

**SIXTH FRAMEWORK PROGRAMME**  
**PRIORITY 7**  
**“Citizens and Governance in a Knowledge-based Society”**



**COORDINATION ACTION**

**European Network for Better Regulation**  
**(ENBR)**

**INFORMATION PACKAGE**

# EUROPEAN NETWORK FOR BETTER REGULATION

## ABSTRACT

The purpose of the European Network for Better Regulation (ENBR) is to set up and operate a pan-European network aimed at improving and disseminating the current knowledge on regulatory processes as well as the degree and mode of implementation of impact assessment procedures in EU member states. The main activities that will be performed by the network include: a) building a Database on Impact Assessment Development in European Member states (DIADEM); b) exploring the relationship between the type of impact assessment, on one hand, and various regulatory quality indicators (*e.g.* legitimacy, efficiency, effectiveness, advocacy and private sector involvement in regulatory processes); c) disseminating knowledge on the current methodologies used for regulatory impact assessment and sustainability impact assessment; d) development of a website aimed at collecting and sharing relevant information on better lawmaking in Europe ([www.enbr.org](http://www.enbr.org)); e) performance of interdisciplinary studies and analyses aimed at knowledge-sharing and lesson-drawing; f) organisation of thematic workshops for the purpose of improving awareness of the relevance of impact assessment for better lawmaking and sustainable development; g) publication of Annual Progress Reports on the state of implementation of impact assessment in EU member states, including also policy suggestions for national governments; h) exploration of new lines of research on better lawmaking from a multi-disciplinary perspective; i) networking activity aimed at fostering the coordination/harmonisation of impact assessment procedures in EU member states; j) ongoing dialogue with Commission DGs and Council Working groups, with the Director and Experts of Better Regulation and with the OECD's Regulatory Reform Programme.

# EUROPEAN NETWORK FOR BETTER REGULATION

## Short description

### 1 Introduction

The ENBR Coordination Action was submitted for approval under the European Commission's Specific FP6 Programme on "Integrating and Strengthening the European Research Area" (Priority 7 – Citizens and Governance in a knowledge based society) on April 12, 2005. The proposed Coordination Action was then approved by the Commission, and the Final Contract was signed on December 2005. The project started on 1 January 2006 and will last 3 years.

This short document aims at providing some basic information on foreseen activities within the ENBR project, in order to improve the coordination between ENBR partners and those Commission DGs that are most heavily involved in impact assessment, during the 3-year lifetime of the ENBR project.

For this purpose, the next section will briefly summarize the main scientific objectives of the ENBR project. Section 3 contains a list of the ENBR partners. Section 4 describes the workplan, timetable and expected deliverables of ENBR.

### 2 Scientific objectives and workplan

The main purpose of the European Network for Better Regulation (ENBR) is the development and dissemination of new knowledge on the quality and effectiveness of regulation in EU member states. This goal will be pursued through a number of different actions, which include:

- a) the creation of a Web site ([www.enbr.org](http://www.enbr.org)) dedicated to better regulation and impact assessment, aimed at facilitating knowledge-sharing and lesson-drawing by national and EU policymakers, scholars and practitioners;
- b) the development of an unmatched dynamic "database on impact assessment development in European Member States" (DIADEM), that will be posted on the ENBR website;
- c) the creation of interdisciplinary Expert Groups covering several aspects of impact assessment, including:
  - a. Expert Group on methodology
  - b. Expert Group on regulatory process
  - c. Expert Group on impact assessment in CEE countries.
  - d. Expert Group on regulatory quality
  - e. Expert Group on regulatory context
- d) each Expert group will organise one public workshop for the purpose of stimulating the debate on better regulation in all EU member states. Workshops will be held in Rotterdam, Lisbon, Bratislava, Exeter and Tallinn. The Final Conference will be held in Brussels;

- e) each Expert Group will publish a research paper on a specific topic, targeting the achievement of significant steps forward in the research on better regulation and impact assessment, with specific emphasis on the EU context;
- f) throughout the project lifetime and especially in the Final Conference, ENBR partners will formulate policy suggestions aimed at improving the quality of regulation in EU member states and enabling both converging and subsidiarity-wise initiatives at national and sub-national level.

The Project is divided in 12 Work Packages, whose time schedule is described in the GANTT Chart below. As emerges from the Chart, the methodology and data collection for the development of the first edition of the DIADEM database will take up to 24 months, whereas each Expert group will have 6 months to accomplish its respective tasks.

### GANTT Chart

Project acronym - ENBR	1	2	3	4	5	6	7	8	9	10	11	12	
WP1: Website													
WP2: DIADEM methodology													
WP3: DIADEM data collection (1.0)													
WP4: Workshop on methodology													
WP5: Workshop on process													
WP6: Workshop on CEE													
WP7: Workshop on quality													
WP8: Workshop on context													
WP9: Final conference													
WP10: DIADEM (2.0)													
WP11: Project management													
WP12: Expert Group management													

### 3 Participants' list

Partic. n.	Participant name	Short name	Lead researcher
1	Center for European Policy Studies	CEPS	Andrea Renda
2	Institute for Advanced Studies	IHS	Peter Biegelbauer
3	Libera Università Internazionale degli Studi Sociali Guido Carli	LUISS	Stefano Manzocchi
4	Erasmus University Rotterdam	EUR	Roger Van Den Bergh
5	London School of Economics	LSE	Robert Leonardi
6	University of Manchester – Impact Assessment Research Center	IARC	Colin Kirkpatrick
7	New University of Lisbon - Faculdade de Direito	LIS	Nuno Garoupa
8	Praxis Institute	PRAX	Urmet Lee
9	Polytechnical University of Milan	MIL	Bruno Dente
10	Jacobs and Associates	JAC	Scott Jacobs
11	Haifa University	HAI	Eli Salzberger
12	Slovak Governance Institute	SGI	Katarina Staronova
13	University of Exeter	EXE	Claudio Radaelli
14	National and Kapodistrian University of Athens	ATH	Aristides Hatzis
15	Instituto de Empresa	IE	Francisco Marcos
16	National Bank of Poland	NBP	Włodzimierz Szpringer
17	University of Osnabrück	UO	Andrea Lenschow
18	Swedish Institute for European Policy Studies	SIEPS	Ulrika Mörth

### 4 Expected impact of ENBR

The impact of the ENBR Coordination Action in the field of regulatory process and impact assessment is conceived to be directly observable and measurable. All activities taking place at the ENBR will be made usable by scholars and policymakers, and will result from both the dissemination of existing knowledge and the exploration of new lines of research and new perspectives for policymaking. The key impact factors expected from this action are the following:

- a) **New methodological insights.** The development of a methodology for collecting and comparing quantitative data and qualitative information from member states' experience in sectoral regulation and the use of impact assessment. Such methodology will be developed by a group of outstanding experts in the relevant field, such as Claudio Radaelli, Colin Kirkpatrick, Bruno Dente and Scott Jacobs. These experts have a distinguished and complementary research record in the fields of regulatory processes, regulatory impact assessment, sustainability impact assessment, health

impact assessment, quality indicators, context-aware benchmarking and other issues relevant to this project. The methodological framework will then be applied by local research units in collecting data from all 25 member states – an activity which will lead to the creation of the Database on Impact Assessment Development in European Member states (DIADEM).

- b) **An unprecedented database.** The DIADEM will not be limited to a mere survey of impact assessment models adopted in EU Member States, a type of information that the OECD Public Governance Committee already provides with its RIA inventory. To the contrary, the DIADEM will provide quantitative data and qualitative information on the type of impact assessment procedure adopted in each member state, as well as information on the implementation of impact assessment in different economic sectors. The DIADEM will also provide valuable information on regulatory initiatives taking place at national and sub-national level, together with a search engine that will facilitate the collection of sector-specific data and the identification of the types of regulation selected in various member states for the regulation of comparable issues;
- c) **Facilitating subsidiarity-wise regulation.** The ENBR will exploit the DIADEM by disseminating knowledge on the virtues of multi-level governance and stimulating the debate on the most effective ways to respect the subsidiarity principle in the planning and initiation stage of regulation. Both the Expert Groups on Methodology and Process will deal with this issue, although from different perspectives. Furthermore, the Expert Group on Quality will tackle the issue of preliminary impact assessment, including a thorough indication of the path to be followed in selecting the type of regulation and level of governance for given economic sectors and expected number of stakeholders and beneficiaries.
- d) **Advocating for new organisational culture.** The ENBR will stimulate the debate on the importance of paradigm shifts in the organizational culture as a preliminary step for effective and efficient impact assessment. In particular, the Expert Groups on Process and CEE countries will address the issue of introducing changes in the functioning of administrative bodies and bureaucracies, by fostering a more performance-oriented culture in public organisations, in line with the prescriptions of New Public Management and New Public Governance successfully applied in pioneer countries such as the UK, and then implemented in a number of other EU countries (including accountability, transparency, legitimacy and efficiency). Moreover, the Expert Group on Methodology will tackle the issue of reducing the burden for public administrations, by suggesting a more careful and effective application of the proportionality principle.
- e) **Stimulating the use of quality indicators/tests.** Quality measurement has become one of the most complex and heavily debated challenges in the field of regulation over the past few years. The ENBR will group together academicians with undisputed expertise in this field, as proven by their recent involvement in specific projects aimed at developing new quality indicators and tests. The Expert Group on Quality will then suggest a number of alternative indicators and tests for the *ex post* measurement of regulatory quality and performance, and will disseminate their knowledge at Pan-European level through the wide reach of the ENBR consortium and the Workshop on Quality that will be organised during the proposed project.
- f) **Stimulating the debate on impact assessment in EU member states.** In particular, the Expert Group on Methodology will address issues such as the quality and merit of

cost-benefit analysis, the ideal structure of impact assessment procedures, the institutional setting in which impact assessment can be effectively implemented, the multi-valued nature of impact assessment and the role of proportionality criteria in reducing the burden of impact assessment for administrations.

- g)* **Context-aware benchmarking.** The ENBR Steering Committee will ensure that all dissemination activities related with benchmarking and the DIADEM information system will be completed with a clear focus on stimulating context-aware benchmarking, *i.e.* avoiding a de-contextualised adoption/transplant of international best practices in legal systems whose peculiarities are not identical to those of the country in which a given best practice emerged. The Expert Group on Context will be set up with this specific aim.
- h)* **Discussing the convergence/coordination of national impact assessment procedures.** The ENBR will help identifying the impact assessment models that strike the right balance between respecting national legal, economic, environmental and social peculiarities; and developing a common set of criteria for the enactment of legislations in different legal systems. In so doing, the ENBR Expert Groups will address one of the pending issues in the use of impact assessment models as identified by the European Commission in its progress report on the implementation of the new model of impact assessment, published on October 21, 2004. And, as recalled by the Commission, enabling convergence or coordination between national and sub-national impact assessment models at member state level will arguably foster competitiveness and the achievement of the Lisbon goals.

## 5 Improvement of current research

Regulatory process and impact assessment have been the subject of numerous international initiatives, including research performed by the OECD Working Party on Regulatory Reform (so-called PUMA initiative), as well as within the SIGMA project. Other institutions that have carried out valuable research in this area include the UNDP and the World Bank, with specific focus on developing countries.

Furthermore, research centres such as the AEI/Brookings Joint Center, the Center for Regulatory Effectiveness and many others have contributed to research in the area. And national governments of pioneer countries such as the UK have issued valuable guidelines for impact assessment and better regulation, whose applicability in most cases transcends the boundaries of national legal systems.

Finally, EU institutions and member states' governments have contributed to enhancing the *status quo ante* in this area by launching a number of initiatives and creating *ad hoc* groups for thoroughly analysing future developments in better regulation and impact assessment. These include the Competitiveness Council, which gathers Ministries of Industry and Research from the EU25; but also the Joint Initiative on Regulatory Reform and the activity of the Directors and Experts on Better Regulation (DEBR). In particular, the DEBR launched a Regulatory Impact Assessment Initiative, under the sponsoring of Italy, Ireland and the Netherlands, whose draft report has been presented on 12 May 2004 at the Dublin meeting of the DEBR.

Other examples of activity taking place at EU level include the Impact Assessment Working Group set up by SG-C1; the SINAPSE project (Scientific INformation for Policy Support in

Europe), a web-based communications platform developed by DG RTD; the new European Commission's website on impact assessment, and the recent work at DG SANCO on scoping papers.

The ENBR will take account of all previous and current research done in the area of better regulation and impact assessment, and will concentrate on disseminating existing knowledge as well as developing new ideas and exploring new lines of research. The huge amount of research already carried out in the area will lead ENBR to "stand on the shoulders of giants". For such reason, ongoing consultation and collaboration with Commission DGs is key for ensuring high-quality outcomes, by avoiding redundancies and fostering *ad hoc* research insights for individual DGs.

## **6 ENBR and Commission DGs: a proposed ongoing collaboration**

This information package aims at fostering an ongoing collaboration between representatives of Commission DGs involved in IA work and ENBR partners. Such collaboration is of utmost importance to maximize the impact of activities foreseen within the ENBR project, and could consist in ongoing dialogue on methodological issues, with specific reference to

- sector-specific methodological issues (for each DG)
- organizational issues (in particular for the Secretariat General)
- subsidiarity issues

Accordingly, Commission officials invited to the meeting organised by CEPS at its premises on January 23, 2006, will be asked to provide comments on the information outlined in the previous sections, with a view to set up a group of experts that will help monitoring and steering the activities carried out within ENBR, for the purpose of achieving real progress in implementing research on better regulation.

**Thank you in advance for your attention,**

**Andrea Renda**

**Lorna Schrefler**

**CEPS Regulatory Affairs Programme**