

When should a Regulatory Impact Assessment be undertaken?

The information in this table applies to proposals submitted by the European Commission to the Council of Ministers or European Parliament and Council of Ministers.

Current stage of proposal	Form of assessment required
Under discussion within European Commission	Initial assessment of options, risks, costs, benefits, who will be affected and why non-regulatory action is deemed to be insufficient.
Commission issues formal proposal for new legislation or for amendments to existing legislation	Identification of a clear set of priorities and issues that may cause most difficulty. Development of robust arguments into partial RIA based on informal consultation.
Issue proposal for public consultation	A partial RIA covering all key aspects is required to go out with the consultation document. A covering letter can draw attention to key points.
Seeking agreement to a UK negotiating position from Cabinet, Cabinet Committee, No 10 or other interested Ministers	Correspondence must include a passage on regulatory burden, agreed with the Regulatory Impact Unit (RIU), and the partial RIA .
As a proposal changes during negotiation	Update the RIA when the proposal changes significantly, eg at Common Position or following European Parliament amendment.
Adoption of European legislation	Refocus RIA to consider options for implementation.
Issue draft regulations for public consultation	A partial (refocused) RIA is required to go out with the consultation document. A covering letter can draw attention to key points.
Legislation presented to UK Parliament	A full RIA should accompany all secondary legislation submitted to Ministers for approval. A final RIA is needed with UK primary or secondary legislation when presented to Parliament.

A checklist to ensure good quality European legislation

Stage of process	Action
<p>Early preparation</p>	<p>Involve Ministers and departmental lawyers at the outset. Discuss with your Departmental Regulatory Impact contact (who will contact the Cabinet Office Regulatory Impact Unit).</p> <p>Keep in regular and close touch with the Commission and other stakeholders.</p> <p>Start thinking about the impact (costs and benefits) and the implementation of the proposal.</p> <p>Co-ordinate across government (departments, Devolved Administrations, relevant agencies and UKRep).</p> <p>Ensure you have all the resources and tools to do the job, including training and guidance from your departmental EU Division.</p> <p>Ask the Commission for an impact assessment. Be prepared to contribute UK data, if requested.</p>
<p>Assessing the proposal</p>	<p>Examine the emerging draft proposal carefully. Consult lawyers early on.</p> <p>Develop a partnership with industry (including SMEs) and other groups likely to be affected. Consider your lobbying strategy and encourage them to do the same.</p> <p>Consult formally on negotiating options (using partial RIA).</p> <p>Look out for the results of Commission consultations. Consider carefully the Commission's impact assessment.</p>
<p>Negotiating EC legislation</p>	<p>Agree clear, realistic priorities. Agree passage on regulatory impact with CO-RIU when clearing position with Cabinet Committees.</p> <p>Use robust arguments based on consultation. Always bear in mind the practicalities of implementing the proposal.</p> <p>Avoid ambiguities and fudging the issue to get agreement.</p> <p>Work with other Member States (and MEPs) to secure goals.</p> <p>When handling directives, put together a project plan for transposition.</p>
<p>Implementing EC legislation</p>	<p>Refocus RIA to consider options for implementation.</p> <p>Consult formally on implementation options (using refocused partial RIA).</p> <p>Set out a full range of options for Ministers, with associated risks, using the Transposition Checklist as a guide.</p> <p>Avoid over- or under-implementation</p> <p>Ensure legislation laid before Parliament is accompanied by a Transposition Note</p>
<p>Monitoring and reviewing EC legislation</p>	<p>Remember to monitor the new legislation.</p> <p>A candidate for simplification or review in time?</p>