



Strasbourg, 19.5.2015
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DECISION OF THE PRESIDENT OF THE EUROPEAN COMMISSION

on the establishment of an independent Regulatory Scrutiny Board

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THE PRESIDENT OF THE EUROPEAN COMMISSION,

Having regard to the Treaty on the European Union and the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Rules of Procedure of the Commission¹, and in particular Article 22 thereof,

Whereas:

- (1) The Commission's policy on better regulation guides the preparation of new initiatives and the implementation, monitoring and evaluation of existing policies and legislation.
- (2) As part of the Commission's renewed commitment to better regulation, it is necessary to strengthen the existing system of quality control of impact assessments and to apply similar checks to major retrospective evaluations and fitness checks. This is without prejudice to the Commission's right of initiative, as it is foreseen in the Treaties.
- (3) A Regulatory Scrutiny Board should be established which should replace the existing Impact Assessment Board². Its tasks is to give advice to the political level of the Commission.
- (4) The Regulatory Scrutiny Board should perform its tasks independently and prepare its opinions autonomously from any national or European institution, body, office or agency.

HAS DECIDED AS FOLLOWS:

Article 1
Establishment

An independent Regulatory Scrutiny Board ("the Board") is established. It is administratively part of the Secretariat-General.

Article 2
Tasks

1. The Board shall assess the quality of draft impact assessment reports, fitness check reports and major evaluation reports ("reports"). It shall issue an opinion on each report that has been submitted to it. Where necessary, the Board shall make recommendations on how the quality of a draft report should be improved.

¹ OJ L 55, 5.3.2010, p. 11.

² SEC(2006) 1457/3, 14.11.2006; Information Note from the President of the Commission concerning the improvement of the quality and control of impact assessment analyses in the Commission – the Impact Assessment Board.

2. The Board may offer advice to Commission services regarding the application and interpretation of the Better Regulation Guidelines³ in particularly challenging assessments/evaluations and on methodological issues. The Board may also offer advice on horizontal issues relating to the further development of the Commission's policy on better regulation.

Article 3 **Composition**

1. The Board shall be composed of seven members: the Chair, three Commission officials and three temporary agents.
2. The Chair of the Board, whose task is to manage the entire regulatory scrutiny process and to ensure the proper functioning of the Board, shall be ranked as Director-General. He/she shall be appointed by the Commission upon a proposal of the President, after having consulted the First Vice-President and the Vice-President for Budget and Human Resources.
3. The Chair is entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations. The same applies to the members of the Board who were entitled to this benefit before being appointed to the Board.
4. Where the Chair is prevented from exercising his/her functions, another senior Commission official, designated by the President, in agreement with the First Vice-President, shall exercise them.
5. The Commission officials and the temporary agents shall be ranked as Director, Principal Adviser or Adviser. They shall be appointed by the Commission upon a proposal of the President, in agreement with the First Vice-President and the Vice-President for Budget and Human Resources.
6. The members of the Board shall have no other tasks than those which arise from their membership of the Board or which are entrusted to them by the Commission. They shall be appointed for a non-renewable period of three years⁴.
7. The Board shall be supported by up to three assistants, to be selected by the Chair.

Article 4 **Independence**

In the performance of their tasks, the members of the Board and the supporting staff shall act independently and shall not seek or take instructions. They shall disclose any potential conflict of interest with respect to a particular report to the Chair, or, in the case of the Chair, to the President. The Chair, or as the case may be the President, after having consulted the First Vice-President, shall take any appropriate measure, and may decide that the member concerned shall not participate in the scrutiny of that report.

³ SWD(2015)111

⁴ After the period of three years, the members of the Board who are Commission officials will return to their Directorate-General of origin.

Article 5
Functioning

1. The Board shall deliver its opinions, recommendations and advice in accordance with the Commission's policy on better regulation, as laid down in the Better Regulation Guidelines, and other relevant instructions to the services on agreed standards for impact assessment, evaluation, fitness checks and public consultation.
2. The Board shall only take decisions when at least four members, including the Chair, are present. The Board shall seek to reach as many decisions as possible by consensus. If no consensus can be reached, it shall decide by a simple majority of its members present at the meeting including the Chair, abstentions not counting as a vote. In the event of a tie, the Chair shall have the casting vote.
3. The Chair shall establish the Rules of Procedure of the Board, with the agreement of the President, having having consulted the First Vice-President.
4. The Board shall operate in accordance with its Rules of Procedure. The meetings of the Board shall not be open to the public.
5. The secretariat of the Board shall be provided by the Secretariat-General.
6. The Board, acting through its Chair, may call upon any Commission service, Commission official or external expert as appropriate, for ad hoc advice when assessing an individual impact assessment, fitness check or evaluation report bearing in mind the need to avoid any potential conflict of interest.

Article 6
Transparency

1. The Board's opinion shall accompany the report relating to an initiative when that initiative is circulated to Commission services for formal consultation. It shall also be part of the documentation submitted to the College of Commissioners prior to the adoption of decisions on any related initiatives.
2. The Board's opinion shall be made public on the Commission's web-site at the same time as the report concerned and, in the case of impact assessments, once the Commission has adopted the related policy initiative.

Article 7

Phasing-in of the Board

1. This decision takes effect on 1 July 2015.
2. Until all members of the Board have been appointed, the current members of the Impact Assessment Board may be requested by the President to act as interim members of the Board.

Done at Strasbourg, 19.5.2015

The President

Jean-Claude Juncker