

## Stakeholder engagement throughout the policy cycle (European Commission)

Source: OECD (2016), *Pilot database on stakeholder engagement practices in regulatory policy*, <http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm>.

Provider of information	Answers
Organisation	European Commission
Division	Secretariat-General - Unit SG.C.4 "Work programme and stakeholder consultation"
Name (optional)	SG-STAKEHOLDER-CONSULTATION@ec.europa.eu
Overview of the practice	Answers
Name of practice	Stakeholder engagement throughout the policy cycle
If available, please provide links that provide further information about the practice or attach documents.	<ul style="list-style-type: none"> <li>• European Commission <a href="#">Better Regulation website</a></li> <li>• European Commission <a href="#">Contribute to law making</a></li> </ul>
Is this practice ongoing or was it applied only during a limited amount of time/at one specific occasion?	Ongoing practice
In what year was the practice launched?	2015  Following the adoption of the 2015 Better Regulation Guidelines, the European Commission has extended its range of stakeholder engagement methods to enable stakeholders to express their view over the entire lifecycle of a policy.
Was the practice updated/reformed since then? If yes, when and how has it evolved over time?	No.  However, the Better Regulation <a href="#">Guidelines</a> and <a href="#">Toolbox</a> for Commission staff are currently being updated to reflect experiences of the first year of use.
Please describe the practice, including information on <ul style="list-style-type: none"> <li>• Features of the practice that you consider its key strengths</li> <li>• Key challenges faced during the implementation of the practice</li> <li>• Main results of the practice.</li> </ul>	<p>The European Commission uses a range of different tools to engage with stakeholders over the lifecycle of a policy.</p> <p>At the initial stage of policy development, the public has the possibility to provide feedback on the Commission's policy plans through roadmaps and inception impact assessments (IIA).</p> <p>For each initiative, a consultation strategy should be prepared setting out consultation objectives, targeted stakeholders and the consultation activities. The strategy should include for most major policy initiatives<sup>1</sup> a 12 week public consultation through the website "Your voice in Europe" and may be accompanied by other (targeted) consultation activities. The consultation activities allow stakeholders to provide input to the policy initiatives and, where applicable, the related impact assessments.</p> <p>Stakeholders can also react on Commission proposals and their accompanying final impact assessments once they are put forward to the European Parliament and Council. Received feedback is presented to the European Parliament and Council. Draft delegated acts and important implementing acts, are also published for stakeholder feedback.</p>

<sup>1</sup> Initiatives accompanied by an impact assessment, Evaluations and Fitness Checks, Green papers.

	<p>The Commission also consults stakeholders as part of the ex post evaluation of existing EU regulation. This includes feedback on evaluation roadmaps for the review of existing initiatives, and public consultations on evaluations of individual regulations and 'fitness checks' (i.e. "comprehensive policy evaluations assessing whether the regulatory framework for a policy sector is fit for purpose"). In addition, stakeholders can provide their views on existing EU regulation at any time on the <a href="#">website "Lighten the load – Have your say"</a>.</p> <p>The European Commission is currently developing a comprehensive Better Regulation Portal, which aims to offer an extensive overview of engagement opportunities throughout the policy-making process. The first elements of the Portal are operational since July 2016, including the <a href="#">website "Contribute to law making"</a>, which directs stakeholders to the different opportunities in which they can engage at different points in the policy process, and the possibility of providing feedback on delegated and implementing acts. Further elements will be launched later in 2016 and in 2017<sup>2</sup>.</p> <p>Key strengths according to the European Commission include:</p> <ul style="list-style-type: none"> <li>• This approach gives stakeholders and citizens ample opportunities to provide input to Commission initiatives under development or revision. They can also suggest ways to improve existing legislation. At the same time, the multitude of channels should also ensure that the Commission receives the input when it is most needed.</li> <li>• In the future, it is planned to further simplify the process of providing input by establishing a single point of entry for consultation and feedback with the Better Regulation Portal (for details please see section "Additional comments and information" below) for all acts, including initiatives under development, adopted legislative proposals, and delegated and implementing acts.</li> </ul> <p>The European Commission also notes some challenges in the establishment of further elements of the Better Regulation Portal. However, according to the Commission, because the establishment is conducted "in house", bugs can be fixed quickly and additional features can be added when necessary.</p>
<p>Please provide specific details or examples to illustrate the practice (including supporting links and documents).</p>	<ul style="list-style-type: none"> <li>• <a href="#">Contribute to law making</a> – This website directs stakeholders to the different ways in which they can engage at different points in the policy process on the following websites: <ul style="list-style-type: none"> <li>○ <a href="#">Your voice in Europe platform</a> for public consultations on draft initiatives, evaluations, fitness checks and green papers</li> <li>○ <a href="#">Feedback on roadmaps</a> and inception impact assessments</li> <li>○ <a href="#">Feedback on legislative proposals</a> adopted by the European Commission and related impact assessments</li> <li>○ <a href="#">Feedback on draft implementing and delegated acts</a></li> <li>○ <a href="#">"Lighten the load – Have your say" website</a></li> <li>○ Example of a consultation for a Fitness Check: <a href="#">the Birds and Habitats Directives</a></li> </ul> </li> </ul>
<p>What stage(s) in the process of policy making does the practice relate to? (Please tick all that apply)</p>	<p>X Early-stage in the development of regulations (before draft)  X Later-stage in the development of regulations (during draft)  <input type="checkbox"/> Implementation (incl. transparency/accessibility)  X Ex-post evaluation of regulations  <input type="checkbox"/> Review of regulatory policy</p>
<p>What were the objectives of the practice?</p>	<p>Stakeholder engagement throughout the policy cycle aims to open up EU policy-making to increase the EU's transparency and accountability, and to ensure that policies are based on the best available evidence.</p>
<p><b>Main actors involved in the practice</b></p>	<p><b>Answers</b></p>
<p>Responsible authority</p>	<p>Secretariat-General - Unit SG.C.4 "Work programme and stakeholder consultation"</p>

<sup>2</sup> These include inter alia the integration of further public consultation tools into the Portal, a new functionality for the feedback mechanism for adopted proposals that enables instantaneous publication of feedback (similar to the feedback mechanism on delegated and implementing acts), and a timeline view for each initiative allowing stakeholders to follow the progress of initiatives and submit input at relevant stages of policy progress.

Country	European Commission
Level of government ( e.g. national/regional/municipal level)	Supra-national
Were partners involved in preparing, implementing or evaluating the practice? If yes, please list the partners and describe their involvement.	No.
<b>Stakeholder involvement</b>	<b>Answers</b>
Which methods were used to involve stakeholders for the practice?	<p>The European Commission uses a range of methods to engage with stakeholders at different stages of the policy cycle.</p> <p>Stakeholder engagement for the development of new regulation:</p> <ul style="list-style-type: none"> <li>• <i>Feedback on Roadmaps and Inception Impact Assessments (IIAs)</i>: At the beginning of the preparation process, stakeholders can provide initial feedback on roadmaps and IIAs for new initiatives, including data and information they may possess, on all aspects of the intended initiative and impact assessment. Roadmaps<sup>3</sup> describe the problem to be addressed and why EU action is needed, outline policy options and likely impacts of each option. Feedback is taken into account by the Commission services when further developing the policy proposal. The feedback period for roadmaps and IIAs is currently four weeks.</li> <li>• <i>Public consultations on major draft initiatives</i>: Public online consultations are required for most major initiatives and published on the <a href="#">"Your Voice in Europe"</a> platform allowing stakeholders to express their views on key aspects of the proposal under preparation. These public consultations are open for a period of at least 12 weeks by default and systematically applied to initiatives subject to impact assessments, to evaluations and fitness checks, and to green papers (policy discussion documents).</li> <li>• <i>Feedback on Commission proposals</i>: At the end of the preparation of a new legislative initiative, and after adoption of the draft by the College, feedback can be provided on the Commission proposals and related impact assessments (in case an impact assessment has been prepared). Stakeholder feedback is collected and presented to the European Parliament and Council and aims to feed into the further legislative process. The consultation period for adopted proposals is 8 weeks.</li> <li>• <i>Feedback on draft implementing and delegated acts</i>: Draft delegated acts and important implementing acts are published for stakeholder feedback on the European Commission's website for a period of 4 weeks.</li> </ul> <p>Stakeholders can also provide feedback on existing EU regulation. This includes</p> <ul style="list-style-type: none"> <li>• Feedback on initial evaluation roadmaps for the review of existing initiatives, specifying the scope of the evaluation and presenting the evaluation questions to be answered;</li> <li>• Public consultations on key elements of evaluations of individual regulations and 'fitness checks'. The consultation period for evaluations and fitness checks is 12 weeks.</li> </ul> <p>Finally, stakeholders can provide the Commission with their views on how to make EU laws more effective and efficient at any moment on the <a href="#">website "Lighten the load – Have your say"</a>. Suggestions made by stakeholders through this tool are forwarded to the REFIT platform, which is part of the Commission's Regulatory Fitness and Performance programme (REFIT). This platform is a standing body consisting of Member State experts and representatives of business, social partners and civil society tasked with evaluating suggestions for regulatory burden reduction submitted by member states and stakeholders and forwarding them to the Commission.</p>
Which stakeholder groups were involved?	General public, including public authorities, businesses, civil society organisations and individuals.

<sup>3</sup> Note: Initiatives that are likely to have a significant economic, environmental or social impact are subject to an impact assessment, and hence an inception impact assessment is prepared at an early stage for these proposals instead of a roadmap. The IIA sets out in greater detail the description of the problem, issues related to subsidiarity, the policy objectives and options as well as the likely impacts of each option.

<p>How were stakeholders notified of the engagement opportunity?</p>	<p>The Commission publishes online a <a href="#">list of planned policy initiatives</a> every three to four months, as well as on a more frequent basis a <a href="#">list of planned public consultations</a><sup>4</sup> to inform stakeholders of upcoming initiatives and related consultations.</p> <p>In addition, stakeholders can sign up to be notified on new roadmaps/IIA and public consultations; e.g. through an RSS Feed or email notifications.</p>
<p>What inputs were received from stakeholders (e.g., brief comments, position papers)?</p>	<p>Feedback and consultation input can be provided in all official languages of the EU.</p> <p>The kind of input received varies according to the type of stakeholder engagement and the needs of the Department in charge of the underlying initiative.</p> <p>Questionnaires for public consultations contain a mix of open and closed questions. Replies range from short comments to many paragraphs or links to even longer texts. Stakeholders can also often upload or email a document, such as a position paper.</p> <p>Feedback input is usually shorter – mostly a couple of paragraphs – and provided by means of a template web form. However, it can also contain uploaded documents.</p>
<p>How were inputs from stakeholders used and by whom?</p>	<p>Feedback and consultation input is taken into account by the Commission when further developing the legislative proposal or delegated/implementing act, and when evaluating existing regulation.</p>
<p>Was participation limited? If yes, please describe the selection mechanism.</p>	<p>No.</p>
<p>Was there a mechanism to ensure balanced representation among stakeholder groups? If yes, please describe the mechanism.</p>	<p>No.</p> <p>Public consultations and feedback opportunities are open to the general public. The replies received do therefore not come from a representative sample, and the European Commission does not apply any weighting to them. However, the consultation results are analysed and presented by stakeholder category.</p>
<p>Was supporting material made available to stakeholders? If yes, what kind?</p>	<p>Yes.</p> <p>Different types of documents are made available to stakeholders to support the consultation process at different stages in the policy cycle:</p> <ul style="list-style-type: none"> <li>• For feedback on initial roadmaps and inception impact assessments: The roadmap or the inception impact assessment. Roadmaps and inception impact assessments are usually published only once at the very beginning of the process. However, it is possible to update/revise a roadmap if many feedback comments are received or if the scope of the initiative is comprehensively revised. Public consultations on proposed initiatives should not be launched before the roadmap or inception impact assessment has been published for at least four weeks.</li> <li>• For public consultations on proposed initiatives, evaluations of individual regulations, fitness checks and green papers on “Your voice in Europe”: On the consultation web page itself, the link to the questionnaire (mostly an EU Survey) and relevant background information can be found. Additional documents might include a glossary, a background paper, the consultation strategy, the results of previous evaluations etc. (please see here for an <a href="#">example</a>).</li> <li>• For feedback on adopted Commission proposals: The adopted Commission proposal (After translation is complete in all official EU languages)</li> <li>• For feedback on draft delegated and implementing acts: The draft delegated or implementing act.</li> </ul>
<p>Was ICT used for the practice? If yes, how?</p>	<p>Yes.</p> <p>Stakeholders can participate in the different consultations across the policy cycle through different websites:</p>

<sup>4</sup> Please note that this is a temporary measure only. Stakeholders will be able to follow initiatives from inception to adoption on the Better Regulation Portal through a timeline view per initiative that will inform them about the current status of the initiative and how/when they can contribute.

	<ul style="list-style-type: none"> <li>• <a href="#">Portal Contribute to law making</a></li> <li>• <a href="#">Consultations on roadmaps and inception impact assessments</a></li> <li>• <a href="#">Your voice in Europe</a> for consultations on draft initiatives and evaluations</li> <li>• <a href="#">Consultations on adopted legislative proposals and related impact assessments</a></li> <li>• <a href="#">List of ongoing consultations</a> on draft implementing and delegated acts</li> <li>• <a href="#">“Lighten the load – Have your say” website</a></li> </ul>
Was information on the process and the outcomes of the practice collected? If yes, what did it include?	<p>Yes.</p> <p>Public consultation input is both published on the consultation web page and summarised in the synopsis report (please see <a href="#">here</a> for an example). If the consultation took place in the context of an impact assessment or an evaluation, the synopsis report (and thus the consultation results) becomes an integral part of the impact assessment or evaluation report. Furthermore, the results of stakeholder consultations (i.e. public consultation as well as targeted consultations) are to be included in the explanatory memorandum of Commission proposals.</p> <p>Feedback on roadmaps and inception impact assessments is taken into account when developing the initiative. The feedback is published at regular intervals on the consultation page of the initiative. Feedback on draft delegated and implementing acts is published instantly on the <a href="#">dedicated consultation website</a> for draft delegated and implementing acts.</p> <ul style="list-style-type: none"> <li>• In case of delegated acts, the key outcomes of the feedback process are also reflected in the explanatory memorandum of the act which should give a meaningful summary of the feedback received and explain how it was taken into account.</li> <li>• In case of implementing acts, the relevant Committee will be informed about the outcome of the feedback period and the discussion will be reflected in the summary record of the committee meeting (which is a public document).</li> </ul> <p>Feedback on Commission proposals is published on the consultation page of the initiative at regular intervals<sup>5</sup> and provided to the EP and Council, aiming to feed into the further legislative process.</p>
Was this information made publicly available? If yes, where could it be accessed? Please provide a web link or copies of the relevant documents	Yes. Please see answer above.
Was feedback provided to participating stakeholders? If yes, please describe how.	<p>Yes.</p> <p>Stakeholder feedback on adopted Commission proposals is collected and presented to the European Parliament and Council.</p> <p>Adopted delegated and implementing acts contain an overview of the feedback gathered and how it has contributed to the act as part of an 'explanatory memorandum'.</p> <p>Consultation input is published on the consultation web page. The results of a public consultation, including qualitative assessment, are then also summarised in the synopsis report (which is attached to the impact assessment or the evaluation report, where applicable, and published on the consultation web page) or another type of summary document. (Please see here for an <a href="#">example</a>).</p>
<b>Development and implementation</b>	<b>Answers</b>
How long did the development and implementation take?	While the May 2015 Better Regulation package first presented all the elements of engaging with stakeholders throughout the policy cycle, the necessary tools had at this time already been in development. First elements of the Better Regulation Portal went online on 1 July 2016. Further elements will be added over the course of the next two years.

<sup>5</sup> In the near future, feedback on adopted proposals will be published instantly (following the model of feedback for draft delegated and implementing acts).

Which resources were needed to develop and set up the practice initially (i.e., staff, budget etc.)?	Considerable internal resources were necessary, as all tools are being developed in house.
Which resources were needed to implement the practice (e.g., staff and budget per consultation)?	No information available.
What challenges were encountered during development and implementation and how were they overcome?	According to the European Commission, it proved particularly challenging to deliver all elements of the reform on time. Also, the process of replacing the different separate software modules (e. g. Planning, Decision-making) with a single, comprehensive module required a certain level of uniformity. While this new software will allow, as a form of back office, feeding the Better Regulation Portal, the old modules were particularly well designed to the needs of their users. It will take some time to ensure the same functionality and ease of use.
Has the practice been tested before implementation? If yes, please describe.	Yes. Given that the IT tools are being developed in-house, relevant Better Regulation experts were closely involved in the development. Web pages were tested before being made available to the public.
<b>Outputs and evaluation of the practice</b>	<b>Answers</b>
Did the implementation of the stakeholder engagement practice lead to any new policies, reviews of existing policies, changes in policy design or structural reforms?	Feedback and consultation input is taken into account by the Commission when further developing the legislative proposal or delegated/implementing act, and when evaluating existing regulation. Stakeholder input is also systematically taken into account for the impact assessment. The Regulatory Scrutiny Board examines various elements of the quality of impact assessments, including the consideration and presentation of stakeholders' views. In <a href="#">2015</a> , this element was the third most often raised issue in the Board's opinions.  For example, the European Commission's proposal for an inter-institutional Agreement on a mandatory Transparency Register integrated input received from stakeholders, e.g. the exemption for local and regional governments from the register reflects feedback from the public consultation (for further information on the proposal please see the <a href="#">press release</a> and <a href="#">fact sheet</a> ).
Was the impact of using the practice quantified? If yes, please provide key results of the quantification.	No.
Has the practice been evaluated internally by the government? If yes, what methods were used for evaluation and what were the conclusions? If possible, please attach documents related to the documentation of the evaluation or provide a link.	No.
Has the practice been evaluated externally by other actors? If yes, who did the evaluation, what methods were used for evaluation and what were the conclusions? If possible, please attach documents related to the documentation of the evaluation or provide a link.	No.

Additional comments and information	Answers
<p>Is there any more information or documentation that would be valuable to share in relation to the practice?</p>	<p>The European Commission plans to further extend its Better Regulation Portal in 2016/2017. The Better Regulation Portal seeks to offer an extensive overview of the policy-making process, allow stakeholders to follow the progress of initiatives through a timeline view per initiative and submit input at relevant stages of policy progress, and enable Commission services to handle the feedback. Together with the introduction of a single search engine, this aims to further facilitate consultation and dialogue with stakeholders. The Better Regulation Portal will also provide the interface for the Commission's Regulatory Fitness and Performance programme (REFIT), including the REFIT scoreboard and the REFIT Platform.</p> <p>The development of the Better Regulation Portal is organised in different steps. Some elements are already put in place:</p> <ul style="list-style-type: none"> <li>• When the Commission web presence was overhauled a few months ago, a new "Contribute to law-making" page was created that directs stakeholders to the different ways of contributing to law-making.</li> <li>• The feedback option for delegated and implementing acts was activated at the end of June 2016.</li> <li>• In September 2016, the European Commission's internal planning software was replaced by a new one which is designed to feed into the Better Regulation Portal. The idea behind this reform is that stakeholders will be able to keep track of an initiative's progress.</li> <li>• In 2017, this tracking mechanism (i.e. a timeline view for each initiative) will be implemented and further tools for public consultations will be integrated into the Better Regulation Portal.</li> </ul>
Crosslinks to OECD principles and databases	Answers
<p>Related further OECD material</p>	<p>OECD (2015): Regulatory Policy Outlook 2015: <a href="http://www.oecd.org/regreform/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm">http://www.oecd.org/regreform/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm</a></p> <p>OECD (2015), Regulatory Policy Outlook 2015. Companion Volume: <a href="http://www.oecd.org/gov/regulatory-policy-in-perspective-9789264241800-en.htm">http://www.oecd.org/gov/regulatory-policy-in-perspective-9789264241800-en.htm</a></p> <p>OECD website on regulatory policy in the European Commission: <a href="http://www.oecd.org/gov/regulatory-policy/european-commission.htm">http://www.oecd.org/gov/regulatory-policy/european-commission.htm</a></p> <p>Better Regulation in Europe: EU-15 project: <a href="http://www.oecd.org/gov/regulatory-policy/betterregulationineuropeeu15countryfinder.htm">http://www.oecd.org/gov/regulatory-policy/betterregulationineuropeeu15countryfinder.htm</a></p>
Sources	
<p>European Commission (2016a), "Better regulation: why and how?", <a href="http://ec.europa.eu/info/strategy/better-regulation-why-and-how_en">http://ec.europa.eu/info/strategy/better-regulation-why-and-how_en</a>, last accessed 25 November 2016.</p> <p>European Commission (2016b), "Contribute to law-making", retrieved from <a href="http://ec.europa.eu/info/law/contribute-law-making_en">http://ec.europa.eu/info/law/contribute-law-making_en</a>, last accessed 25 November 2016.</p> <p>European Commission (2016c), "European Commission – Engaging stakeholders throughout the policy cycle". Internal document.</p> <p>European Commission (2016d), "Planning and proposing a law", retrieved from <a href="http://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law_en">http://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law_en</a>, last accessed 25 November 2016.</p> <p>European Commission (2016e), "Your voice in Europe", retrieved from <a href="http://ec.europa.eu/yourvoice/consultations/index_en.htm">http://ec.europa.eu/yourvoice/consultations/index_en.htm</a>, last accessed 25 November 2016.</p> <p>European Commission (2015a), "Commission Staff Working Document. Better Regulation Guidelines", retrieved from <a href="http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf">http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf</a>, last accessed 25 November 2016.</p> <p>European Commission (2015b), "Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee And the Committee of the Regions. Better regulation for better results - An EU agenda", retrieved from <a href="http://ec.europa.eu/smart-regulation/better_regulation/documents/com_2015_215_en.pdf">http://ec.europa.eu/smart-regulation/better_regulation/documents/com_2015_215_en.pdf</a>, last accessed 25 November 2016.</p> <p>European Commission (2012), "Fitness Checks", retrieved from <a href="http://ec.europa.eu/smart-regulation/evaluation/docs/fitness_checks_2012_en.pdf">http://ec.europa.eu/smart-regulation/evaluation/docs/fitness_checks_2012_en.pdf</a>, last accessed 25 November 2016.</p>	