



**FRANS TIMMERMANS**  
First Vice-President

Brussels, 15.12.2015  
Ares (2015) 5762409

*Dear President Verhofstadt,*

*In the context of the negotiations on the new Interinstitutional Agreement on Better Law-Making you asked the Commission to explain how the Regulatory Scrutiny Board (RSB) created as part of the Better Regulation package presented by the Commission in May 2015, will function.*

*The Commission is committed to taking decisions on proposals that are likely to have significant economic, social or environmental impact on the basis of high quality impact assessments. It is also committed to objective and comprehensive evaluations of existing legislation and past initiatives. Impact assessment and ex post evaluations are an aid to policy-making promoting more informed decisions and, thus, contributing to an effective and efficient achievement of policy goals.*

*In line with international best practice, the Commission relies on an independent scrutiny mechanism to ensure (and be reassured about) the quality of the impact assessment and evaluation results informing its decisions. In line with earlier positive findings by external parties such as the Court of Auditors, the Centre of European Policy Studies and the European Parliament itself, the OECD recently assessed the Commission's impact assessment system to be among the most advanced in the world in its 2015 Regulatory Policy Outlook<sup>1</sup>.*

*This notwithstanding, the Commission further strengthened its quality control mechanism in May 2015 when its Communication "Better Regulation for Better Results" announced the transformation of the Impact Assessment Board, operating since 2006, into the Regulatory Scrutiny Board (RSB). The RSB's extended mandate is to assess the quality not just of all impact assessments but also major evaluations and fitness-checks of existing legislation and to make recommendations for their improvement.*

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<sup>1</sup> <http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm>

*In particular, I would like to highlight three elements that further strengthen the RSB's capacity to carry out autonomous and objective analysis.*

### ***A balanced composition drawing on both external and in-house expertise***

*The RSB's composition is one chairperson and six full-time members. The recruitment process for the six new members is close to finalisation.*

*Three of these members are being recruited from outside the EU institutions following an open call for interest<sup>2</sup> on the basis of their proven academic expertise in impact assessment, ex-post evaluation and regulatory policy. The other three members will be senior officials selected from within the Commission services on the basis of their aptitude to perform the tasks related to the RSB's mandate from the President of the Commission. Their in-house expertise is regarded as complementary and necessary to that provided by the members recruited from outside. Both external and in-house members' expertise will cover the three pillars of sustainable development - macroeconomics, microeconomics, social policy and environment policy. The RSB will therefore possess the necessary expertise to cover the varied range of impact assessments and evaluations.*

### ***Full-time members subject to the highest ethical standards***

*As clearly stated in the decision setting up the RSB, all members act independently and autonomously in their functions. They do not take instructions from any other institution, body, office or agency.<sup>3</sup>*

*Consequently, all members will work full-time for the RSB and have no other responsibilities particularly in relation to policy development. All members are being recruited for a fixed non-renewable period of three years. This further guarantees their autonomous and objective analysis.*

*Finally, the members will be subject to the Commission's code on good administrative behaviour and the Staff Regulations. These lay down strict rules on ethics, confidentiality and conflict of interest. The RSB members are obliged to disclose any potential conflict of interest and will not participate in the scrutiny of any impact assessments or evaluations where such potential conflict of interest arises.*

*The RSB is organised as an independent structure under the management of its chair and Director-General. Given its small size, it is attached to the Secretariat-General only for administrative purposes.*

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<sup>2</sup> OJ C 257 A, 6 August 2015, p.1

<sup>3</sup> [http://ec.europa.eu/smart-regulation/better\\_regulation/documents/c\\_2015\\_3262\\_en.pdf](http://ec.europa.eu/smart-regulation/better_regulation/documents/c_2015_3262_en.pdf)  
[http://ec.europa.eu/smart-regulation/better\\_regulation/documents/c\\_2015\\_3263\\_en.pdf](http://ec.europa.eu/smart-regulation/better_regulation/documents/c_2015_3263_en.pdf)

### ***Working methods to make the Board's work more transparent***

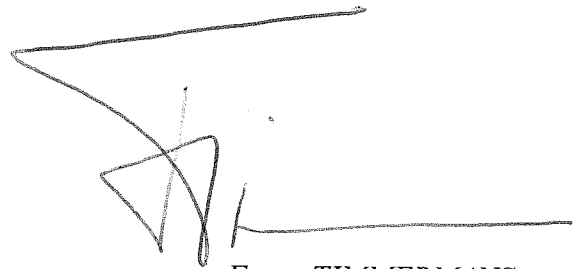
*The names and CVs of the RSB members will be published.*

*The transparent working methods of the RSB allow anyone interested to shadow the RSB's work. Any party can monitor the objectivity of the Commission's impact assessment opinions, as well as, more generally, the quality of the final Commission impact assessments. As in the past, the opinions of the RSB are published on the Commission's web-site at the same time as the report concerned and, in the case of impact assessments, once a political decision has been taken by the Commission on the relevant initiative.*

*All of the above offers further guarantees of the RSB's capacity to carry out credible, autonomous and objective analysis. The rigour of the RSB's analysis is reflected in its resubmission rate. Since its creation 6 months ago, the RSB has asked for a resubmission of 50% of the draft impact assessments as they did not meet its stringent quality standards and therefore needed to be improved to be granted a "positive" opinion.*

*The Commission considers such a "positive" RSB opinion sufficient evidence of the quality of the impact assessment analysis it expects to inform its policy decisions. This, however, does not (and cannot) limit the right of the College, as highest political authority within the Commission, to adopt decisions without a (positive) opinion of the RSB. Should the College decide to launch an initiative despite a negative opinion from the RSB on the related impact assessment, it will publicly explain the reasons why, as stated in the Communication "Better Regulation for Better Results – An EU Agenda".*

*Yours sincerely,*

A handwritten signature in dark ink, consisting of a large, stylized 'F' followed by a horizontal line and a small vertical stroke at the end.

*Frans TIMMERMANS*

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