

# Parliament's impact assessment activities and civil society

**Presentation to the  
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# Parliament's support for broad consultation in the impact assessment process

- The EP has reiterated in various resolutions that **public and stakeholder consultations and impact assessments (IAs) are essential to transparent and well-informed decision-making and to improving the quality of legislation.**
- Importance of **consulting all relevant stakeholders at an early stage** in the IA process so that their input can be taken into consideration when IAs are being prepared, and before they are published (resolution of 27 November 2014 on revision of the IA guidelines).
- **Interinstitutional Agreement on Better Law-Making** (adopted 9 March 2016): public and stakeholder consultations need to be conducted in an open and transparent way, allowing for the **widest possible participation** and encouraging in particular the participation of SMEs and other end-users.

# SYSTEMATIC ANALYSIS OF COMMISSION IAs: INITIAL APPRAISALS



Briefing  
Initial Appraisal of a European  
Commission Impact Assessment

## I Revision of the EU visa policy

*Impact Assessment (SIVD (2014) 68 final, SIVD (2014) 67 final (summary)) of a Commission proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast) (COM (2014) 168 final).*

### Background

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the above proposal, submitted on 1 April 2014.

The Visa Code established by Regulation 810/2009 is an essential element of the common visa policy: the development of which was a pre-requisite to the creation of a common area without internal borders. The Visa Code sets out harmonised procedures and conditions for issuing short-stay visas, so called Schengen visas (authorizing their holder to stay in the Schengen area for up to 90 days in any 180 days period). The Code, which was a recast and consolidation of all relevant legislation on the issuing of short stay 'Schengen' visas, entered into force in April 2010 with the overarching objectives of facilitating legitimate travel and tackling irregular immigration.

Following the Declaration of G20 Ministers at their meeting in Mexico in May 2012 on the potential for growth through facilitated visa procedures, the Commission started reflecting on the economic impact of the visa policy on the wider EU economy. In November 2012, it adopted a Communication on 'the implementation and development of the common visa policy to spur growth', in which it listed issues to be addressed in a future revision of the Visa Code in order to 'improve and facilitate procedures for bona fide travellers while continuing to allow addressing the risk posed for irregular migration or security by some travellers'.

The objective of providing visa facilitations to boost economic growth and job creation was introduced by the Commission Communication against the background of the need to ensure consistency between the visa policy and EU policies in other areas such as tourism, trade, external relations, education and culture, but also in light of the current economic situation and the growth objectives of the Europe 2020 Strategy.

According to a 2012 Commission study on the economic impact of short-stay visa facilitation, a total of 6.6 million potential travellers from six of the countries with the most travellers<sup>2</sup> were 'lost' due to cumbersome visa procedures. The study also showed that more flexible and accessible visa rules could lead to an increase in trips to the Schengen area ranging from 30 to 60 per cent from these six countries alone. This could mean up to 130 billion euros in total direct spending over five years (accommodation, food and drink, transport, entertainment, shopping etc.) and translate into some 1.3 million jobs in tourism and related sectors.

<sup>1</sup> COM(2012)649 final, 7.11.2012.

<sup>2</sup> China, India, Russia, Saudi Arabia, South Africa and Ukraine. Study available at [http://ec.europa.eu/economy\\_finance/tourism/international/index\\_en.htm](http://ec.europa.eu/economy_finance/tourism/international/index_en.htm), IA, p.9.

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# Key aspects examined by IMPA with regard to consultation

- Our initial appraisals of the Commission's Impact Assessments always contain a section dedicated to consultation.
- We focus on the **following questions**:
  - Does the IA identify who is affected and how?
  - Does the IA report on the consultation process?
  - Does the IA present the positions expressed by the consulted parties throughout the document?
  - Were any options supported by the stakeholders consulted ruled out (and is proper justification provided for doing so?)

# Key aspects examined by IMPA with regard to consultation

- From our experience, a number of elements play an important role in the value and quality of consultation:
  - **How** are the questions to stakeholders formulated?
  - **On what** are stakeholders consulted upon?
  - **At what stage** in the IA process?
  - **Who is consulted and who replies?**

# Key aspects examined by IMPA with regard to consultation

- In accordance with the Better Regulation guidelines, the consultation strategy should ensure that stakeholders' views are sought
  - **on all key impact assessment questions (p. 17);**
  - **and the IA Report should corroborate the conclusions of the analysis with stakeholder views and justify any significant differences (p. 19).**

# IMPA findings

- The opinions of the different stakeholders consulted could still be presented in a **more transparent and clear manner** throughout the IA (especially choice of options and their impacts).
- The way the opinions of the various stakeholders were taken into account in the analysis is **not** always **clearly indicated nor on what aspects** stakeholders were actually consulted.
- Question of **representativeness and reliability of the answers** gathered through stakeholder consultations when stakeholder sample is small or response rate very low.

# Way forward

- Still some room for improvement but Commission has made and is making **increasing efforts regarding stakeholder consultation** and the expression of stakeholder views on the various options. Also, the Commission's strict minimum standards on public consultation appear overall to be respected.
- **More visibility and importance** of stakeholder consultation in Better Regulation guidelines and concrete actions are now taken to encourage and facilitate stakeholder feedback at various stages throughout the policy cycle.

# Way forward

- Positive aspect: all IAs must now include a **compulsory annex** summarising the results of the stakeholder consultation and providing details of **how, who and on what** consultation took place.
- The **Ex-Ante Impact Assessment Unit** will
  - **monitor** closely that proper consultation takes place **on all IA key issues;**
  - pay particular attention to the proper **consultation of stakeholders** (including civil society) **in any further IA work** that can be requested by Parliamentary committees (complementary/substitute IAs or IAs of amendments)

# Further information

- EP website / Think tank / IMPA:

<http://www.europarl.europa.eu/thinktank/en/search.html?policyAreas=EXIMAS>

- Blog: <http://epthinktank.eu/>
- [https://twitter.com/ep\\_thinktank](https://twitter.com/ep_thinktank)

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