycle. During the 12 months under review, the Directorate published 120 substantive pieces of work, all of which can be accessed via hyperlinks in this report.

This is a publication of the Directorate for Impact Assessment and Foresight
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