

Regulatory Scrutiny Board

Annual report 2024



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Manuscript completed in May 2025

Photo credits: European Commission and Adobe Stock.

Design: Marcus Marlowe and Joel Lepers — SG.A.5 — Foresight & Strategic Communication

Print ISSN 2812-4294

EN PDF ISSN 2812-4308

Luxembourg: Publications Office of the European Union, 2025

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REGULATORY SCRUTINY BOARD

Annual Report 2024

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Foreword by the Chair



Rytis Martikonis
Chair

This report covers the ninth year of operation of the Regulatory Scrutiny Board, and the fifth year of the mandate of the first von der Leyen Commission. As might be expected in the final year of a Commission's five-year mandate, the flow of new legislative initiatives slowed down while the flow of evaluations of the performance of existing interventions increased in 2024. The Board scrutinised three impact assessments and 19 evaluations.

Compared to 2023, 2024 saw an increase in the share of initial negative opinions given to evaluations. Given their importance in assessing performance and in informing future legislative proposals, the Board paid particular attention to ensuring that these received detailed scrutiny.

In 2024 the Board's main focus was on evaluations of major spending programmes, and of agencies. These comprised both interim evaluations and final evaluations. The rate of negative opinions (53 %) was slightly higher than in previous years. Given that 2024 marked the end of the Commission's five-year mandate, the Board also conducted an evaluation of the trends in evaluations over the 2019-2024 period. This is a special feature of this report and consists of analysis of strengths and weaknesses as well as the Board's recommendations for improvements to the process. Evaluation is a key part of the policy cycle and vital to ensuring value for money and that lessons learned are then fed into the design and implementation of new programmes and agencies. In this regard the strong commitment and continuous efforts of Commission services should be recognised.

As well as performing its core function of assessing the quality of impact assessments, fitness checks and evaluations, the Board continued to provide advice to Commission services at early stages of the preparation of their reports. Over 20 upstream meetings took place for 22 files during 2024.

During 2024, the Board came the closest to achieving full strength with eight members following the recruitment of two new external members – Dr Rolf Höjjer and Dr Marek Havrda – and two new internal members – Dr Alexander Gemberg-Wiesike and Ms Arianna Vannini. These latter two appointments were to replace two Board members who left during 2024, Dr Michael Gremminger and Ms Elisabetta Siracusa. I would like to thank both for their outstanding contributions to the Board's work and, on behalf of the Board, to wish them well in their future careers.

As ever, I am grateful to the colleagues of the Board secretariat for their dedicated support over the past year.

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The Board



Left to right:

Dr. Rolf Höijer, Member of the Board; **James Morrison**, (Director) Member of the Board; **Dr. Michael Gremminger**, Member of the Board; **Dr. Dorota Denning**, Member of the Board; **Rytis Martikonis**, Chair of the Board; **Elisabetta Siracusa**, Member of the Board; **Philippe Mengal**, Member of the Board; **Dr. Marek Havrda**, Member of the Board

The Board has a central and precisely defined role in the Commission

The Regulatory Scrutiny Board ('the Board') was set up as part of the Commission's 2015 renewed better regulation agenda. Within the Commission, in line with its mandate, the Board scrutinises the drafts of all impact assessments, fitness checks, and a selection of evaluations of single interventions (hereafter "evaluations"). It reports on its activities to the President of the Commission and to the Commissioner in charge of Economy and Productivity, Implementation and Simplification.

The Board provides independent quality control within the Commission

The Board is a quality control body governed by a mandate. It performs its task independently and prepares its opinions autonomously. It acts during the internal Commission phases preceding the preparation of legislation and is designed to ensure that Commission impact assessment and evaluation reports are of high quality, providing the best available evidence allowing informed decision making (see **Box 1**).

In fulfilling its mandate as an internal, independent and objective scrutiny body, the Board neither seeks nor takes instructions from any internal or external actor.

The Board's role is analytical

The work of the Board supports the implementation of the Commission's better regulation commitments, including the application of the 'one in, one out' approach, impacts on competitiveness and the integration of foresight into policy making. In its work, the Board also assesses the potential for legislative simplification, burden reduction for businesses, and citizens and public administrations and analysis of compliance with key principles such as 'do no significant harm', 'digital by default' and the UN Sustainable Development Goals (SDGs).

The Board cannot and does not question the political objectives presented in the impact assessments accompanying draft proposals — that role belongs solely to the College of Commissioners — but instead focuses on the quality of evidence, analysis and the logic of intervention. The Board assesses the files submitted to it objectively and on the basis set out in the better regulation guidelines and toolbox.

The Board provides upstream advice

The Board also provides support, via internal upstream meetings with Directorates-General, for Commission evaluations, fitness checks and impact assessments at early stages preceding the Commission decision-making process.

Figure 1 shows how the Board's internal quality control function fits within the Commission's preparatory processes of the EU-law making cycle to make sure that the Commission proposals are based on clearly defined problems and on the best available evidence, are proportionate and take into account the full range of options and stakeholder views.

The Board issues opinions on draft reports

The Board issues different types of opinions on draft impact assessments, fitness checks and evaluations, with recommendations for improvements (for more details, see **Box 2**).

Given the Board's role, its opinions are published only with the final impact assessment or evaluation

During the Commission's internal policy preparation process, the Board shares its opinions only with the Commission departments responsible for the preparation of the proposal. This is the logical consequence of the quality assurance role of the Board. Once a legislative proposal has been drafted by the Commission service and adopted by the College of Commissioners, there is full transparency on the Board's assessments and all its opinions are published, together with the proposal and final impact assessment. Similarly, the opinions for evaluations are published together with the finalised evaluation.

BOX 1: THE REGULATORY SCRUTINY BOARD AT A GLANCE

- The Board is an internal Commission quality control body set up to ensure the quality of all impact assessments and fitness checks and selected evaluations.
- The Board consists of nine members who serve three years – four are externally recruited and five drawn from within the Commission.
- The Board acts independently in carrying out its duties and neither seeks nor takes instructions from any internal or external stakeholders.
- The Board issues opinions on the quality of draft impact assessments, evaluations and fitness checks based on standards set out in the Better Regulation guidelines and toolbox.
- The Board does not take a view on the political objectives or advisability of initiatives: that role rests solely with the College of Commissioners.
- The Board's opinions are published when an initiative has been adopted by the College of Commissioners, to protect the candour of the internal Commission preparatory processes and in line with the working procedures of the Commission.

BOX 2: HOW THE BOARD PROCESS WORKS

During the early preparatory stages of an impact assessment, the relevant Commission department(s) can ask the Board to have an upstream meeting. The department provides a copy of the 'call for evidence', which sets out the problem, proposed options and main expected impacts, as well as the outline/timeline for the public consultation and any studies. The meeting is an opportunity for the department to outline their intended methodological approach and to seek the informal, upstream advice from the Board on any likely weaknesses of the analysis, thereby allowing for adjustment of the problem definition, intervention logic, option structure and evidence gathering and methodology of the report prior to formal submission to the Board.

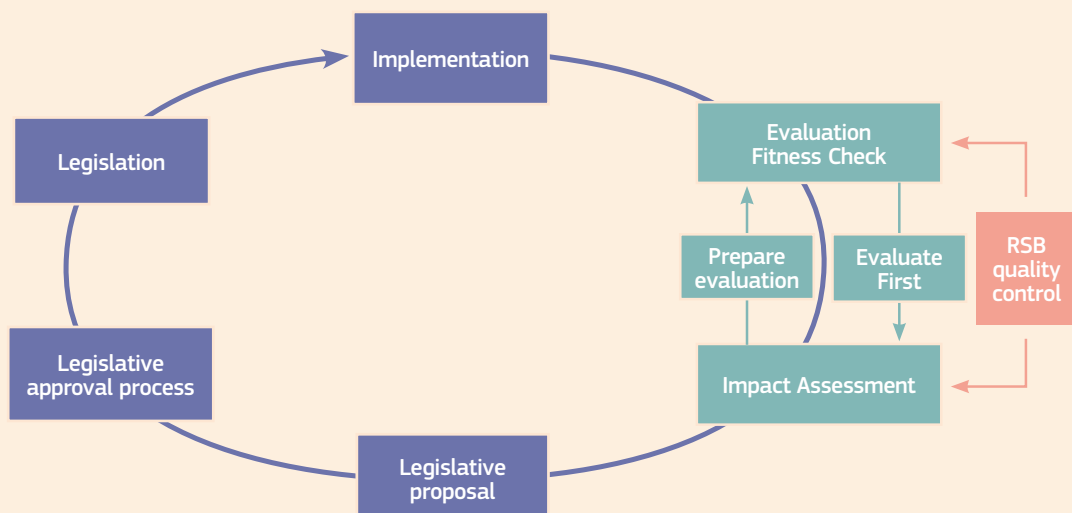
Once the Commission department has finalised its work on the draft impact assessment, it is formally submitted to the Board, normally four weeks before the Board meeting. All Board members read the full document and jointly produce a detailed impact assessment quality checklist (IAQC) using the criteria in the better regulation guidelines and toolbox, identifying any weaknesses, inconsistencies or lack of clarity in the report. The checklist is sent to the relevant departments before the Board meeting. The department is invited to provide a written reply to the Board before the Board meeting. Board members study any additional information provided in a written response to the checklist and take this into account in the questions they ask at the Board meeting. In some cases, the Chair may decide to submit certain matters to the Board for decision by Written Procedure.

The process is the same for evaluations. There is also a possibility to have an upstream meeting, the Board produces an evaluation quality checklist (EQC), and after discussion in the Board meeting, the Board issues an opinion.

Board meetings are normally held on Wednesdays. The relevant departments are informed at the beginning of the Board meeting that the Board has examined the impact assessment submitted and any written reply provided to the IAQC and that its opinion will be based solely on this information while taking into account any further information provided during the course of the subsequent discussion. Board meetings last about one hour per file and are followed by a discussion among Board members to determine collectively the nature of the opinion to be issued (see **Box 3**). The opinion is normally submitted to the department on the following days.

During the full process, the Board is supported by its Secretariat. The Secretariat plans and organises the Board meetings and provides drafts for the minutes of upstream meetings, the IAQCs or EQCs, and opinions.

Figure 1: The Regulatory Scrutiny Board's role in the preparatory stages of the EU law-making cycle



BOX 3: TYPES OF OPINION(S)

For impact assessments, there are three types of Board opinion:

POSITIVE:

The Board is satisfied that the draft impact assessment meets the standards set out in the better regulation guidelines and toolbox. Comments in the opinion are advisory and the file may proceed.

POSITIVE WITH RESERVATIONS:

In some cases, the draft impact assessment is largely satisfactory, but some key weaknesses remain and should be fixed. In other cases, there are significant weaknesses, but the department has provided convincing responses to the quality checklist in the discussion with the Board and has clearly indicated where they would make the necessary changes to the report. In both cases, the draft impact assessment must be amended to take account of the Board's comments set out in the opinion. Only then can the file proceed.

NEGATIVE:

The draft impact assessment is not satisfactory and falls short of the standards set out in the better regulation guidelines and toolbox. The file requires substantial revision. It must be resubmitted for a second opinion once the indicated changes have been made. To facilitate a satisfactory follow-up in case of an initial negative opinion, the Secretariat-General immediately organises meetings of the cabinets and services concerned to address the issues identified in the Board's negative opinion. In most cases, the resubmitted file has been sufficiently improved to address the Board's concerns and will be given a positive or positive with reservations second opinion.

In a very few cases, the resubmitted text may still contain fundamental deficiencies that have not been satisfactorily addressed. In these cases, the Board issues a **SECOND NEGATIVE OPINION**: The Board is still not satisfied with the way in which the revised draft impact assessment meets the standard set out in the better regulation guidelines and toolbox. The Commissioner for Economy and Productivity, Implementation and Simplification then decides whether and in what form it may proceed.

For evaluations and fitness checks, there were only two types of Board opinions until the end of 2023: positive or negative. At the beginning of 2024, the Board decided to introduce the 'positive with reservations' opinion type also for evaluations as this practice has turned out to be useful for impact assessments allowing for more nuanced feedback to be provided. There is no obligation to resubmit a new version of the evaluation / fitness check to the Board after a negative opinion. This is because, at present, the Board does not scrutinise all evaluations, which could lead to unequal treatment. Nevertheless, when the Commission service judges that it can address the Board's remarks and improve the evaluation, it can submit a second version for a new opinion. So far, the Board has never given a second negative opinion on an evaluation.

1.1 How the Board performed in 2024

In 2024, the Board's activity was influenced by the political cycle and the global geo-political context...

2024 was the last year of the mandate of the first von der Leyen Commission, with EU elections taking place in June and the challenges of the ongoing Russian war of aggression in Ukraine including on inflation, the fluctuating price of raw materials and of energy, as well as the middle east conflicts.

... with a decreased volume of scrutiny work by the Board...

Consistent with the final year of the five-year lifecycle of the Commission, the slowdown in the flow of new initiatives that began at the end of 2023 continued in 2024 with fewer impact assessments submitted for scrutiny and instead an increased volume of evaluations designed to assess the effectiveness and efficiency of existing policy actions and to pave the way for their future revision. This reflects the normal pattern of the EU's political cycle — with parliamentary elections in June and a new Commission taking office at the end of the year, the Commission focus in 2024 was on negotiating recently tabled initiatives and, at the same time, on evaluating the performance of current legislation in preparation for future action and the coming Multiannual Financial Framework (MFF) discussion.

... meanwhile the Board took the opportunity to reflect on strategic issues

With a reduction in the overall volume of files submitted, and consistent with the end of the five-year mandate, the Board took the opportunity to reflect on some of the key challenges and lessons learned over the 2019-2024 Commission and in line with the RSB mandate to offer advice. This fell into four main categories: (i) the need to adopt common metrics across all impact assessments to improve comparability; (ii) linked to this, the need to calculate and keep track of cumulative costs resulting from new legislation; (iii) the need to broaden out and to reinforce the evidence base for new initiatives by making greater use of big data and AI tools; and (iv) the scope to strengthen and to broaden the assessment of the impact on competitiveness.

In 2024 the Board's main focus was on evaluations...

Table 1 shows the Board's activity in 2024 in comparison with earlier years. The Board scrutinised three impact assessments, seventeen evaluations and two fitness checks covering multiple pieces of legislation in broad areas of policy.

Half of the evaluations received a negative opinion, but...

Overall, half (53%) of the evaluations received a negative first opinion, which is consistent with the situation in 2023. Of the three impact assessments scrutinised in 2024, two received a negative first opinion. That said, the very small number of impact assessments submitted for scrutiny in 2024 means that this is not a reliable indicator on which to draw any conclusions.

... All resubmitted evaluations received a positive opinion

In line with the absence of a requirement on Commission services to resubmit an evaluation receiving a negative opinion, only two of the nine evaluations that received a negative opinion in 2024 were resubmitted to the Board before the end of the year. In the two cases, the quality has improved sufficiently for the Board to issue one positive opinion and one positive with reservations opinion. In seven cases, the lead service decided not to resubmit a revised evaluation report to the Board for a second opinion.

Number of Board members increased in 2024 and ended the year with eight members...

Board staffing increased in 2024 with the recruitment of two external members in March and April, the departure of two internal members in September and November, and their replacement by two new internal members in December. Thanks to the extension of the mandate of one internal member in July, the Board had eight members by the end of 2024. To anticipate the end of mandates of two external members and one internal member in 2025, two recruitment processes were launched end 2024.

The frequency of Board meetings of early 2024 was not maintained throughout this year

The RSB held 16 meetings in 2024, which is the lowest number of meetings since 2019, when there were 9 meetings. In 2024 the Board scrutinised the highest number of evaluations (19) since its establishment. All Board meetings but one in 2024 were held in person with the Board regularly dealing with several files per meeting.

Table 1: Overview of Board regulatory scrutiny work by year, 2016-2024

Second negative opinions classified under year of second opinion						
Year	Meetings	Cases	Negative first opinions		Negative second opinions	
Impact assessments						
2016	22	60	25	42 %	2	8 %
2017	23	53	23	43 %	2	9 %
2018	27	76	21	28 %	1	5 %
2019	9	1	1	100 %	0	0 %
2020	23	41	19	46 %	1	5 %
2021	27	83	31	37 %	2	6 %
2022	20	70	24	34 %	2	8 %
2023	20	50	21	42 %	0	0 %
2024°	16	3	2	67 %	0	0 %
Evaluations and Fitness Checks*						
2016 ⁺		7	-	-	-	-
2017		17	7	41 %	0	0 %
2018		11	3	27 %	0	0 %
2019		17	8	47 %	0	0 %
2020		13	4	31 %	0	0 %
2021		15	3	20 %	0	0 %
2022		8	0	0 %	0	0 %
2023		8	4	50 %	0	0 %
2024		19	10	53 %	0	0 %
° at the time of finalising the report, not all impact assessments with a first negative opinion had been resubmitted						
* resubmission of evaluations after a first negative opinion is optional						
+ in 2016, evaluations received opinions with comments, without mention 'positive' or 'negative'						

Table 2 shows that less than half (13 out of 29) of the evaluations that were planned for scrutiny in 2024 were delivered on time. However, six of the scrutinised evaluations were delayed evaluations, which indicates that some of the existing backlog was caught up.

Table 2: Evaluation Scrutiny 2024 vs 2018-2023 (in average per year)		
	2018-2023	2024
Selected evaluations per year*	13	29
Evaluations presented on time	5	13
Delayed evaluations	6	16
Scrutinised evaluations per year	12	19
Evaluations presented on time	5	13
Delayed evaluations	7	6
* excluding evaluations that were removed from the list of selected evaluations		

1.2 Internal and external outreach

Outreach increased in 2024...

Board members held 20 ⁽¹⁾ meetings with stakeholders in 2024 which is double the number of 2023. Board members also took part in events on better regulation. The Annual Report for 2023 was presented at the RSB Annual Conference on Regulatory Scrutiny on 22 May 2024, which was attended by over 200 participants and included a panel to discuss scrutiny issues in impact assessments and evaluations as well as a panel on emerging challenges for regulatory scrutiny and better regulation in the EU.

... and the good practice to advise Commission services upstream was continued

The well-established practice of the Board holding 'upstream meetings' with Commission services on their demand to provide targeted advice at early stages of elaboration of the impact assessments, fitness checks and evaluations continued in 2024 with 19 meetings for 22 files. In addition to upstream meetings, the Board conducted also an 'internal' outreach exercise with individual Directorates-General to attend their internal management meetings and to provide an opportunity to explain the Board's work and to answer questions.

1 https://commission.europa.eu/document/download/f9cf297d-9eb3-4883-9691-9bd9f5763cdf_en?filename=RSB%20-%20Meetings%20of%20Board%20Members%202024%20-%20published%20on%20Europa%20-%20December%202024.pdf

2

Observations and challenges in impact assessments and evaluations

2.1 Impact assessments

Only three impact assessments were scrutinised in 2024...

The RSB scrutinised only three impact assessments in 2024 which reflects the EU's political cycle with parliamentary elections in June and a new Commission taking office on 1st December. The Commission focused on securing the passage of already tabled legislative initiatives with the co-legislators and on evaluating the performance of current legislation in preparation for future action and the coming MFF discussion.

... which is too small a number to perform any trend analysis

The share of negative opinions on the three impact assessments is 66 %, which is more than previous years. However, there are too few cases to draw any general conclusions based on such a small number. Due to the very limited number of impact assessments reports scrutinised in 2024 it does not make sense to perform any additional trend analysis or to attempt to draw any meaningful conclusions as was done in previous years.

2.2 Evaluations: observations and challenges

2.2.1 Quality of evaluations

The number of evaluations scrutinised increased in 2024 compared to 2023...

The RSB scrutinised 19 evaluations and fitness-checks in 2024, while in total the Commission concluded in total 32 evaluations on the same period. This is a significant increase from the eight evaluations scrutinised in 2023 and 2022.

... and the type of evaluations were different with more large spending programmes evaluated

Compared to 2023, the sample of evaluations that the Board scrutinised in 2024 comprised seven evaluations and fitness checks of existing legislation versus only one in 2023, whereas the others concerned either spending programmes (12 in 2024 compared to 3 in 2023), agencies (2 in 2024 compared to 2 in 2023) and international agreements (none in 2024 compared to 2 in 2023).

... as observed in 2023, 2024 again saw a high rate of negative opinions...

In 2024, 53 % of the evaluations and fitness checks scrutinised (10 out of 19) received a negative opinion, which is a higher proportion of negative opinions than in 2023 or preceding years. The share of negative opinions for evaluations was the highest so far recorded since 2016 despite the introduction of the new "positive with reservations" category of opinion in early 2024. (see **Figures 2 and 3**).

...and lower average quality scores...

The average quality score for the 2024 sample of evaluations (where quality is understood as the average score of all the 13 quality components, unweighted) was also the lowest recorded so far and thus below the 2018-2023 average (see **Figures 2 and 3**).

While these results merit further reflection, they should nevertheless be interpreted with the necessary degree of caution given the high proportion of evaluations during the period that were interim evaluations of major spending programmes, where delays in implementation resulted in insufficient data being available on the basis of which to satisfactorily conduct an evaluation in line with the better regulation guidelines. In section 3, we will further analyse the scrutiny of evaluations, over the period 2019 – 2024.

Figure 2: Share of positive, positive with reservations and negative opinions for evaluations, 2024 compared to average 2018-2023

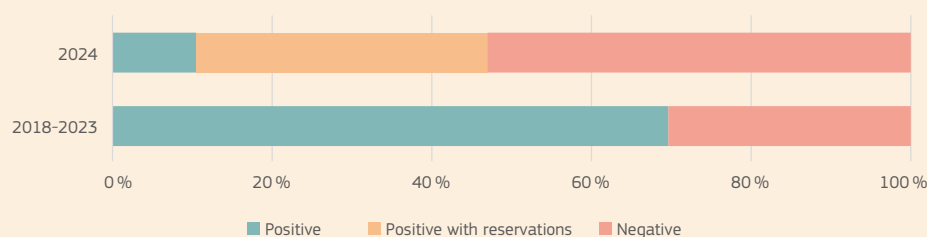


Figure 3: Share of positive – positive with reservations and negative opinions for evaluations, 2017-2024

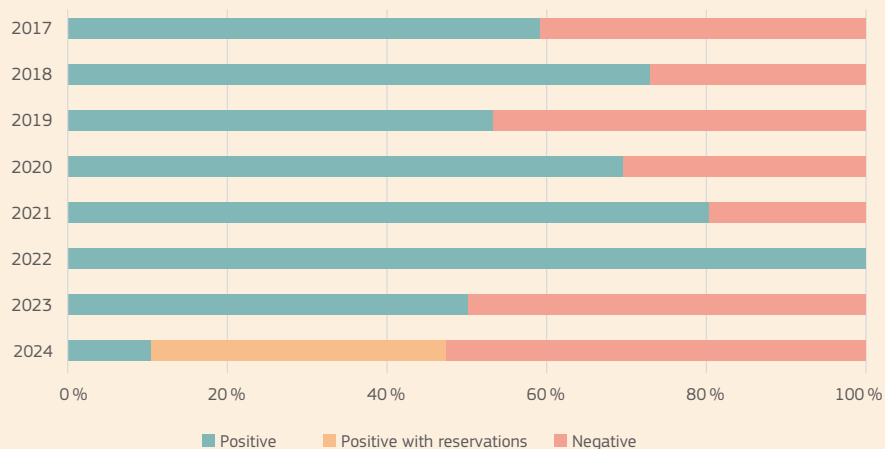


Figure 4: Average quality score of evaluations, 2018-2024 ⁽²⁾

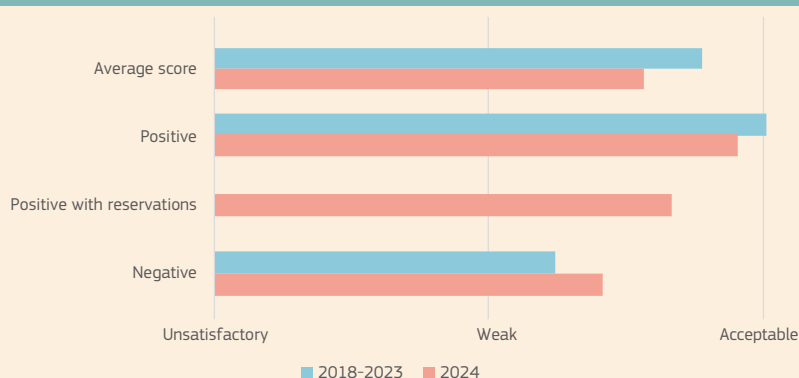


Figure 5: Average quality score of evaluations, 2024 compared with 2018-2023

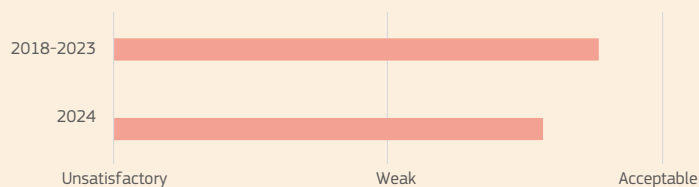


Figure 6: Quality of evaluations at first submission by quality component, 2024



2 The RSB quality indicators and components are set out in more detail in Annex 2 of the report. It is based on 13 identified quality components. The 'average quality score' is calculated by taking value for quality component, summing them up, and dividing the sum with the number of quality components (13). So, implicitly each quality component has the same weight in the figures reported in this document. The above scores refer to first submission opinions. It is a system developed to provide a structure for RSB analysis, to monitor our work and to better advise services preparing future reports, but need not exhaustively describe or determine the considerations of the board."

The Board confirmed in 2024 its observation of previous years on contrasted scores between quality components...

Evaluations are complex exercises. A good evaluation needs to get many aspects right in the specific circumstances of the evaluated intervention while taking into account the need for appropriate proportionality of the analysis and adhering to legal requirements regarding timing. The Board's initial opinions from 2024 confirmed an observation of previous years on the high variability of scores of quality components. Looking at the overall quality of evaluations at quality component level provides some insights as to why evaluations received a positive, positive with reservations or a negative opinion.

... where several quality components of evaluations performed well...

As already observed in 2023, out of the 13 quality components assessed by the Board and presented in the Figure 6, three components performed well overall: 'purpose and scope', 'evaluation questions' and 'readability and clarity' (quality components 1, 3 and 13, respectively).

... while on average a weak or unsatisfactory score was awarded for five other quality components...

This contrasted with the remaining five quality components that overall received a weak (or worse than weak) average quality score: 'data collection', 'analytical methods', 'effectiveness', 'efficiency' and 'validity of conclusions' (components 5, 6, 7, 8 and 12 respectively). This contrast was present for 'positive', 'positive with reservations' and 'negative' opinion types, though with the latter having significantly lower absolute scores.

... in particular for the quality components 'validity of conclusions and relevance for future actions' and 'analytical method'

The Board observed the lowest average quality scores for the quality components 'validity of conclusions and relevance for future actions' (component 12) and 'analytical method' (component 6). All reports that received a negative first opinion had a weak or unsatisfactory score on those two components, and the evaluations with a positive with reservations opinion were weak on average.

In the relevant opinions the Board found that the conclusions did not adequately reflect the presented evidence analysis (and often lack thereof) or lacked a critical assessment of the robustness of the lessons learned. It also found that the lessons learned from some evaluations did not inform possible future actions or were not adequately grounded in the evidence base of the preceding analysis. It is also obvious that poor methodological designs do not allow to draw valid conclusions. As the validity of conclusions and relevance for future actions component is critical and essential for informed decision-making, it was (together with other poorly performing quality elements) one of the main reasons why the Board was compelled to give a negative opinion.

The quality component 5 on 'Data collection (including consultation)' was another element with a weak score overall and also a challenge for evaluations that received a positive opinion. A weak data base was often the consequence of a deficient monitoring system which does not provide relevant data for causal analysis of benefits. Many evaluations rely to a too large extent on opinion data, often from small, non-representative, self-selected samples of beneficiaries and stakeholders. Insufficient data was also directly linked to poor methodological design reflected in the overall low scores on 'analytical method'.

The Board observed that the casual links between the intervention and observed effects were not clearly established while the reports failed to report on the absence of causality and be explicit about the related limitations. The Board observed that often evaluations did not sufficiently explain assumptions, estimates and calculations nor the limitations of their evidence base.

The components 'effectiveness' and 'efficiency' (7 and 8 respectively) also had an average weak or close to weak score. The Board observed in several opinions that the analysis of effectiveness and efficiency was underdeveloped as regards causal attribution of benefits and the 'value for money' concept. The 'efficiency' quality component (component 8) was the quality element with the third lowest overall quality score. It was weak for evaluations receiving opinion types. In several opinions the Board found that evaluations did not sufficiently develop the potential for cost reduction, administrative burden reduction or simplification. The Board requested more convincing evidence that the administrative costs were not unduly high compared to the benefits. The "effectiveness" quality component (component 7) was the component with the fourth lowest overall quality score. In several opinions the Board found that the reports did not rely sufficiently on quantified indicators and measurable comparison factors for their effectiveness analysis or did not sufficiently take into consideration the complex context (e.g., various procedures, EU regulations, or national rules) that influence the effectiveness of the programme. It was also found in some reports that the justifications for the conclusions and lessons learned on effectiveness were insufficient or that the effectiveness analysis suffered from data limitations.

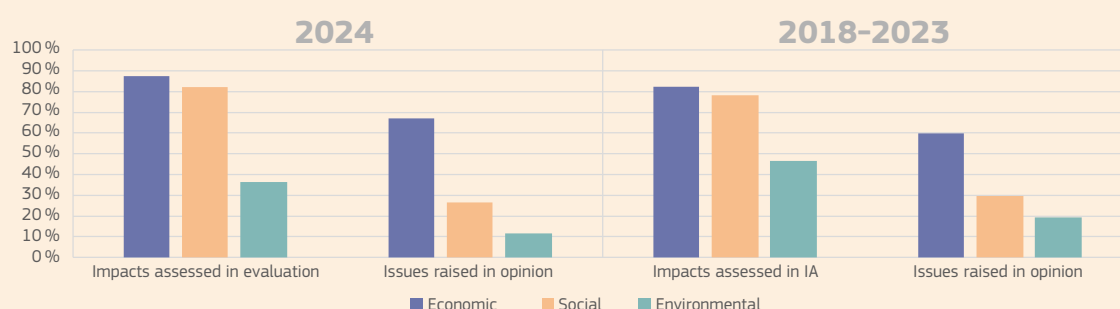
... and the remaining five quality components receiving an overall quality score below acceptable

The quality components 'intervention logic', 'points of comparison', 'relevance', 'EU value added' and 'coherence' (components 2, 4, 9, 10 and 11 respectively) raised fewer quality issues, even though they received an average quality score slightly below acceptable.

2.2.2 Types of impacts assessed and quantification in evaluations

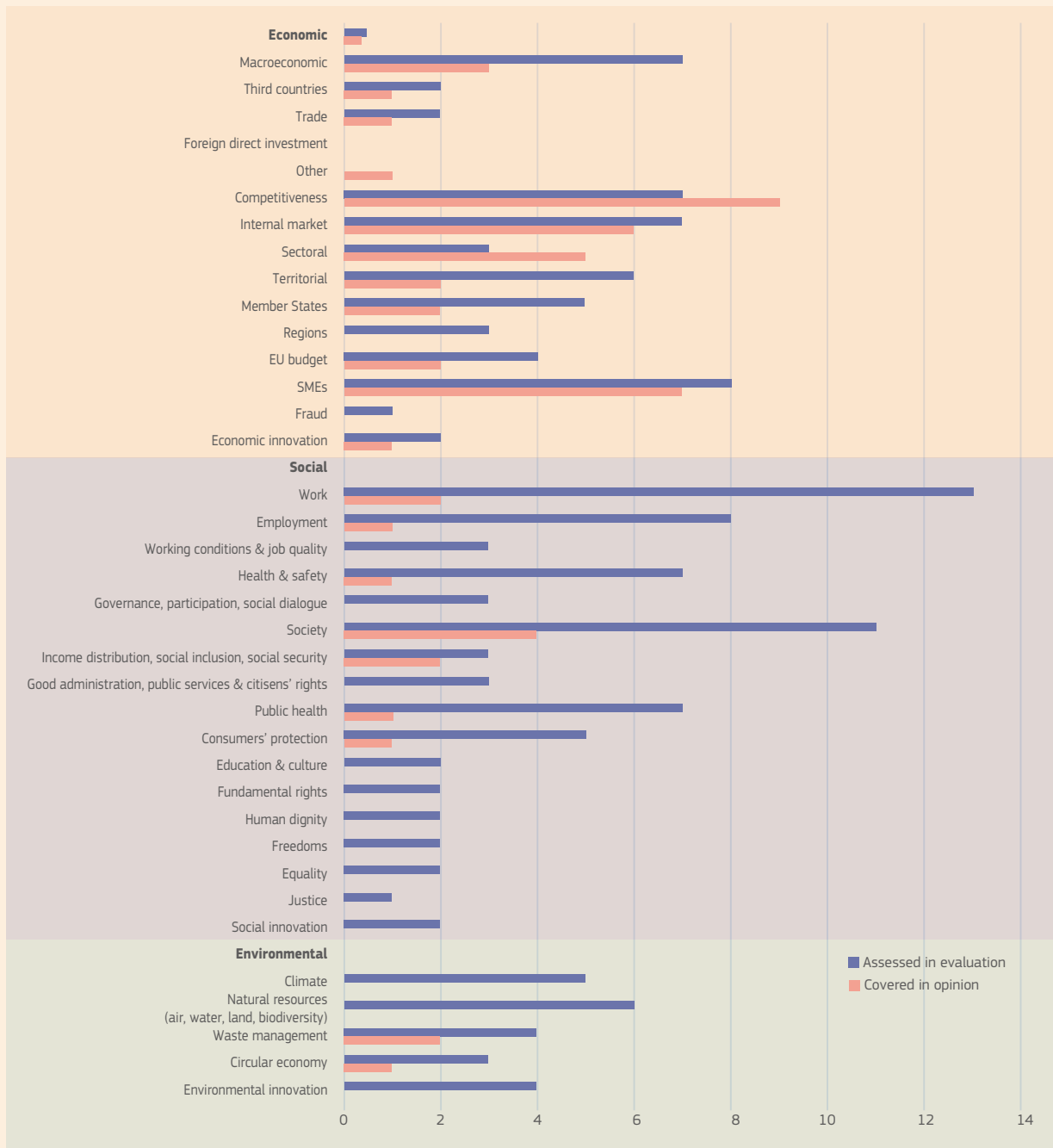
The Board also monitors the types of impacts that are substantially assessed in evaluations, and types of impacts that are covered in opinions. Figure 7 shows that the three generic types of impacts (economic, social and environmental) were substantially assessed to a relatively high level in the scrutinised evaluations. This was in line with the average of previous years.

Figure 7: Types of impacts assessed in evaluations and covered in the opinion. 2024 compared to 2018-2023



When looking beyond the three generic categories of impacts discussed above, the analysis of the more specific impacts as presented in Figure 8 shows that work, society and SMEs were most often assessed in evaluations, followed by competitiveness, internal market, employment, health and safety and public health. Competitiveness and SMEs were the two types most often mentioned in the Board's opinions; indeed, competitiveness was more often mentioned in the opinions than actually assessed in the evaluations. As such, when an evaluation contained some assessment of SME or Competitiveness impacts the Board frequently felt that this assessment needed further improvement.

Figure 8: Types of impacts assessed in evaluations and covered in the Board opinion, 2024



Trends on quantification of costs and benefits

While the level of overall quantification increased in 2024 for cost quantification, it was lower for benefits when compared with the 2018-2023 average for evaluations. In contrast to the average of previous years, 2024 saw a slight increase in the share of full quantification for costs.

Figure 9: Trends in quantification of costs and benefits in evaluations, 2024 vs 2018-2023

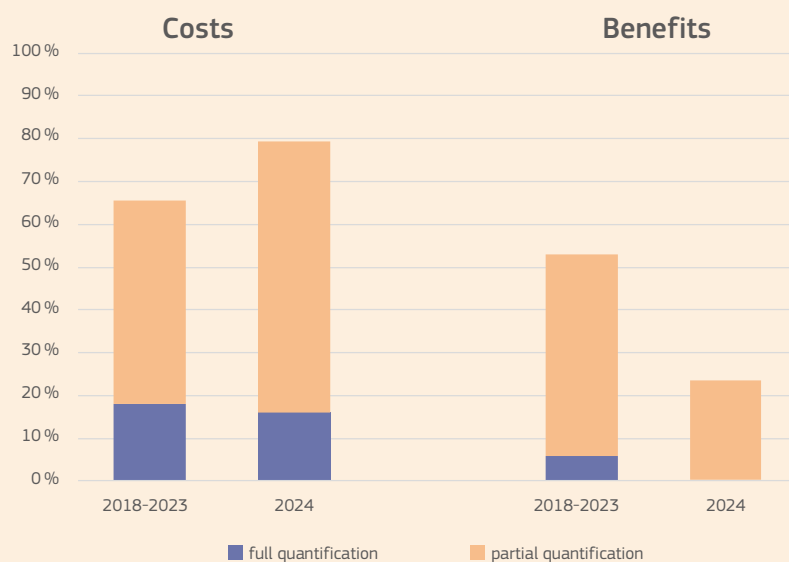
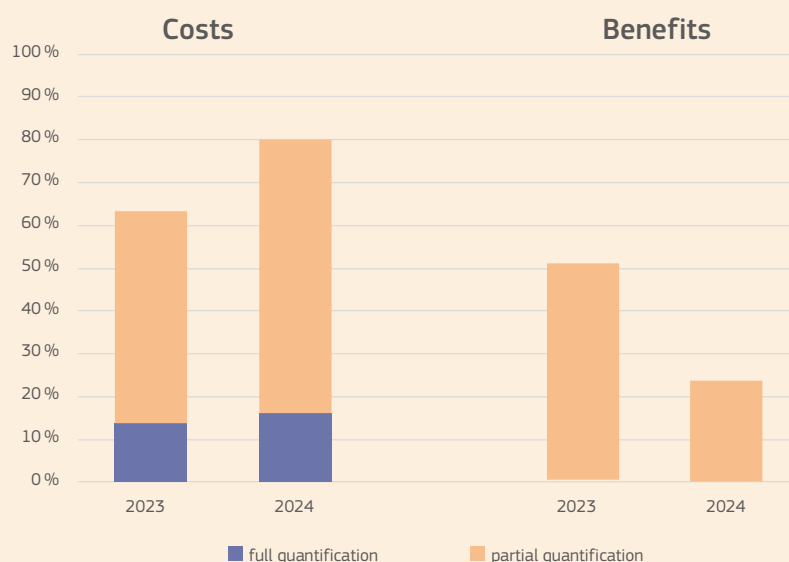


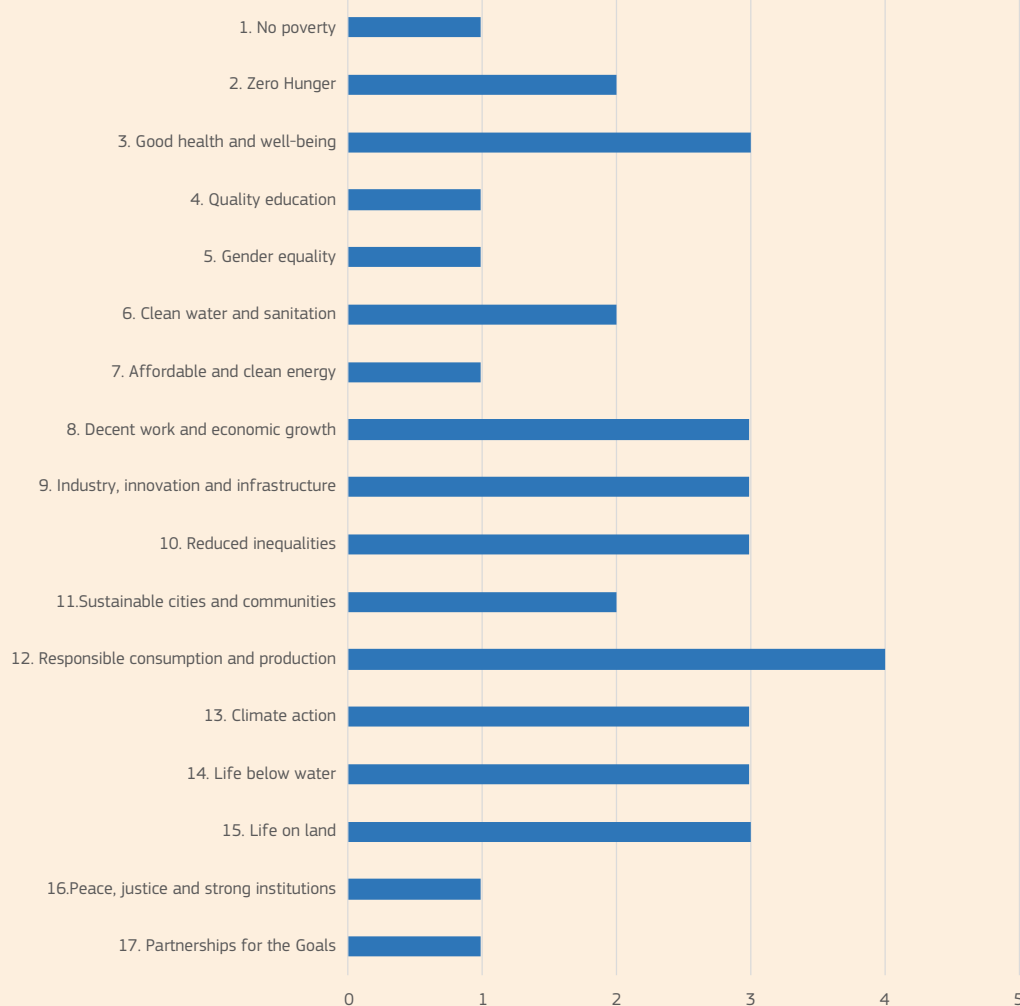
Figure 10: Trends in quantification of costs and benefits in evaluations, 2024 vs 2023



Sustainable Development Goals are covered

The Sustainable Development Goals identified as relevant across the draft evaluations covered all of the 17 SDGs. Eight Sustainable Development Goals were relevant in at least three evaluations (see **Figure 11**), with SDG 12 on “Responsible consumption and production” mentioned most often (in four of the 19 evaluations).

Figure 11: Links to Sustainable Development Goals in evaluations 2024



2.2.3 What quality differences observed?

The Board's scrutiny plays a key role in ensuring the quality of evaluations

The Board scrutinises selected draft evaluation reports to ensure sufficient time for the services to address any deficiencies identified in the Board's opinion(s) ahead of the presentation of the final evaluation report. The ultimate objective of the scrutiny process is to ensure that the final evaluation report is fit for purpose, providing comprehensive and reliable information on the five evaluation criteria as required by the Better Regulation Guidelines, and to inform future action.

The Commission's quality indicator system therefore monitors the evolution of the quality of draft evaluation reports on the 13 quality components at several stages of their development process: the Board's scrutiny at the first submission, as well as the Boards' scrutiny at the second stage, (which occurs if an evaluation is resubmitted after the Board has initially issued a negative opinion), and at the Commission's subsequent interservice consultation (ISC) stage, before the formal adoption procedure will be launched. This staged quality monitoring makes it possible to check to what extent the Board's recommendations have been effectively incorporated.

The quality of the evaluations have, on average, improved after the Board's scrutiny

Figure 12 indicates that the scrutinised evaluations had on average improved following the Board's scrutiny (where quality is understood as the average score of all the 13 quality components, unweighted). However, despite this, the average evaluation had not reached an average acceptable quality level when it reached the interservice consultation stage. The greatest improvement continued to take place between the first and second submission of draft evaluations that received an initial negative opinion. This can be explained by the greater need present for services to address identified weaknesses that come with a negative opinion. This suggests the key role of the Board in ensuring that the average quality of the evaluation reports is improved. The Board is aware, however, that these figures represent the resulting total averages if all quality components are assigned equal weights, and this may not be fully informative of the assessment of individual evaluations where some specific quality components may feature more prominently than others, depending on context.

Figure 12: Evolution of evaluation quality in 2024



3

Special features – Evaluating the trends in evaluations scrutiny 2019-2024

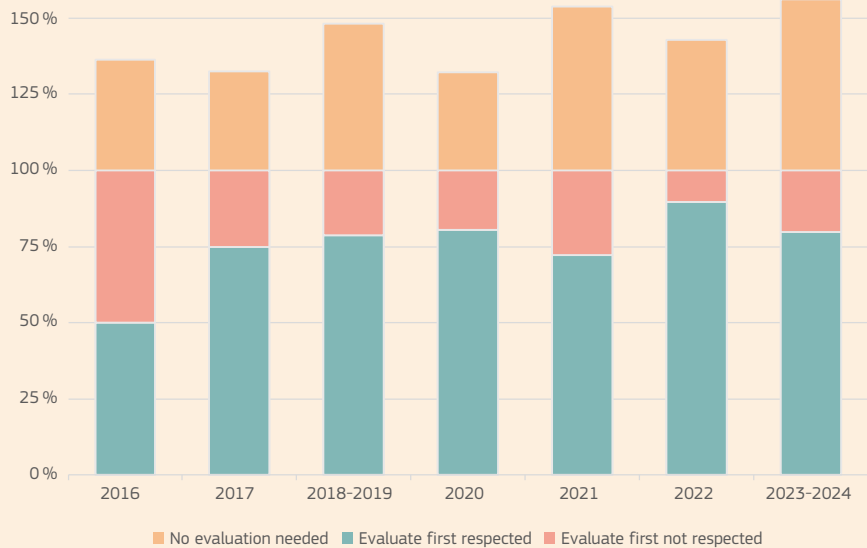
Following the conclusions raised in the previous chapter covering the year 2024, the Board conducted an analysis of all of the 57 evaluations of single intervention (hereafter “evaluations”) scrutinised by the Board from December 2019 till end 2024, while during the same period the Commission concluded 192 evaluations. Of those 57 evaluations scrutinised by the Board, 22 evaluations were evaluations of spending programmes, seven were interim evaluations.

3.1 Evaluate first

The proportion of impact assessments respecting the “evaluate first” principle increased...

A key principle of the Commission's better regulation policy is that the Commission should evaluate how existing legislation is working before proposing to change it. The share of Commission impact assessments that have observed this ‘evaluate-first’ principle has increased from 50% in 2016 to around 75% in 2017-2024 (see **Figure 13**). These percentages do not include cases where an evaluation is not deemed necessary, typically because there is no existing EU legislation in force to evaluate. All the three impact assessments that the Board reviewed in 2024 drew on evidence from a recent evaluation. Some of the evaluations that the Board scrutinised in 2024 explicitly stated that they would feed into future impact assessments.

Figure 13. The evaluate-first principle



... but evaluation quality has often fallen short

The Board observed that overall, the Commission is applying the 'evaluate-first' principle. However, the Board also found that as many as one third of the evaluations carried out over the period 2019-2024 and scrutinised by the Board were not of sufficient quality to form an evidence informed basis to underpin the associated impact assessments. However, this is a lower proportion compared to the period 2017-2019 where 40% of the evaluations scrutinised by the Board received a first negative opinion.

3.2 Results of the Board's scrutiny of selected evaluations 2019-2024

Evaluating is not a simple exercise

Carrying out an evaluation involves reflecting on the objectives of the initiative and developing and implementing a sound methodology and research design based on different types of data from multiple sources, usually on top of the dedicated reporting system and evaluation framework, to form an objective and informative picture of how the initiative is operating, to what extent it is delivering on its objectives, what are its unintended consequences, how efficient it is, to what extent it is coherent, still relevant and what is its EU added value.

For the period 2017-2019, the Board already raised concerns about several basic elements

Before looking at the analysis for the period from end 2019 till end 2024, what was the situation for the period 2017-2019? During this period of time, the Board scrutinised 45 evaluations, 18 of them received negative opinions on first submission, (40%). When scrutinising the quality of evaluations between 2017 and 2019, the Board often raised concerns about several key elements. In over 80% of the cases that the Board reviewed, the opinions criticised issues of design and methodology as one of the most serious shortcomings on first submission. The other main shortcomings were the analysis of effectiveness and efficiency and the validity of the conclusions. The Board concluded that, to some extent, the three were likely to flow from the first issue of design quality as problems in the design of the evaluation made it harder to draw valid conclusions on effectiveness and efficiency.

The Board scrutinised 57 evaluations for the period December 2019 till end 2024...

The Board scrutinised 57 evaluations it selected during the 2019-2024 period. In the Board upstream support meetings with services, that take place several months prior to the submission of the draft reports, the Board pointed to the lessons learned from the evaluations scrutinised in previous years. It insisted systematically on the quality components 'points of comparison', 'validity of conclusions', 'data collection' and 'effectiveness'. The Board also paid particular attention to operationalisation of intervention logic and SMART objectives, sound research design including the need to attribute causality, to the analysis of value for money, the potential for administrative burden reduction and simplification as well as the implementation challenges and emerging administrative capacity issues.

... a third of them received a negative opinion...

Out of the 57 evaluations scrutinised by the Board between 2019-2024, 19 of them received a first negative opinion, corresponding to 33% to be compared to 40% for the period 2017-2019. By the end of 2024, seven evaluation reports that had initially received a negative opinion were resubmitted, all of them received a positive or positive with reservations opinion from the Board.

Figure 14: Quality of evaluations at first submission by quality component, 2020-2024



The scrutiny confirmed concerns about several problematic quality components

In its opinions the Board consistently raised concerns about some specific key quality components. Figure 14 demonstrates that over the longer run of 2020-2024 the quality component that was on average regarded as weakest by the Board was “validity of conclusions and lessons relevance for future action”. “Effectiveness” and “efficiency” were the two next most problematic quality components, followed by “data collection” and “points of comparison”. In over 70% of the cases that the Board reviewed 2019-2024, the first opinions criticised the quality of these quality components. These appear to be quality components that are, over the years, recurrently exhibiting most problems in the Commission’s evaluations.

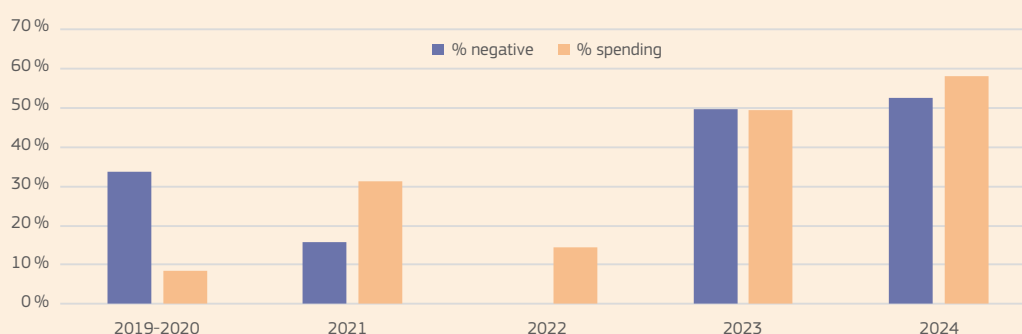
Meanwhile, some other quality components — ‘purpose and scope’, ‘evaluation questions’ and ‘readability’ — consistently performed better. An important function of evaluations, according to the Better Regulation Toolbox, is to deliver an evidence-based judgement on whether an evaluated intervention was successful and why. That many evaluations are weak or unsatisfactory on quality components such as ‘effectiveness’, ‘efficiency’ and ‘validity of conclusions’, indicates recurring difficulties or inability to provide reliable and evidence-based answers to the question if a given intervention was successful or not. In section 3.4.2 this report describes some of the more specific reasons why each of these quality components were regarded as problematic, in the case of spending programmes.

There was an increase of negative opinions between 2019 till 2024 which seems to coincide with the higher proportion of spending programmes being evaluated

Figure 15 shows an increase in the proportion of negative opinions for evaluations between 2019 till 2024. However, the increase of the proportion of negative opinions seems to coincide with the proportion of the number of evaluations of spending programmes which represent more than 50% of the scrutinised evaluations in 2023 and 2024. Furthermore, the proportion of interim evaluations increased, with six interim evaluations scrutinised in 2024. As discussed below, the interim evaluations encounter specific issues challenging their quality and thus could possibly impact the average quality of the draft reports submitted to the Board.

Figure 15: Proportion of evaluations of spending programmes scrutinised by the Board for the Commission 2019-2024

	Evaluation	Negative	% negative	% spend/ other eval.
2019-2020	12	4	33.3 %	8.3 %
2021	13	2	15.4 %	30.8 %
2022	7	0	0.0 %	14.3 %
2023	8	4	50.0 %	50.0 %
2024	13	9	52.9 %	58.3 %
Total	57	19	33.3 %	25.0 %



3.3 How scrutiny has affected evaluation quality

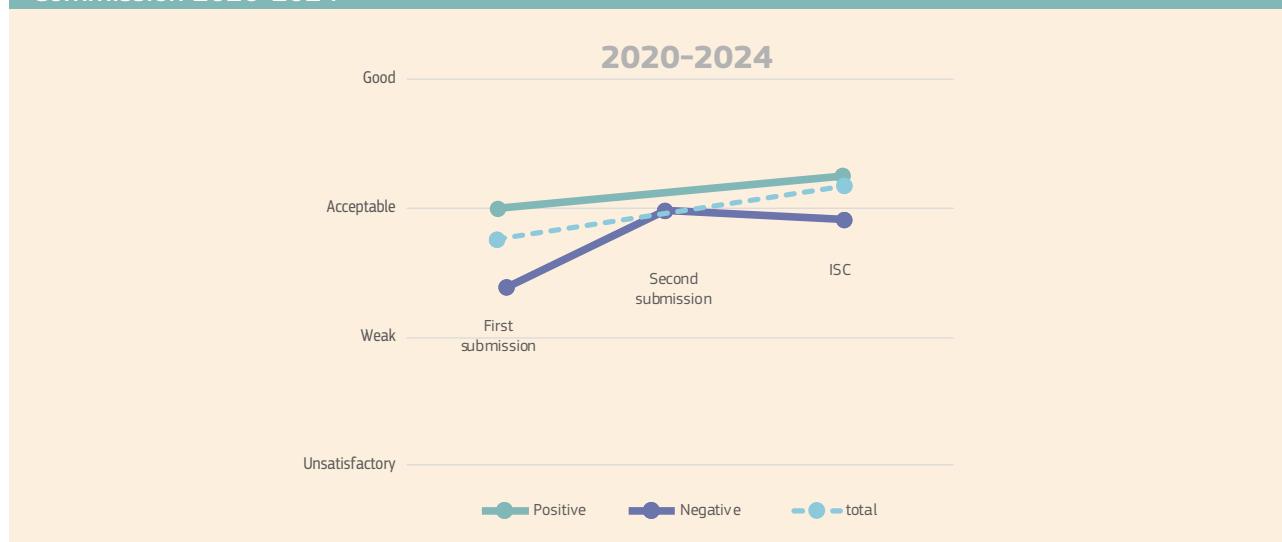
**Scrutiny of evaluations
has led to improvements...**

Figure 16 presents the evolution of the average quality of the 57 evaluations scrutinised by the Board under the Commission 2019-2024: for their first submission for those receiving a first positive (including with reservations) opinion, the Board's scrutiny of second submissions for those receiving a first negative opinion and were resubmitted and quality observed by Commission at the subsequent interservice consultation (ISC) stage. It can be observed that Board scrutiny is associated with improvements, as on average, services improved the quality of their evaluations after the Board's initial scrutiny and opinion (where quality is understood as the average score of all the 13 quality components, unweighted). The greatest improvement was seen for evaluations that initially scored lowest on quality and received a negative opinion.

**... but not all the
evaluations receiving
a first negative opinion
from the Board are
resubmitted prior
to the ISC stage**

The difference and the decrease of the average quality for evaluations receiving a first negative, between "second submission stage" and ISC stage must be interpreted in the light of the fact that the sample is not uniform. The average quality at second submission stage is only monitored for those files where the service decided to resubmit given they are not compelled to do so, while the Commission's ISC stage covers all the files that received a first negative, including those that were not resubmitted ⁽³⁾.

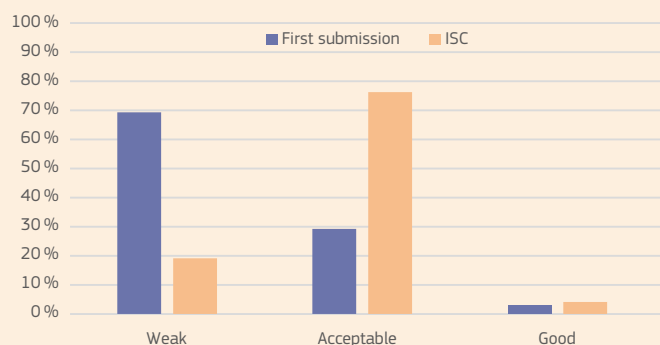
Figure 16: evolution of the average quality of the evaluations scrutinised by the Board under the Commission 2020-2024



These general trends mask differences between specific cases. At first submission, 29% of evaluations had an average quality rating of acceptable or higher (one was rated good). Almost 70% were assessed as weak or unsatisfactory (Figure 17) when considering the average of all the 13 quality components. By the time services had submitted their evaluations to inter-service consultation (ISC), the spread was narrower, with as many as 81% rated as acceptable or good by the Commission. The remaining 20% cases showing an average weak score at ISC stage still had much room for improvement.

3 The board is aware, however, that these figures represent the total averages resulting if all quality components are assigned equal weights, and this may not be fully informative of the assessment of individual evaluations where some specific quality components may feature more prominently than others, depending on context.

Figure 17: Spread of evaluation quality before and after Board scrutiny, 2019-2024



3.4 Evaluations of spending programs of selected evaluations 2019-2024

When focusing the analysis on the evaluation of spending programmes...

Of the 57 evaluations selected and scrutinised by the Board under the 2019-2024 Commission, three evaluations cover EU agencies, and 22 evaluations are ex-post and interim evaluations of spending programmes for a total budget of EUR 1.6 trillion, corresponding to different periods ⁽⁴⁾.

... the quality is lower compared to the other evaluations

The 22 evaluations of spending programmes received 14 negative opinions from the Board on their first submission, which corresponds to 64% of those scrutinised evaluations. Of those 22 evaluations, seven were interim evaluations where five of them received a first negative opinion while the two others received a positive or positive with reservations. The 35 evaluations of other “non-spending” programmes including agencies, received 5 negative opinions from the Board on their first submission, which correspond to 14% of those evaluations, so showing a higher quality than the evaluations of spending programmes.

Did interim evaluations drive the results on overall quality of evaluations on spending programmes?

Out of the 22 spending programme evaluations scrutinised by the board 14 received a negative opinion, or some 64%. Out of the seven interim evaluations of spending programmes, five received a negative opinion, or some 71%. The Board, in its scrutiny, is aware that such interim evaluations might potentially come too early to capture the full results and impacts. Of the 15 evaluations that were not interim evaluations, 9 received negative opinions, or 60%.

4 More information on better regulation Harmonisation is available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

As such the frequency of interim evaluations (71 %) that received a negative score is somewhat higher than the frequency of the non-interim evaluations that received a negative opinion (60 %). So, to a limited extent the interim evaluations can have contributed to the frequency of evaluations that received a negative opinion. However, at the same time it appears that the frequency of the total set of spending programme evaluations that received a negative opinion (64 %) is only slightly higher than the frequency of the non-interim evaluations that received a negative opinion (60 %). As such it would appear difficult to conclude that it was the existence of a limited set of interim evaluations that strongly drive the overall results regarding the quality of evaluations of spending programmes.

On average, nine quality components score weak or unsatisfactory for more than half of the evaluations of spending programmes at first scrutiny

When looking at the average scores of the 13 quality components of the 22 evaluations of spending programmes (annex 2), it appears that nine quality components show a weak or unsatisfactory score for more than 50 % of the scrutinised evaluations and four quality components show a weak or unsatisfactory score for more than 75 % of them (Figure 18).

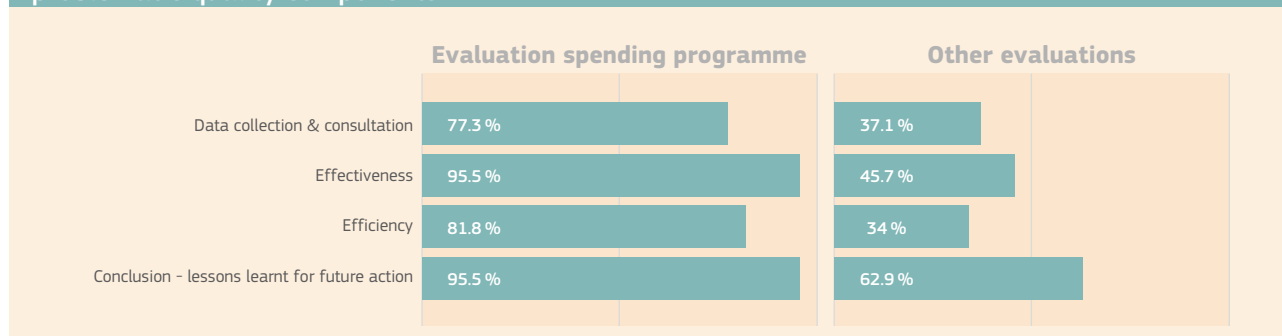
Figure 18: Percentage of evaluation of spending programmes that had a score of weak or unsatisfactory for the 13 quality components, on first submission

	1	2	3	4	5	6	7	8	9	10	11	12	13
	Context & scope	Intervention logic	Evaluation questions	Points of comparison or baseline	Data collection (including consultation)	Analytical methods	Effectiveness	Efficiency	Relevance	EU value added	Coherence	Validity of conclusions & relevance for future actions	Readability & clarity
>=accept	18	10	21	9	5	9	1	4	11	8	16	1	21
<=weak	4	12	1	13	17	13	21	18	11	14	6	21	1
%<=weak	18.2 %	54.5 %	4.5 %	59.1 %	77.3 %	59.1 %	95.5 %	81.8 %	50.0 %	63.6 %	27.3 %	95.5 %	4.5 %

Of the 22 evaluations of spending programmes scrutinised by the Board, only one (4.5 %) received a score “acceptable” for the two quality components “effectiveness” and “conclusions and relevance for future action”, four (18.2 %) were scored acceptable or good for “efficiency” and only five (22.7 %) were scored acceptable or good for “data collection (including consultation)”.

Figure 19 presents the proportion of evaluations receiving a score of weak or unsatisfactory for those four problematic quality components. The column on the left presents the figures for the 22 evaluations of spending programmes, compared with the other 35 evaluations in the right column. It shows that the problematic quality components are much more challenging for DGs for the evaluations of spending programmes compared to other evaluations.

Figure 19: proportion of evaluations receiving a score weak or unsatisfactory for those four problematic quality components



3.4.1 Specific issues regarding the quality component “conclusions and lessons learned for future action”

The Board identified several issues regarding the quality component “conclusions and lessons learned for future action”

For 22 evaluations of spending programmes, 21 opinions scored weak or unsatisfactory regarding the quality component “Validity of conclusions and relevance for future actions”. Only one evaluation was scored as “acceptable”, but the opinions issued for all the evaluations mention issues with this quality component.

The main reason highlighted by the Board in its opinions is the fact that the conclusions and lessons learned section of the evaluation reports do not reflect the analysis (or lack of analysis) in the report. Frequently the conclusions appear too far reaching. This is observed in 16 opinions out of 22. It is an area for improvement in 16 opinions and a key issue in 13 and 11 opinions respectively for conclusions and for lessons learned. This shortcoming can often be fixed prior to resubmission as the relevant information is either available in the report, or the results of the evaluation are inconclusive which should be openly acknowledged and clearly reported. In other words, the shortcoming could be fixed by aligning conclusions and lessons learned with available evidence and its limitations.

The second most represented point in the RSB opinions, related to this quality component, is the lack of data and evidence and important methodological issues not reported in the section «Conclusions and lessons learned». It is a key issue point for six opinions and an area for improvement point in 12 opinions. This shortcoming is probably more difficult to address in a short timespan, as it would require additional analytical work and/or data collection, if feasible. If not feasible the Board often recommended to report clearly the data/evidence gaps in the conclusions and the lessons learned for future action.

The third shortcoming mentioned in the RSB opinions related to this quality component is the need to improve the monitoring system which is not covered in the section “Conclusions and lessons learned» and is, in particular, relevant for interim evaluations. This is mentioned in six opinions out of 22. Recognising this shortcoming in conclusions could often be easily solved prior to resubmission as this does not require further analysis or data and evidence collection.

3.4.2 Specific issues regarding the quality components “data collection (including consultation)” and “analytical methods”

The Board identified several issues regarding the quality components “Data collection (including consultation)” and ‘Analytical methods’

For 22 evaluations of spending programmes, 17 opinions scored weak or unsatisfactory with regard to the quality component «Data collection (including consultation)». Only five opinions scored “acceptable” or “good”, and 17 opinions observed issues for this component, leading to a poor evidence base underpinning the analysis.

The Board observed serious shortcomings in evidence base, data collection, causality and reporting of findings

The Board pointed out that the causal link between the intervention and observed effects should be better analysed. Only four out of 22 evaluations used any of the causal methods mentioned in the relevant part of the Better Regulation Toolbox (TOOL #68. METHODS FOR EVALUATING CAUSAL EFFECTS). The most frequently used causal method was Difference-in-Difference. The use of the data from the monitoring system to feed in into the causal design was limited. This demonstrates the lack of connection between the evaluations and the monitoring systems in place.

The Board insisted that the methodology should be clearly presented, including key assumptions, estimates and calculations. The Board frequently pointed out that selection bias is not sufficiently taken into account and representativeness of underlying data is not sufficiently discussed. In several opinions, the Board stressed that the results of ex-ante modelling to demonstrate the impact is conceptually misplaced as model simulations did not provide an evaluation of the actual impact but rather an ex-ante model prediction.

Evaluations often do not sufficiently and transparently triangulate different sources of evidence, and the evidence base underpinning the analysis is often insufficient. Evaluations should combine and contrast various sources of evidence, and the evidence base should be supported by measurable and tangible results reflected in observational data, and by opinions from representative samples of relevant stakeholders. If this is not possible or it has not been done, the Board insisted that the report should explain why it may be difficult or not possible in some cases to identify, measure and attribute (establish causal links) regarding the specific contribution of the programmes to its objectives.

Poor use of available evidence and no critical assessment of data limitations

Problematic evaluation reports often miss essential elements in their analysis, for which, at least in some cases, it seems that information can be drawn from the external studies. The Board recommended that those reports should present and refer more clearly to evidence stemming from the external study and the annexes that can further substantiate the analytical part of the reports. Overall, a stronger link and better use of the available evidence and information sources should be made to improve the robustness of the analysis.

These problematic evaluation reports do not sufficiently discuss the reliability of the evidence presented and should be clearer about the quality and reliability of the available evidence and the findings. The Board recommended that if the information is not fully available, it should be explained why. It should also be made clear what mitigating measures have been implemented in response to information gaps. How data limitations affect the robustness of the analysis should be acknowledged, especially for the assessment of outputs, results and impacts, conclusions and lessons learned, causality, additionality, effectiveness and efficiency.

Several reports rely mostly on opinions or value judgements from stakeholders with a poor granularity in the reporting of opinion evidence

Several reports rely mostly on opinions or value judgements from stakeholders, while it is not clear how these can be considered representative. The reports should provide an appropriate evidence base underpinning analysis by avoiding exclusively or mostly relying on the value judgements of stakeholders. Opinion data and their sources used should be clearly identified and their relevance and robustness assessed. Often the stakeholders directly participating in, or benefiting from, the funded programmes are over-represented or even the sole respondents while their views are not sufficiently balanced with the opinions of other respondents.

Several problematic evaluation reports do not sufficiently disaggregate the data to provide a more nuanced analysis. The Board recommended that the views of the different stakeholder groups should be presented in a more granular way. Mapping of stakeholders and consultation of different stakeholder's categories should be more detailed and facilitate making judgment on potentially different opinions of various types of stakeholders.

The lack of measurable objectives

The corresponding reports do not assess the extent to which the current objectives are expressed in quantified terms, e.g. through key performance indicators. The Board recommended that if the specific objectives are not SMART they should be operationalised for the purpose of the evaluation to facilitate the assessment of the extent of their achievement or not. And SMART objectives assessment and operationalisation needs to be supported by data. Defining the objectives in a SMART format through operationalisation way is also a necessary prerequisite to establish clear points of comparison. Services should make sure that the data needed to support key performance indicators on which the analysis of the programmes' tangible achievements is based are available.

3.4.3 Specific issues regarding the quality component “effectiveness”

The Board identified in its opinions several issues regarding the quality component “effectiveness”

For 22 evaluations of spending programmes, 21 RSB opinions scored the evaluations as weak or unsatisfactory on the quality component “Effectiveness”. Only one evaluation opinion was scored as «acceptable», and it is the only opinion which did not make any comment on effectiveness. For all the negatively scored “effectiveness” components, the Board asked for additional sections in the analysis (e.g. effectiveness analysis for certain target groups, sectors, or services).

In 10 opinions the reports do not rely on quantified indicators and measurable comparison factors for its effectiveness analysis. In six cases, the effectiveness analysis explicitly suffered from data limitations.

In nine opinions, the reports do not sufficiently take into consideration the complex context (e.g. various procedures, EU regulations, or national rules) that influence the effectiveness of the programme. For seven opinions, the justifications for the conclusions and lessons learned on effectiveness are insufficient.

The analysis of effectiveness concerns whether the intervention has achieved the intended benefits or not, and also why it has been successful or not, in this sense. The many cases in which the reports do not deliver a sufficient analysis of the effectiveness component are problematic in the sense that the reports in question basically do not produce a reliable evidence-based judgement on whether the intervention has been successful or not and cannot provide adequate guidance for decisions on future policy.

3.4.4 Specific issues regarding the quality component “efficiency”

The Board identified in its opinions several issues regarding the quality component “efficiency”

For 22 evaluations of spending programmes, 18 opinions scored the quality component “Efficiency” as weak or unsatisfactory.

For 10 out of these 22 reports, the efficiency analysis was found to lack detailed information on observed costs and benefits and should have been more thorough. The RSB’s opinions detail which particular elements of the costs and benefits analysis are missing for each report (e.g. assess the benefits of the increase of human resources, costs to competitiveness etc.). For seven reports, the Board asked for further explanations of the efficiency metrics. In four opinions the Board stressed that any statement must be supported by evidence. For many evaluations that did contain information about costs the Board has noted that the reports did not use a common metric or standardised model for measuring the costs. While a single metric may not always be applicable, the absence of consistent cost measurement makes it difficult to compare initiatives and estimate cumulative costs when different initiatives interact.

The value for money concept is hardly used or the value for money assessments are not based on robust analysis

The value for money concept is hardly used or the value for money assessments are not based on robust analysis. Out of 22 evaluations of spending programmes with the total budget of EUR 1.6 trillion scrutinised by the Board during the 2019-2024 period, only five reports (23 %) mentioned value for money with only one providing the quantitative estimates.

The potential for simplification and burden reduction is not sufficiently assessed

The Board regularly highlighted the need to put more emphasis on assessing the scope for simplification and burden reduction. For nine reports, the administrative burden and opportunities for regulatory simplification should have been further explored. Even in cases where the evaluation made some note of the estimated size of the regulatory burdens involved, they often failed to provide information on the scope for potentially reducing such burdens.

The lessons learned on efficiency are not sufficient

Recent policies and the political guidelines from the President of the Commission, the subsequent mission letters to the Commissioners and the recent policy initiatives like the Competitiveness Compass, emphasize the importance of enhancing competitiveness and reducing regulatory burden. According to the Better Regulation toolbox all evaluations are required to explore the potential for simplification and burden reduction, though the Toolbox mentions competitiveness to a lesser extent, in the context of evaluations. Any analysis of impacts on competitiveness or reduction of regulatory burdens is often covered in a report's analysis of efficiency. According to its mandate, the Board should also pay particular attention to the analysis of these issues. The observed shortcomings in the analysis of efficiency limits the ability to deliver on competitiveness and burden reduction; when the Commission's evaluations do not contain a sufficient analysis of these matters it will be difficult for the Commission to deliver evidence-based policy proposals that can serve to enhance competitiveness and reduce regulatory burden.

3.4.5 Issues remaining in resubmitted evaluation reports

Four evaluations were resubmitted after receiving a negative opinion from the Board, they received a positive or positive with reservations opinion with some quality component remaining weak or unsatisfactory

Two resubmitted evaluations still received a weak or unsatisfactory score for the quality component "Validity of conclusions and relevance for future actions", and all the four opinions of resubmitted evaluation reports comment on issues with this component. Three opinions consider that the reports did not fully account for the impact of data limitations in the conclusion chapter. Two reports did not properly link the conclusion with the underpinning analysis, notably the effectiveness and efficiency analysis and the intervention logic.

One evaluation was scored as weak on the quality component "Data collection and consultation». Three opinions mention issues with this component. The first highlighted the need to avoid cherry picking of stakeholder views. The second called for a better inclusion of all available evidence. The third flagged the need to be specific on which stakeholder group said what.

One evaluation was scored as weak on the quality component “Effectiveness”. Three opinions mentioned issues with this component. The first opinion points out the lack of clarity and depth of the effectiveness analysis. The second one underlined the poor monitoring system and performance measurement to conduct the effectiveness analysis. The third report did not take stakeholder’s views sufficiently into consideration.

And finally, two opinions scored weak or unsatisfactory the quality component “Efficiency”. Three opinions mentioned issues with this component. The first opinion pointed out the lack of clarity and depth of the efficiency analysis. The second one underlined the poor performance measurement and the need for RACER indicators to conduct the efficiency analysis. The third report did not take stakeholder’s views into consideration sufficiently in its analysis.

3.5 Conclusions and recommendations

Guidance was proven hard to apply

The Secretariat-General of the Commission in close cooperation with other services has produced extensive guidance for evaluations. It provides this guidance via the Better Regulation Guidelines and an accompanying Toolbox. The guidance stipulates that all evaluations should examine the extent to which an intervention is effective, efficient, relevant, coherent and delivers EU added value. Services are to apply these evaluation criteria with good judgement, taking into consideration the specific nature of each case. This has proved difficult for some teams to interpret and utilise. The Board observed a tendency to apply the guidance rather mechanically, without sufficient reflection on how to adapt the evaluation design to the specific context and how the assessment of evaluation criteria fit together. The proportionality of analysis is often lacking, with insufficient analysis of important topics, including burden reduction and competitiveness. The methodology is usually not based on a sufficiently rigorous research design and relevant data. The available data rarely match the research needs, in particular regarding the methods allowing to analyse the causal links between the evaluated intervention and its possible effects. In addition, cost data are rarely sufficient, and do not allow for estimating the aggregate costs accruing to all stakeholders over the evaluated period.

3.5.1 Drivers impacting the overall quality of evaluations

Interim evaluations, often face an evaluation timing problem

Firstly, and a specific issue for the interim evaluations, is an evaluation timing problem. Due to, amongst other, delays in implementation at the start of many spending programmes or policy interventions, the timeframes for the interim evaluation specified in the legal act establishing many programmes for the interim evaluation are unrealistic since insufficient data is available at that stage for anything other than an implementation progress report. The evaluation cannot always properly cover the analysis on all criteria because it is too early in the implementation with limited effects available to measure.

The Board advised that in these cases the data limitations should be acknowledged upfront, and the interim evaluation should take the form of a progress report highlighting issues that need to be addressed to avoid problems at the final evaluation stage. Thus, the interim evaluation should be used to make sure that an appropriate monitoring system is in place to evaluate the impacts in the final evaluation, in particular reflecting on the monitoring system and evaluations arrangements.

**It is important that
evaluations remain
objective**

There is a balance to strike between the independence of the evaluation and the need to ensure ownership of its results. Furthermore, when operational teams have sufficient buy-in to the evaluation, it is more likely that they follow up when shortcomings are found. Nevertheless, weaknesses seem to be related to the design of the evaluations and the subsequent difficulties of drawing objective and relevant conclusions from the evidence. The BR rules place emphasis on the objectivity and critical approach of the conclusions, which should result in frank assessment of its potential flaws. This issue may be amplified if evaluations are perceived by the services as a kind of “passport for continuity” of the evaluated initiative, to justify it being prolonged or expanded in the future. The Board made recommendations on the need to be objective especially in conclusions and transparently present what has worked well but also what has not worked well and can be improved.

**Evaluations are important
and should be given
sufficient consideration**

Evaluations are important but not always considered on the same level as impact assessments by senior management who should pay closer attention to evaluations. For example, not all responsible services request an upstream meeting with the Board prior to submission or too late. Upstream meetings could be used more frequently at the right time. The meetings should take place early enough so their outcomes can be fully utilised by the responsible services. In case a support study is commissioned by the relevant service, the upstream meeting should take place before the terms of reference are developed and the procurement of the study launched. Often the issues identified in the Board opinions were already raised during the upstream meeting. The Board insists that the departments are represented at upstream and at Board meetings at senior management level. This is, arguably, particularly important for evaluations. Senior management in the Commission usually pays more attention to impact assessments, as they will feed into a political decision by the College of Commissioners. Evaluations tend to attract less interest, perhaps being perceived more as technical work. When evaluations are carried out back-to-back with impact assessments, they may effectively start with the question ‘what legislative fixes might be desirable?’ It is usually more helpful for evaluations to ask the broader question of ‘how can we do what we do in a better way?’ or ‘considering results to-date, how can we improve?’. Approaching an evaluation this way can also help identify managerial problems that do not require legislative changes and thus do not necessarily require an impact assessment to put in place remedies. They do, however, require the attention of senior management.

The input for improvement raised by the Secretariat General during the Inter Service Group meetings are not sufficiently considered. For most of the evaluations receiving a first negative opinion, the problematic points were already identified in the minutes of the ISG meetings with clear recommendations raised by the Secretariat General. There is probably a causality link between this issue and the previous point related to senior management engagement. Improving one will certainly improve the second.

The impact of the scrutiny of the Board is mainly on those evaluations that are selected for scrutiny

The scrutiny by the Board could only have a direct positive effect on quality in the cases that it reviewed, and the Board scrutinised only a fraction of all the Commission's evaluations. The Board tries to select the most important evaluations for scrutiny, but there may be scope to learn from experience over time. Services should better take into account the Board's feedback also in other future evaluations, including those that the Board will not review. This report together with its special feature aims to summarise key lessons regarding evaluations and provide concrete recommendations to services on the topic.

It is not mandatory to resubmit evaluation reports that received a first negative opinion

It is not mandatory to resubmit evaluation reports that received a first negative opinion, while a positive opinion from the RSB is required to be able to take an impact assessment forward to the interservice consultation. Introduction of mandatory resubmitting of evaluations should be given consideration as this could further contribute for improving the quality of evaluations that received a first negative. However, often the Board has seen cases with serious flaws in initial design and in the supporting study. Such problems may be difficult to remedy in a given timeframe, and in such cases, there would be little point in resubmitting a revised version without substantial improvements regarding design and data.

Dedicated training for officers and managers

Taking into account the recurrent deficiencies described above together with findings of the RSB on evaluations five years ago, more effort seems to be needed to increase the level of expertise on evaluations across the Commission. Not least, expertise on methodology including the ability to apply counterfactual designs in a meaningful way together with expertise on data, should be developed. This may require following more systematically dedicated training not only for staff dealing with evaluations, but also for management.

Stronger presence of expertise from the central services of the Commission of the Government and from research-to-policy function

Dedicated training should be supplemented by more hands-on internal consultation support from experts in the Secretariat General to help services develop appropriate evaluation designs early in the process, in order to be in place before the implementation on the ground. Also relevant expertise at the Joint Research Centre should be utilised early in the process. Joint Research Centre experts could help to deal with more complex methodological choices and trade-offs at all stages of the evaluation process. They could also help to ensure proportionality of analysis.

3.5.2 Issues specific to the problematic quality components

Evaluations should be proportionate and transparent about their limitations

When scrutinising evaluations, the Board takes into account proportionality. If limitations on available time and resources limits the ability to conduct full evaluations, the Board expects reports to be fully transparent about those limitations and not draw conclusions which are not sufficiently substantiated. In any case, the evaluations should allow to draw operational conclusions, in particular related to the achievement of objectives and overall societal costs and benefits of the intervention.

Better integration of evaluation methodology and data plan

Evaluation is an evidence-based assessment of past performance of an intervention. The quality of the evaluation is determined by the quality of collected evidence and thus in turn by the quality of underlying methodology and data. Rigorous methodology should be defined prior to the launch of the intervention in order to allow for specification of data needs and in turn deriving a corresponding data plan. The basis should be clearly defined in the monitoring and evaluation arrangements in the impact assessments.

Data plan needs to be based on sound research design and come early in the process

In line with the Better Regulation Toolbox, after the adoption of the proposal by co-legislators the lead service should develop a data plan and identify what data will be necessary to collect to answer the questions of a coming evaluation. The plan should be based on a sound research design in line with up-to-date scientific knowledge taking advantage of existing data sources and advanced analytical methods. The plan should build on the intervention logic of the adopted initiative and clear research design containing a combination of methods for data collection and analysis allowing for causal analysis.

The plan should include a limited number of core indicators (outcome variables) reflecting relevant public policy objectives and context indicators relevant to intervention logic. The plan should also include data on costs, including marginal costs, directly attributable to the intervention, and as far as possible indirect costs. In case of existing initiatives where the plan had not been developed after the adoption and evaluation is envisaged, the situation should be assessed and remedied. As a rule, JRC, ESTAT, SG, other relevant services and agencies should help develop and validate the plan in due time, so it can be launched before the legislation is implemented on the ground, ensuring appropriate data collection including baseline data for causal methods. For major initiatives, the plan could be discussed with the RSB.

The Commission needs to tap existing observational data

Ubiquitous digitisation results in a digital trace of many operations and processes generating a wealth of data. The data (ranging from satellite imagery data, anonymized credit card transactions and mobile operator information to corporate filings in public registries and extensive public sector administrative records including microdata) and advanced AI-powered analytics are transforming how the evidence can be generated, analysed, and interpreted. Many sources of (often available) data are underexploited, in particular administrative microdata. Advanced methods including AI-based approaches which allow for efficient analysis of large amounts of data, including microdata, unstructured text data and image data are not yet fully utilised. Administrative data can help cover non-beneficiaries of the interventions in question and thus provide a crucial input for application of causal (counter-factual) methods.

Wherever possible the observational data should cover the whole relevant population. Where it is not possible, sound sampling can be used to make sure the evidence generated is representative to relevant population(s). Such an approach would provide for delivering higher quality evidence in a timely manner. It would also allow to decrease dependence on ad-hoc data gathering, partly addressing the problem of ‘consultation fatigue’, rationalise reporting obligations and reduce related burden and costs to all stakeholders.

Need to analyse causality

The causal link between the intervention and observed effects should be better analysed. Intervention logic should aid in the analysis of causal links. If the causality cannot be credibly established, the report should explain how it accounts for the absence of causality, be clear throughout whether the analysis refers to causal relationships or not and explicitly state limitations. As a rule, quantitative causal methods and observational data should be used where possible and credible in order to analyse the links between the evaluated intervention and the real-world effects. If it is not possible to apply quantitative causal methods, an in-depth analysis of effects and related causal links should be carried out by an appropriate method such as process tracing or outcomes mapping based on theory of change contained in the intervention logic which needs to provide operationalised, measurable objectives, outputs, results and impacts. Such an approach allows for a structured qualitative analysis of causality. The expected causal links should be confirmed not only by opinion data but wherever possible also by literature reviews as they constitute the basis of such a qualitative approach.

Opinion and perception data need to be treated with caution

To-date, many evaluations rely to a large extent on ad-hoc opinion survey data, often from small non-representative self-selected samples. Due to multiple reasons including sampling errors, response errors and cognitive biases, such data alone is usually insufficient to build a solid evidence base for the evaluation of different impacts, benefits and costs. However, opinion data can provide important evidence on stakeholders and target groups views. Nevertheless, in case it is necessary to generalise on the whole population the evidence should be based on representative samples.

More attention needed to representativeness and sampling

In some cases the data collection should aim for 100% population coverage, in particular regarding views of Member States or National Authorities. Public consultations (when carried out for an evaluation) and targeted consultation, while not representative by its nature, should aim to capture a variety of different opinions including from minority groups. Surveys eliciting opinions and perceptions of citizens (consumers, users, etc.) should try to capture a variety of different views, be representative in line with established methodologies and take into account socio-demographic characteristics. For companies, it is important that representativeness should include criteria of company size, market concentration, exposure to international competition, industry sector, geographic distribution and other factors relevant for the evaluated intervention. Similarly, observational data sampling should aim for representativeness to the given population. The report should always discuss the representativeness of the samples (based on standard statistical tests where relevant), and the related limitations which should be also taken into account when drawing conclusions.

Using properly results of public consultations

As the underlying data is not representative of the relevant population, as a rule, the results of public consultations should not be treated as quantitative evidence based on random sampling. It should be always made clear that the results reflect only the perceptions and views of the participants in the consultation and that these views cannot be considered representative of the whole relevant population. Statements such as X% of participants agree/disagree with the proposal should be usually omitted as they are easily misleading, creating a perception that X% of the relevant population agree/disagree with the proposal. The main focus of analysis and reporting of the results of public consultations should be on identification of qualitative insights, such as specific concerns or suggestions from participants. Even if the data is not representative it can help to identify key themes which should be further explored using qualitative and quantitative methods.

Triangulating evidence

Triangulation of evidence is an important part of many evaluation designs. It should be fully transparent based on a clear objective of the triangulation, such as confirming the causality hypotheses underpinning the intervention logic. In general, triangulation should be made based on comparing and contrasting observational and opinion evidence. The data should be analysed separately first. The analysis should focus on patterns, similarities, and discrepancies between what people perceive and what real-world effects are observed. Any discrepancies between different types of evidence should be clearly reported and taken into account in the conclusions. It is paramount to avoid selective use of evidence.

3.5.3 Issues specific to the five evaluation criteria

Effectiveness

A clear summary table of outputs, results, impacts and attainment of objectives based on their operationalisation in intervention logic should be always presented. Uncertainties related to attributing causality should be openly discussed. Assessment of unintended consequences should be carried out in a transparent, structured way. Hypothesis of negative impacts should be developed and assessed based on literature review and analysis of related perceptions of stakeholders.

Efficiency, Benefit-Cost ratio and Value For Money

Assessment of efficiency relies on the analysis of effectiveness which should provide a sufficiently robust account of benefits causally attributable to the intervention. The analysis should take into account all costs induced by the intervention that accrue to all stakeholders. The preliminary identification of costs can be based on perception data and qualitative insights, whereas quantification should be based on representative samples and model calculations of observational data, such as market outcomes, wherever possible.

In its opinions, the Board advised that, based on the effectiveness and efficiency analyses and to the extent possible, the evaluations of spending programmes should bring all the monetised costs and benefits together, calculate Benefit-Cost ratios and make judgments about the optimal use of public spending to achieve the objectives so that it was clear whether the public financing had delivered value for money. Judgements should be made taking into account the non-quantified costs and benefits and the additionality. When there were conclusions stating that the programmes provided value for money, the Board recommended that the reports should be clearer about the robustness of the evidence base underpinning those statements, in particular whether or not they were solely or primarily based on the perceptions of surveyed beneficiaries, to avoid the impression that they were underpinned by the quantitative analysis of observational data.

Coherence

Analysis of coherence should be carried out as a desktop exercise at two levels. First, at the level of policy objectives. Second, building on the results of the analysis of effectiveness at the level of policy deliverables in terms of actual outputs, results and impacts.

Relevance

Analysis of relevance should reflect on the development, wherever possible in quantitative terms, of the original needs addressed. The second step should be based on the analysis of trends including megatrends and how they affect the needs and the chosen intervention.

EU added value

The analysis of EU added value could be based on a comparison of effects under hypothetical counterfactual scenario of Member States acting alone and effects actually attained thanks to the evaluated intervention. Theoretical concepts, such as that EU-level action is more efficient due to economies of scale, need to be translated into concrete testable hypotheses based on actual benefits and costs attributable to the intervention.

Outlook



2024 was the last year of the first von der Leyen Commission's mandate and the mix of files submitted to the Board for scrutiny reflected that, with only 3 impact assessments compared to 19 evaluations and fitness checks. The small sample size meant that no reliable conclusions could be drawn regarding trends for impact assessments.

The greater focus on evaluations revealed some areas for improvement for both those receiving a positive, positive with reservations opinion and those receiving a negative. The analysis in evaluations in the period 2019-2024 provides real insights into the strengths and weaknesses of the process as currently applied. Given the central importance of the “evaluate first” principle in the policy cycle and in particular in programme design, monitoring and ensuring value for money, the Board has made recommendations for strengthening the process within the Commission.

It is likely that the bulk of the scrutiny work of the Board in the first half of 2025 will still be devoted to evaluations. Some impact assessments are also expected and, on past developments, their number is likely to increase towards the summer. The Board identified 15 major evaluations to be scrutinised in 2025 (in addition to several delayed evaluations previously identified). The evaluations selected for Board scrutiny concern, to a large extent, spending programmes under the Multiannual Financial Framework as well as several EU agencies.

To support the efforts of the Commission services in its upstream meetings, the Board will point to the lessons learned with the evaluations scrutinised in 2024, particularly regarding the ‘validity of conclusions’, analytical methods’, ‘data collection’ and ‘effectiveness’ and ‘efficiency’ quality components. It will also pay particular attention to the adequate application of the value for money approach, the potential for administrative burden reduction and simplification as well as implementation challenges and emerging administrative capacity issues.

The RSB team



From left: **Deirdre Hughes**, Assistant, **Rytis Martikonis**, Chair of the Board, **Philippe Mengal**, Member of the Board, **Arianna Vannini**, Member of the Board, **Claudia Di Dio**, Assistant, **Dr Marek Havrda**, Member of the Board, **Dr Alexander Gemberg-Wiesike**, Member of the Board, **Sandra Van de Weyer**, Assistant, **James Morrison**, Member of the Board (Director), **Dr Rolf Höjjer**, Member of the Board

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ANNEX 1

Impact assessments and Evaluations 2024

IMPACT ASSESSMENTS

The Board's opinions are published with the impact assessment once the relevant legislative act has been adopted by the Commission.

(*) 2024 Impact assessment reports whose relevant legislative act has been adopted by 1 March 2025

Title	Adoption date	Overall opinion Submission 1	Overall opinion Submission 2	'Evaluate first' principle
Regulating the marketing and use of high risk chemicals	ONGOING			Not needed
Proposal for a European Parliament and Council Directive amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work	ONGOING			Yes
Ecodesign and energy labelling for vacuum cleaners	ONGOING			Yes

Positive opinion ●
Positive with reservations ●
Negative opinion ●

EVALUATIONS

Evaluations reviewed in 2023	First opinion	Second opinion
Mid-term evaluation of the Recovery and Resilience Facility	●	●
Ex-post evaluation of the Entrepreneurship and Innovation Programme (EIP)	●	
Final evaluation of the COSME programme	●	
Interim evaluation of the application of Decision No 1313/2013/EU on a Union Civil Protection Mechanism	●	
Evaluation of the External Financing Instruments: Final evaluation of the external financing instruments of 2014-2020 Multiannual Financial Framework and mid-term evaluation of the external financing instruments of 2021-2027 Multiannual Financial Framework.	●	
Mid-term evaluation of the Space Programme	●	
2024 evaluation of EU Agencies EUROFOUND, CEDEFOP, ETF and EU-OSHA	●	
Ex post evaluation of the 2014-2020 Programme for the Environment and Climate Action (LIFE)	●	
Commission Staff Working Document on the Evaluation of State aid rules for banks in difficulty	● ONGOING	
Fitness check of how the Polluter Pays Principle is applied to the environment	● ONGOING	
Fitness Check of consumer law on digital fairness	●	●

Positive opinion ●
Positive with reservations ●
Negative opinion ●

Evaluations reviewed in 2023	First opinion	Second opinion
Evaluation of Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling	●	
Evaluation of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)	● ONGOING	
Ex post evaluation of the instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE)	●	
Evaluation of the European Labour Authority. According to the Article 40 of the Regulation (EU) 2019/1149 the evaluation	●	● ONGOING
Interim evaluation of the EU4Health Programme implementation	● ONGOING	
Mid-term evaluation of the Single Market Programme	●	
ESF+ mid-term evaluation	● ONGOING	
Mid-term evaluation of European Regional Development Fund, the Cohesion Fund and the Just Transition Fund 2021-2027	● ONGOING	

Positive opinion ●
 Positive with reservations ●
 Negative opinion ●

ANNEX 2

Annex 2 Quality components

Quality components

For the quality scrutiny of impact assessments as well as evaluations and fitness checks respectively the Board uses two different sets of 13 quality components. Each quality component is scored on a five-item scale covering 'very good, good, acceptable, weak and unsatisfactory'.

Quality components impact assessment	Quality components evaluations & fitness check
Context and scope	Purpose and scope
Problem definition and use of evaluation	Intervention logic
Subsidiarity and EU value added	Evaluation questions
Objectives	Point of comparison of options or baseline
Intervention logic	Data collection (including consultation)
Baseline	Analytical methods
Options	Effectiveness
Impacts	Efficiency
Comparison of options and proportionality	Relevance
Future monitoring and evaluation	EU value added
Consultation and information base	Coherence
Methodology	Validity of conclusions and relevance for future actions
Readability and clarity	Readability and clarity

GLOSSARY

Better Regulation

“Better Regulation” means designing EU policies and laws so that they achieve their objectives at minimum cost. It is a way of working to ensure that political decisions are prepared in an open and transparent manner, informed by the best available evidence and backed by the comprehensive involvement of stakeholders. better regulation covers the whole policy cycle, from policy design and preparation, to adoption, implementation (transposition, complementary non-regulatory actions), application (including enforcement), evaluation and revision ⁽¹⁾

Consultation

Consultation describes a process of gathering feedback, comments, evidence or other input on a particular measure from outside the Commission. There are various forms of consultation, including internet-based public consultation open to a broad audience and targeted consultation with the most concerned stakeholders.

Do no Significant Harm

No measure (i.e., no reform and no investment) should lead to significant harm to any of the six environmental objectives within the meaning of Article 17 of the framework to facilitate sustainable investment (the EU Taxonomy Regulation): (1) climate change mitigation; (2) climate change adaptation; (3) sustainable use & protection of water & marine resources; (4) circular economy; (5) pollution prevention & control and; (6) protection and restoration of biodiversity & ecosystems.

Evaluation

An evaluation is an evidence-based judgement of the extent to which an existing policy, programme or legislation is effective, efficient, relevant given the current needs, coherent internally and with other EU interventions and has achieved EU added value. In the Commission, the evaluation report is the Staff Working Document prepared by Commission departments. These reports are often based on underlying studies carried out by external consultants. The Regulatory Scrutiny Board examines major evaluations.

Fitness check

A Fitness check is an evaluation of the effectiveness, efficiency, coherence, relevance and EU added value of a number of related EU measures in a policy area or business sector. It identifies excessive burdens, inconsistencies and obsolete or ineffective measures and helps to identify the cumulative impact of legislation.

Fitness check report

A Fitness check report is prepared by the lead department. The Regulatory Scrutiny Board checks the quality of all Fitness check reports.

Impact

In an impact assessment process, the term impact describes all the changes which are expected to happen due to the implementation and application of a given policy option/intervention. Such impacts may occur over different timescales, affect different actors and be relevant at different scales (local, regional, national and EU). In an evaluation context, impact refers to the changes associated with a particular intervention which occur over the longer term.

Impact assessment

Impact assessment is an aid to policy-making. It collects evidence on the problem, assesses if future legislative or non-legislative EU action is justified and how such action can be best designed to achieve the desired policy objectives. In the Commission, the lead department prepares impact assessment reports, which need to be submitted to the Regulatory Scrutiny Board for quality check. A positive opinion from the Board is in principle required in order to launch the interservice consultation for the related initiative.

1 More information on better regulationHarmonisation is available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

Implementation

Implementation describes the process of making sure that the provisions of EU legislation can fully enter into application. For EU Directives, this is done via transposition of its requirements into national law, for other EU interventions such as Regulations or Decisions other measures may be necessary (e.g. in the case of Regulations, aligning other legislation that is not directly touched upon but affected indirectly by the Regulation with the definitions and requirement of the Regulation). Whilst EU legislation must be transposed correctly it must also be applied appropriately to deliver the desired policy objectives.

Initiative

An initiative is a policy proposal prepared by the European Commission to address a specific problem or societal need. An impact assessment assesses options to inform the policy content of the initiative.

Interservice consultation

Before the Commission takes its decisions, all relevant Commission departments are consulted on the draft legislative or non-legislative documents via “interservice consultations”.

Intervention logic

The intervention logic is the logical link between the problem that needs to be tackled (or the objective that needs to be pursued), the underlying drivers of the problem, and the available policy options (or the EU actions actually taken) to address the problem or achieve the objective. This intervention logic is used in both prospective impact assessments and retrospective evaluations.

One in, One Out (OIOO)

The Commission has committed to the one in, one out approach (OIOO). This means offsetting new administrative burdens resulting from the Commission’s proposals by reducing existing burdens, ideally in the same policy area. The better regulation Communication of 29 April 2021, COM 2021 219 Final sets out the main principles of the approach ⁽²⁾

REFIT

REFIT is the European Commission’s Regulatory Fitness and Performance programme. Under REFIT, action is taken to make EU law simpler, lighter, more efficient and less costly, thus contributing to a clear, stable, least burdensome and most predictable regulatory framework supporting growth and jobs.

Stakeholder

Stakeholder is any individual or entity impacted, addressed or otherwise concerned by an EU measure.

Stakeholder Consultation

Stakeholder consultation is a formal process of collecting input and views from citizens and stakeholders on new initiatives or evaluations/fitness checks, based on specific questions and/or consultation background documents or Commission documents launching a consultation process or Green Papers. When consulting, the Commission proactively seeks evidence (facts, views, opinions) on a specific issue.

Transposition

Transposition describes the process of incorporating the rights and obligations set out in an EU Directive into national legislation, thereby giving legal force to the provisions of the Directive. The Commission may take action if a Member State fails to transpose EU legislation and/or to communicate to the Commission what measures it has taken. In case of no or partial transposition, the Commission can open formal infringement proceedings and eventually refer the Member State to the European Court of Justice.

2 COM(2021) 210 Final [better regulation joining forces to make better laws en O.pdf \(europa.eu\)](#)

