



Regione Umbria
Assemblea legislativa



CALRE WORKING GROUP
BETTER REGULATION & POLICY EVALUATION

R E P O R T

Evaluation of public policies within
the European Union and its Member States

*La valutazione delle politiche pubbliche
nell'Unione europea e negli Stati membri*

COORDINATRICE

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**Evaluation of public
policies within the
European Union and its
Member States**

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1. Transcript and record “Evaluation of public policies within the European Union and its Member States”

Donatella Porzi

**Coordinator of the Calre Wrking Group “Better Regulation & Policy Evaluation”,
President of Legislative Assembly of Regione Umbria**

Good morning everyone. I think we can get started now. We are here today for the first meeting of this Working Group which we have decided to set up within the CALRE. The BR&PE Working Group is one of the challenges which we wanted to take on in this Conference, since we are convinced that this issue can no longer be postponed but must be tackled systematically and globally, through an approach that can bring the various experiences of the regional European Councils to our debating table. I would like to start by reading the letter that the President of the CALRE - *Juan Pablo Durán Sánchez* - sent, thanking me for the invitation. You have his letter in the folder. He thanks us for the invitation to the meeting of this Working Group but unfortunately he cannot attend due to other parliamentary commitments. However, he would like to take this opportunity to wish us every success for the meeting and, considering the contents of the agenda, expresses his certainty that the conclusions that will be reached - but which will however need to be further discussed in the future - will lead to a significant contribution to the CALRE and to the common European project, pursued by CALRE itself which will be analysed later in the plenary meeting to be held in November. He also considers evaluations of public policies to be an excellent way to guarantee to citizens that the policies undertaken are the result of in-depth analysis in which lessons from the past and ex-ante and ex-post evaluations can contribute to guaranteeing the success of our legislative activity. I would like to move on by expressing my sincere thanks to the highly qualified speakers who have agreed to be here with us today as I am sure that their contribution will be extremely important to our work. I would like to thank professor Efisio Espa – Professor of Regulation Impact Analysis and Manager of the Department of Economics, Finance and Statistics at the National Administration School at the Presidency of the Council of Ministers. I would also like to thank Ms Josephine Rebecca Vanden

Broucke – Head of the European Council Oversight Unit, Director of the European Parliament Research Service and Ms Beatrice Touleigne – Director of Legislative Affairs at the European Committee of the Regions. I would also like to thank the colleagues who have come from different Regions, starting by welcoming Ilaria Dal Zovo from Friuli-Venezia Giulia, President of the Committee for legislation, control and evaluation, then the Vice President of Molise Filippo Monaco, also the General Secretary of Campania, Ms Santa Brancati and I also welcome Francesco Pacini from Tuscany, Head of the Political Department, and also from Wallonia, the MP for Wallonia Nicolas Tzanetatos. Welcome. I would also like to greet and welcome the students from the Faculty of Political Sciences, accompanied by Professor Fabio Raspadori, lecturer of EU Law, always close to the institutions and willing to cooperate with them. I hope that this day of discussions will be useful for you, for your studies and for your activity, as we know how important it is to develop a close relationship between the institutions, the citizens and - you know that I have a “professional deformation” - with students. Please also let me thank my department because the fact that we are here to work today is really down to our General Secretary Mr Stefano Mazzoni, the supervisor Simonetta Silvestri and the whole department who worked hard to collect the abundant material that we have received and on which Ms Silvestri will later give us more details. We aimed to work by trying to collect data from different Regions and I have to say that the number of Regions who responded to our proposal is quite significant. 21 European Regions responded to a questionnaire about which Ms Silvestri will talk, which will certainly be the subject of a subsequent work.

I really must express my satisfaction at being here today. I know that my Councillor colleagues will join us over the morning, as we had been planning this work day for a long time but this morning President Mattarella is visiting a nearby city which has quite rightly meant that some of us needed to be there, so they will arrive a bit later; they apologise for this delay but when things end up overlapping this is inevitable.

The importance of the issues that this Working Group is called upon to discuss is highlighted in the presentations by the speakers themselves, in those of the Assemblies represented here and in those who were not able to take part in the works. The essence of the European, national and regional institutions has been - and still is - the attempt to formulate laws that are effective in the most efficient way possible. The subject in question has been discussed for years, but the next step is how to move forward together. How to improve the system of producing regulations, which has also been written about, how and where to meet with the institutions, groups of interest and organised, civil society is one of the points that we must ask ourselves about. The crucial nature of the subject is also underlined by the work of the national and European institutions who are constantly focusing more on the need for improved regulations, organising their work and their evolution from this perspective and on this basis. On this point, we are very pleased to have been able to include Ms Rebecca Vanden Broucke among our

speakers, who will be able to clearly represent the efforts of the European Parliament on this area in her presentation “The participation of the European Parliament in the evaluation process of European policies”. If the national and European institutions are moving in this direction, I think it is important for the regional ones - as the closest level to citizens - to be able to adapt to this, organising their work in perspective, based on the evaluation of the effects produced by the actions taken. For the public institutions to be able to obtain better results, the legislative function and public administrators need to be able to make choices and take decisions that are effective. I am strongly convinced that improving the quality of the legislation of a Country or a Region means looking outside the institutional buildings and establishing transparent and inclusive processes so that the political choices that we are all required to make can be made with greater awareness, involving all the citizens and stakeholders affected by a certain public policy in the process (companies, associations, local administrations, researchers etc.); in order to make decisions that are more aware, based on objective data, on empirical evidence. Decisions based on ex-post evaluations of public policies, that protect solutions that have worked, by confirming them, but also oriented towards choices that have not led to the solutions hoped for, but correcting them so that they can produce the desired effect. I think we all share these needs; we are at a historic time when every Institution is called upon to solve increasingly complex problems, with limited financial resources. An evaluation of these tools and their use is necessary and urgent with the aim of reconnecting the relationship between citizens and policy makers, so that they can increasingly recognise themselves in each other. Therefore, we need to ask ourselves which actions to take in relation to good quality regulation, such as political support, implementing a continuous process, comparing the results achieved with the objectives set, from the perspective of the regulation always being verified and evaluated. And as I was saying, I think all of this is widely shared by all of us. Other issues are the operating methods with which these principles are to be put into practice. Putting the principles of better regulation and evaluating regional policies into practice means firstly acquiring a sense of awareness of what it actually means to work from this perspective within the context of the Legislative Assemblies. I myself, during my efforts within the Institutions, have been able to note how including the issues of better regulation and evaluation of policies in our public administration work also means taking on a new role: that of being an “informed” decision maker. But to create such information, a lot of work is required, and not only of a technical nature. It means implementing organisational choices, sometimes brave ones, and giving council bodies new functions and skills. It also means equipping our bodies with technical support and competent structures to support the decisions that each of us is called upon to make and considers necessary. Then, each of us probably has their own “personal” view of understanding better regulation and the evaluation of public policies. This is also the experience of the Italian Legislative Assemblies,

many of which have to face these issues from very different starting points. The Italian experience of the CAPIRe project, which I had the opportunity to talk to you about last autumn, is evidence of this. The CAPIRe project is a project that was created in March 2006 based on an initiative of the Conference of the Presidents of the Legislative Assemblies of the regions and autonomous provinces, with the aim of giving a new input and renewed efficacy to the control function of the regional Assemblies, spreading the culture of the evaluation of public policies, directly involving the elected members of the assemblies as promoters of the evaluation activities, and the first users of the results of the evaluations performed. At the same time, the project supported the internal structures of the various assemblies in the implementation of innovative activities; through adopting common work tools, specifically evaluation clauses to be included in regional draft laws, evaluation missions or ex-post evaluation studies on specific regional policies, and in drafting informative notes on the implementation of regional laws. This initiative, although not always at constant rates, has led to the adoption of a series of innovations within the assemblies, such as the introduction in the Regional by-laws and internal regulations of organisations specifically dedicated to the quality of regulations and the evaluation of policies, as many of those representing some Regions will be able to confirm, and the introduction in many regional laws of evaluation clauses (now 20 in our case) and evaluation missions. Following this important experience I think it is appropriate, before deciding which activities and which work projects to promote in our group, to make a first consideration on the starting situation from which we are taking action, which is probably heterogeneous, being the result of specific institutional experiences. Precisely for this reason, we decided to compile a questionnaire, which we sent out over recent weeks and which could represent a first opportunity for comparison between us and an excellent tool for analysis. The view that will emerge from the results of the questionnaire and from the work carried out this morning will represent the first result of this Working Group, a map on the basis of which to plan our future direction. The answers that have been sent will form part of a report that aims to be a collection of experiences of the European regions on the subjects of better regulation and the evaluation of policies to find out the differences, but also to share intuitions and positive experiences. Sharing a method on specific subjects is one of the objectives that the Working Group needs to establish. Also from the perspective of intensifying and improving the sharing and cooperation within the Union, in fact, knowing about the cultural and political contexts of equivalent institutions and discovering their intuitions is an important approach that I believe we should practise more and more often. For the institutions, the reacquisition of authoritativeness comes, as mentioned, firstly from the opening and sharing of plans with citizens from a perspective of making the objectives clearer and the tools more effective and, secondly, it also comes from the ability of the Institutions themselves to think about a different future with credibility and competence, having the ambition to

produce projects and contributions which, through awareness, are suitable, stable and structured. There has been in-depth debate over recent years on the subject that we are facing and I believe that, due to their proximity to the citizens mentioned earlier, the Regional Institutions can and must contribute with accurate and reasoned intervention. In this sense I am convinced that the presentations by Mr Efisio Espa - "Evaluation as an essential element of European policies on better regulation" - and of Ms Beatrice Taulegne - "The European Committee of Regions: strategies for the evaluation of the territorial impact" - will be useful and profitable. "AWARENESS" in planning, QUALITY in production, QUALITY of the Institutions and SHARING among ourselves and with citizens are, therefore, the landmarks that must guide this Working Group for the Institutions, for citizens and for Europe.

Now, I think we should get on with the agenda and therefore pass on to the first presentation by Professor Efisio Espa: Evaluation as an essential element of European policies on Better Regulation. Over to you, Professor.

Efisio Espa

Professor of Regulatory impact assessment and Coordinator of the Departments of economics, finance and statistics, Italy's National School of Government

Thank you, good morning President, thank you for this invitation, thank you for the excellent hospitality of these two days and, if I may, I would also like to thank your staff who have displayed rare courtesy and efficiency. My job is, from a necessarily very general point of view, the evaluation of public policies and the growing role it is playing within the European Institutions. I will particularly deal with, and I hope Ms Van den Broucke doesn't mind, the European Commission, but she will have ample opportunity to illustrate the role of the Parliament which has been reinforced greatly in recent years with reference to the evaluation of public policies. I will also try to understand what the consequences of this gradual reinforcement of the culture of evaluation at European level could be also on the Member States, naturally including the regional dimension. If we were to try and summarise the issues of the quality of public intervention in general, we cannot hide the fact that we have, particularly in relation to our large stakeholders - which are the national communities and citizens - a product quality problem. Let's think, for example, about the public works performed by the State, the Regions, the Municipalities, a service quality problem - which is strongly perceived in this Country - quality of public finances, regarding the efficiency and effectiveness of taxation and the intended uses of public spending. Another issue that has become increasingly important over the past thirty years with the take-off of what we call the "regulatory state" relates precisely to the quality of the rules, the quality of

regulations. Here I would like to give you the point of view of an American jurist, perhaps one of the best jurists alive, Cass Sunstein, who proposes a sort of on-board diary of his experience as the Administrator of Regulatory Affairs in the USA, under Obama's presidency, leading the Office of Regulation & International Affairs (which is basically the organisation that oversees the ex-ante evaluations of the galaxy of administrative units comprised in the American administration, therefore, departments, federal agencies etc.). In a book called "The Future of Government" which has also been translated into Italian, Sunstein reaches the conclusion that good rules essentially depend on three factors: the first regards the habit of consulting citizens and companies potentially affected by a new decision or affected by a policy which has been fully operative for some time; the second regards the quality of legislative drafting, the quality of the writing which means the "usability" of the laws, not only from the citizens' point of view but, if I may say so, in the first place by public administrations who, as soon as they read the text of a new law, are often already thinking about asking the relevant Institutions about the interpretative criteria; and the third point is the systematic use of the cost/benefit analysis as the main tool, even if it is obviously not the only one, for the purpose of evaluating an intervention in its planning phase or already fully implemented phase. Therefore, good governance depends on consultation, clarity in the definition of the rules and methods of evaluation, particularly ex-ante. This is the representation taken from a document by the European Commission on the cycle of public policy evaluation. It is the classic cycle that starts from the preparation of a decision, the "true" adoption by the Legislative Assemblies, implementation and then application. This is the blue circle, whereas the grey one is the circle of the cycle of public policies, closely connected with the evaluation cycle with a constant element that is the input of the interested parties in the decisions, both ex-ante, during monitoring, and in the ex-post phase. What I am now going to propose is a bit more of a detailed representation that also considers some aspects of the current experience of the European Union. We all know that political decisions, sometimes intuitively, sometimes in a more informed way, start from a perception, from the highlighting of needs that are felt at political level and if you wish also at collective level, which then leads to a first definition of a plan, of an agenda. In the most recent experience of the European Commission, this aspect, from 2012 until now, has been strongly reinforced by the idea that the existing rules in relation to a particular sector must be analysed attentively before starting to talk about a new decision. We will return in more detail later to this aspect of the so-called regulatory fitness or what the already mentioned Sunstein defines as "look-back", a retrospective stance that must precede any idea of regulatory innovation. The formation of the decision which must be preceded by the impact analyses - otherwise the exercise would be almost completely pointless - if these happen, as unfortunately it still happens, at central level, in the experience that I observe on an almost daily basis we still have a sort of ex-post rationalisation, of a decision already made and - if I may say so - a

substantial waste of time. If preventive analysis is shifted to the moment in which the decision is gradually taking shape, at that time all its potential and utility can be expressed. The subsequent stages are those that lead to another crucial aspect, for years underestimated: the methods of enforcing a decision. We often call this the “Official Gazette syndrome”. We are convinced that publishing a law is “the task” whereas we are only at the very beginning, which is a difficult phase as between the initial impulse of a political decision and the results there is a large box called “public administration”, therefore everything relating to the effectiveness and efficiency of the public administration is inevitably also intended to reflect on the perceived quality of that specific decision. Let me say a few words, only because these things are not as well known, on the origins of this “evaluation activity”. The first one relates to the cost/benefit analysis which is no longer, as it was in the initial experiences, about evaluating public works and infrastructures. The main field of use of the cost/benefit analysis now actually relates to the regulation in the strict sense, meaning all the decisions regarding the structure of the markets, anti-trust legislation, consumer protection, the operation of companies which is often influenced by the presence of the State as the regulator. This type of analysis took off in a big way thirty-five years ago in the United States. It was a Republican President - Ronald Reagan - who saw this type of analysis as a tool for the limitation and rationalisation of public regulatory intervention. This leads to the production of an executive order - we have learnt about this over the recent months of the Trump presidency and are now familiar with the term - which is a mix between a decree law and a very strong administrative measure, signed by the President. This executive order, signed by Reagan at the start of his first mandate, makes preventive impact analysis compulsory and pragmatically applies it to the decisions of the regulator over a certain financial value. If the decision did not have too strong a financial impact, the affected administration did not have to attach an impact analysis to the measure whose analysis was already considered an in-depth study. The “strange” thing is that the text of Reagan’s executive order is almost referred to word-by-word by the administrations on the opposite side: before 1994 by the Clinton administration and I believe in 2009 by the Obama administration. But, with a different idea, these preventive screening activities of the possible consequences of a measure, of a more attentive cost evaluation, also of the impact on the administrative organisation, are not considered elements that induce the State to reduce the capacity of its intervention; on the contrary, these techniques are considered as being able to bring improvement, and therefore increase the effectiveness, of public intervention, but in which there is an ideological belief. This regards the part relating to what we now call the Regulatory State. The evaluation of public policies in the social field and in work policies and also in other areas of public policies instead has a justification that is more closely connected with the relationship between the public policies themselves and public spending. There is a very interesting episode here too. It must be

acknowledged that the “OK” comes from the United States, in particular from the Johnson administration, responsible for this gigantic program that was to be known as “Great society”, which aimed to reduce poverty, improve public health policies, provide solid foundations for programs to fight racial segregation (we are talking about the middle of the sixties). All these programs led to a significant increase in public spending. The American congress in power at the time, which was of the same political colour - the Democrats - as President Johnson, approved these programs on one condition: that they were constantly subjected to an evaluation of their utility and effectiveness. This meant: we are aware that we will have to tax our fellow citizens more, we need to be able to systematically show that this higher taxation is justified by the fact that these programs have their effectiveness and utility for citizens and for society as a whole. What we can call the culture and practices of evaluation are widespread in Europe too. It must be recognised that the Organisation for Economic Co-operation and Development plays an essential role (in the mid ‘90s this checklist was provided in ten points by the OECD, which we very often come across, that is the ten “little rules” which form the basis of an ordered and transparent public decision) and finally there is also acknowledgement at government level, which has become the most important from the point of view of legislative capacity and production, that of the European Union. My colleague Roberto Adam - lecturer of European law - quantifies at somewhere between 80% and 90% the national regulations that depend on decisions taken at European level. Therefore, that decision-making level is the level in which, first of all, a preventive and ex-post verification of public policies is performed. If we think about it, over recent years we have become used to this “questioning” - which is somewhat superficial in my opinion - of the importance of European policies and also of the decision-making mechanisms, but if we think about a European Directive for a moment, it must relate to twenty-seven different Countries. The rules that we have recently acknowledged in this Country on “Public procurement”, on public tenders, have the same framework in Sweden as in Malta, in Finland as in Portugal, in Ireland as in Italy. It is not easy to define rules that have such a general capacity for Countries that still however maintain such strong diversities. Therefore, the impact analysis has even greater meaning if the decisions take on such a wide-reaching complexity. Let me just return to an aspect that we call central - which could also be a sort of “user warning” to conclude this presentation. When we talk about the spread of evaluation activity, in practice we are talking about people in skin and bone, a very significant number of them, organised within very specific structures, who perform this kind of very delicate activity. Here, the examples are almost embarrassing; what has been called “Government & accountability office” since 2004, which was a bit like the US Court of Auditors, now houses 3200 experts, is an independent structure, very close to the Congress. The President is appointed for a very long period of time precisely to guarantee its utmost independence. We are talking about experts in urban policies, statistics, jurists, sociologists, and all

these people give meaning to the activity of the in-depth study and evaluation of policies at federal level. Then every individual American State has its own structures. Coming back to us again, the British “National Audit Office”, which is also a sort of UK Court of Auditors, has 800 employees, its reports are almost compulsorily considered both by the British Parliament and the Executive. I repeat: there is a precise identification of an Institution and it’s not the only one, since there is also the private sector which contributes greatly to these activities, but institutionally the investment, with 800 people, is particularly strong. I have recently been invited to the discussion of the first report on the parliamentary controls presented to the Chamber on 26 April this year. This excellent report drawn up by our Parliamentary structures is the fruit of the work of the Parliamentary control department where seven people work. Therefore, at some point we need to agree on whether, if we wish to explore these activities further, there needs to be a realistic discussion also on the minimal critical mass on the organisational level necessary for performing these activities. Let’s get back to the European Union also because I can see that time is getting on. A very important date is 2006, when the Impact Assessment Board of the European Commission was established. Its main task is not to perform evaluations ex-ante but to check the quality of the ex-ante impact evaluation exercises performed by the individual Directorates-General at the time of constructing a new directive. One of the reasons, for the quality at European level, of these departments of the Commission is that a sort of competition has been created between the Directorates-General responsible for the first ex-ante evaluation attempts and this control body that performs its role most diligently, also questioning or integrating some aspects of the ex-ante evaluations performed by the individual Directorates-General. Over recent years, in particular since 2012, the European Commission has widened its stance on the issue of the quality of regulation. Evaluations of public policies hinge precisely within the evaluation cycle and therefore the European decision-making process, which aims towards more effective, less expensive and lighter regulation, for example on small businesses - let me point out that in a country like Italy where there are 4 million 200 thousand companies whereas Germany has 2 million 400 thousand - has a fundamental point of view to prevent the weights and burdens of a regulatory nature that are difficult to handle for these companies being offloaded onto companies with a small number of employees. This Better or Smart Regulation is in the maturation process of a decision of the cycle, actually the essential aspect in various stages of the regulation which helps the regulation itself to be more effective and, if we like, more sober. So what does the Commission do? It reinforces the ex-ante evaluation process of the individual regulatory interventions, introduces and consolidates this “Regulatory fitness” strategy, implementing it, with checks on the appropriateness of the existing legislation that must precede the launch of any new initiative. SMEs become a privileged addressee of this evaluation activity as a company with 1000 employees is likely to also be able to absorb the costs much more easily with

respect to this galaxy that characterises all of our economic development and system, particularly spreading to the centre-north but also in the southern regions. Another aspect of this reinforcement - and this is very important: the European Union in general and therefore not only the Commission but Commission, Parliament and Council, is obviously interested in what the British call the final delivery of a decision; the real, definitive and full implementation. The Union, and the Commission in particular, is always attentive to the ways in which the individual Member States transpose the provisions in their respective legal systems. For example: the habit - that is also very strong in Italy - of introducing further elements of regulatory stratification when the provision is transposed is seen as "wool over our eyes" by the Commission, and rightly so. The current President of the Council of State, Alessandro Paino, a little less than two years ago, in a hearing of the bicameral Commission on simplification, guided by Senator Tabacci, presented a study which compared the two methods of transposing the old Directives on tenders in Italy and in Germany. The comparison was really embarrassing because we had a number of articles, paragraphs and an overall dimension of the measure that was much broader than the method of transposition in Germany. The Commission is very interested in the transposition of a provision at national level not causing extra regulatory burdens. Let me talk about the steps of the regulatory process which, from the point of view of the Commission, could lead to an improvement in the quality of decisions. The first point is very detailed (and I am sure that Ms Van den Broucke will mention this aspect): I am referring to the regulatory planning. I read from a document of the Commission: "good regulation starts with good planning". This regulatory planning stage does not consist of a list of future legislative initiatives; again according to the Commission it covers the initial considerations connected with an initiative, the evaluation of the policies in place, that is the fitness checks, the assessment of the problems and alternative solutions, still with the active participation of the stakeholders through the consultancy activities. At this point, the evaluation strategies are essentially of two types: the "fitness check" and the "impact assessment" (ex-ante). The fitness check is defined as a complete and exhaustive evaluation of a policy area, a specific area of public policies that observes the way in which different legislative acts have contributed to reaching policy objectives; they are particularly useful precisely as they identify any overlaps, inconsistencies and synergies arising from this sometimes - it has to be said - very disordered cumulative impact of regulation. I have been lucky enough over recent years to collaborate with the Regional Government of Puglia. The head of the legislative department, I like to mention him, Nicola Corvasci, out of curiosity tried to apply the fitness checks to a piece of regional regulations, that is the rules regarding the personnel of the Region; he discovered that there were 54 regional laws. Tidying up regulations can be extremely important. I will move onto the conclusions. The impact assessment corresponds to the more traditional ex-ante evaluation which means evaluating whether future legislative or even non-legislative initiatives of

the European Union are justified or whether they could be better defined to reach the desired objectives. On this subject, if we have the patience to go onto the Commission's website, we can already find numerous impact reports as well as numerous of these fitness checks. Let me share with you some final considerations on the organisation of the evaluation activity, because it is clear that we have discussed a reinforcement of evaluation from the point of view of the executive body of the European Union. The governance of the system involving the Commission, Parliament and Council is objectively complex given the complexity of the decision-making process at European level. We have a very recent agreement, made on 13 April 2016, in which there is recognition by all the three Institutions involved of the utility of the evaluation activity, the sharing of annual and multi-annual planning of the Union's decisions and then there is an apparently clearer process in which the Legislative Assembly plays an active role in relation to the impact analyses transmitted by the Commission, and to some extent controls them. Through this initiative a point of equilibrium has been found in terms of institutional planning, which must be put to the test, but which is certainly a step forward. I would like to close with a warning. I have been working on impact analysis for about 18 years, 18 years of exciting times - one of which was the signing of the charter of Matera on that very hot day that we were remembering yesterday with Mr Pietrangelo, in which extraordinary consent was reached between the regional Legislative Assemblies, precisely on the utility of evaluation activities; and there have also been moments of extraordinary frustration as the political level but also the administrative structures have trouble adapting to this results-based culture which is in the end the questioning of a decision but with the sole purpose of improving it. However, and I say this as a person who is absolutely convinced about these activities, that I teach institutionally, they are never the solution to the problem of quality; they are extremely important but are not a technical miracle as there is an aspect of imperfection that is difficult to overcome. All these activities are extraordinarily useful and to be promoted even more so in a country like Italy, where at times the legislative "bulimia" is such as to even discourage the capacity to control our decisions. There needs to be an attempt to reduce the "desperate" complexity of the entanglement between the public decision and the intended scope. It is a question of limiting the risk of expensive mistakes, sometimes even on the public finance level, therefore activities that are extremely useful not for completely solving our problems, as it would be excessive to expect the evaluation activities to do that, but for reducing that degree of uncertainty that is inevitable in many decisions made by policy makers. I hope I kept within my time slot and thank you very much.

Joséphine Rebecca Vanden Broucke

**Head of European Council Oversight Unit
Directorate for Impact Assessment and European Added Value
EPRS Department, European Parliament**

It is an honor for me to be here with you today, in Perugia.

The subject of my speech today regards both an explanation of the European Parliament's role in ex-ante and ex-post impact assessments, as well as the executive or, to be more precise, the executives control, in that the Commission is flanked by the European Council, which was introduced as a new institution by the Lisbon Treaty.

I shall start with the impact assessments.

As professor Espa, who spoke before me explained, the impact assessment is a key element in the Interinstitutional Agreement on Better Law-Making. The primary components of this agreement obviously entail transparency and the involvement of all stakeholders, striving to create policies and draft legislation based on objective data and evidence, conducting impact assessments, and minimizing regulatory costs for businesses, administrations and, last but not least, citizens.

We have witnessed an evolution, and the Parliament, in its subsequent resolutions, has firmly insisted on the fact that the impact assessments must not be solely limited to examining the economic aspect, but should also include social and environmental aspects. Last year, the impact assessment was strengthened due to the new "better law-making" institutional agreements.

How can we better draft legislation in the European Union? The impact assessment invests in the entire legislative process, but it does so especially in the ex-ante and ex-post impact assessments; since professor Espa has already discussed this, there is no need for me to go into greater detail regarding this aspect.

What we want is a new "scientific" foundation for the decision-making process used by the three most important institutional actors: the Commission, which takes the initiative for legislation, the European Parliament, and the Council of the European Union – which is not to be confused with the European Council, which consists of Heads of State. The Parliament and the EU Council are therefore the European Union's co-legislators.

Along with the other elements which were dealt with by the previous speaker, another key element is taking shape in this entire process: the Niebler report – its name comes from the Member of Parliament who presented it in 2011 – which deals with improving impact assessments. Following the release of this report, the way in which the European Parliament might improve its impact assessments and efforts in this regard were taken into consideration. Also following this report, at the end of 2013, the DG-EPRS was launched in the European Parliament. EPRS is the acronym for European Parliamentary Research Service, which was created

after a global SWOT assessment which explored current best practices. One of the examples cited in this assessment was the United States' Congressional Research Service (CRS), which is available to U.S. Congress members and is similar to Germany's Bundestag Research Service, which is also well-developed. Based on these current examples, we created the European Parliamentary Research Service, which is composed of three sections: the classic management-library-information section; the DG-EAC Directorate, where I work, which deals with impact assessments and added value; and the Member's Research Service, which allows European Parliament members to submit their requests through just one support service. In general - in about half of the cases - members will receive an answer within 48 hours; if a more in-depth report or more complex research is necessary, the time needed for a response is one week, maximum. I had a political career before I joined the European Parliament as an official, and I had never seen anything like this. There are few examples in the world where members of an Assembly have a service like this available to them.

However today we shall focus on impact assessments and added value.

In this regard, on this slide you can see the layout of the EPRS EAC Directorate, which illustrates the existence of four areas: the department which deals with long-term, scientific predictions; the department which deals with medium-term predictions – let's say 10 years -; and my colleagues, who deal with the ex-ante impact assessments, and those who handle the ex-post assessments. I am responsible for supervising the European Council which pertains to this last area.

Our objective is to strengthen the European Parliament's capacities regarding control and surveillance of the executive branch in the various phases of the planning and legislation cycle, and to contribute to the quality of the legislative process itself. We provide support for Parliamentary Committees, providing them with contributions which strengthen the identification, quantification, and justification of all kinds of parliamentary initiatives. We create ex-ante and ex-post assessments of EU legislation and policies, spending programs, and international relations. Our aim is to first identify all the benefits of a shared action at the European level in the more general area of Evidence-Based Policy-Making, and then strengthen the European Parliament's ability for control and surveillance of the executive branch, strengthen its influence in policy formation, drafting and development, and assist in improving the quality of legislation.

We carry out this task upon request of the committees, or by our own initiative.

This slide shows the classic legislative cycle and attempts to highlight the EPRS' contributions. As you can see, we carry out our role throughout the entire legislative process cycle. One of the elements which we are trying to develop at the moment is stress testing. This new element was added a few weeks ago and still needs to be developed, because we noticed that when some laws were put to the stress test, they appeared to no longer be sufficient and adequate in terms of the current circumstances. A typical example of this is legislation concerning migration, the Dublin Convention, and so on.

Let us now move on to the European added value assessment. All our support reports are based on scientific and objective data, and we find a legislative initiative of the European Parliament – you can see a reference to this item in the Treaty. To this end, we carry out added value assessments at the European level. We also assist the Parliament in identifying areas where it would be advantageous to have a shared European action, or better coordination of European policies that already exist in the legal order of Member States. We also aim to increase knowledge about the role of the European Union as a public good, by drafting reports on non-Europe costs which represent the other side of the added value report coin. We started preparing these reports about four years ago, right before the European elections, in an attempt to change the mentality of public opinion at that time, since we realized that some European populations have negative attitudes regarding European institutions (this negative spirit still exists today in European political life and as a widespread phenomenon in certain segments of the population). In preparation for the elections, we started to produce these non-Europe costs reports in order to give members of Parliament the ammunition and strength needed for the political campaign. This involves highlighting how much the absence of a European policy in certain areas actually costs. As an example, we can consider how much it costs to not have a common defense policy. Without spending more, might it be useful to have a common defense policy? The answer is yes, of course. I don't want to imply that this was a consequence of our reports, but after a few years we can now say that there has been an evolution in public opinion and that in any case we have seen clear changes and also witnessed, quite recently, the development of a common defense policy.

The European added value assessment consists in both qualitative and quantitative analyses.

Let us now take a look at initial assessments of the Commission's initiatives. Any initiative of the European Commission is accompanied by an impact assessment. My department does not repeat the work that has already been carried out by the Commission, but attempts to understand whether the European Commission has followed its own rules. In fact, the Commission has indeed established some rules that need to be followed in order to have a proper impact assessment. My department handles assessments of the Commission's initiatives and proposals, in order to see if the impact assessment that was produced actually followed the rules. If this is the case, a path had probably already been chosen from the start, without examining all possible options – this often happens, for example, in ex-ante assessments which had already followed a preventive idea and so it is simply a post-factum rationalization rather than an objective assessment of all the possible alternatives. We also attempt to see whether the Commission has followed its own rules, and if there are any weak points in the studies which the Commission conducted before they are made available to Members of Parliament, who can utilize them during the interrogation phase, or when they enter into discussions with the Commission during the entire law-making cycle.

We can also conduct ex-ante impact assessments of any substantial amendments that have been submitted to the European Parliament. In this regard, I must say that sometimes we have difficulty with public contract regulations, because they are very specific and we have a timeframe to respect; when a certain amount is exceeded, the regulations to follow for public contracts conflict with the very short amount of time which Members of Parliament would like to spend, so that they can continue their work. Our department can conduct in-house assessments when necessary, and if they are not too specialized, however in the majority of these cases we have to request external consulting services.

We can carry out more in-depth assessments upon request of the parliamentary committee, for example. This slide shows a series of examples of detailed impact assessments which were carried out for several parliamentary committees; in the right-hand column you can see acronyms of the competent parliamentary committees. As you can see, there are many different kinds of committees.

Now let us turn to ex-post impact assessments. These involve conducting a retrospective assessment of the effectiveness of policy legislation at the European level. I must say that this area is in full swing. It is our wish to involve the Assemblies and regional executive bodies more. This is one of the projects that we are trying to develop within the European Parliament. In fact, we discovered that if ex-post assessments are conducted by solely relying on general data, what gets left behind is a more detailed analysis of the impact which these pieces of legislation and policies have had at the level of various countries, and especially at regional levels.

Obviously it is not our task to conduct a detailed assessment for every European region – that would be impossible – but we do want to give greater consideration to the feedback that we may receive from the executive branches and regional assemblies. This is one of the projects which we have just presented and must still be approved – what I have explained here hasn't been approved yet, but I hope it will be soon. We would like to create a system that can set up constant dialogue between European regions and the European Parliament.

The work that we have done so far has been to try to utilize the responses to queries that we have received from European citizens. There is a European Parliament department within the research department which handles citizens' queries, and official correspondence for the President of the Parliament. Based on the numerous queries and responses which citizens have received – tens of thousands a year – this department has a very clear idea of the practical and structural issues which occur when certain European policies are applied in regard to queries that have been presented and have received a response. We are already organizing a feedback session from this department for our Management about the ex-post impact assessment, so that we can more quickly understand the detailed impact of several European policies.

Another aspect I would like to talk about is the fact that many European laws contain some revision clauses that are integrated into the law itself. In this regard,

I believe that it is necessary to wait for at least two years in order to have assessment results that provide significant meaning. If we began to analyze the ex-post implications of a European Directive before that time, I believe it would be a waste of time, quite frankly.

I'd like to say a few words about the assessment criteria; we are talking about standard criteria for an impact assessment: effectiveness, efficiency, relevance, consistency, and the search for an added value at the EU level. This slide shows you some examples of some recently completed assessments.

Let us now move on to other tools we use when we conduct ex-post impact assessments, and specifically one tool we are especially interested in at the moment: the rolling check-list. We have a total of six or seven. At the moment we have one for the revision clauses contained in European legislation and another rolling check-list for planning the validation of the European Commission. We also utilize the performance audits of the European Court of Auditors. We were the first to systematically examine the follow-up of conclusion reports from the European Council, that comprises the Heads of State and Government. In the conclusion reports that were written after at least four summits a year, we discovered – along with the Member States who read our rolling check-lists – that in some cases, no actions are taken following indications contained in a conclusion report. Therefore what we have been doing for at least four times a year since 2014 has been to draw up a rolling check-list of the application of the European Council's conclusion reports, in order to systematically check whether there has been an application - and if so, of what type and stage - and to offer further information. We use a traffic-light system: green when everything has been done, yellow when actions are underway, and red when there is a block. Also included is specific advice for when the block is deliberate: for example, if an international agreement has not been carried to completion due to boycotting following a political decision on the part of the European Council. Currently, all of this is done systematically. The European Council is so interested in our work that it has followed our lead and begun to do things differently: a bit more literary and less legal. We work in a more systematic way; we started this task on December 1, 2009, when the Lisbon Treaty went into effect. You can follow every step in the evolution of what has been done or that remains to be done, month after month.

And now I would like to talk about forecasts. There are two large entities which deal with forecasts: the first is STOA (Science and Technology Opinion Assessment), an entity which has existed for about thirty years now. It is not a parliamentary committee, but is directed by a committee of parliamentarians without being a committee like the others. STOA deals with science and the cutting edge of science, and aims to put policy into contact with recent scientific and technical developments such as robotics, nanotechnology, and other aspects that have been developed recently, like driverless cars. They assess what the implications are for European legislators and for European policies. On the other side is an interinstitutional project shared by the Commission and the Council: the

ESPAS project, which deals with medium-term evolutions, (within 10 years). It's a very interesting program that was developed by STOA, and consists in bringing together a European Member of Parliament and a world-famed scientist in a temporary partnership. We have already done this several times. For several weeks, the scientist and politician engage in discussion. The scientist follows the work of the European Member of Parliament, and vice-versa. This was such a great success that we have had many more requests from Members of Parliament than the number of scientists needed to participate.

I would now like to conclude my presentation with a summary of our work regarding European impact assessments and added value assessments. These assessments allow Parliament to justify its political initiatives, including amendments, and provide the various committees with elements for their own legislative initiatives and initiative reports. We provide parliamentary committees with control tools when they deliberate on new Commission initiatives, and we also provide rolling check-lists, which assist Parliament in drawing up work schedules and carrying out its control and monitoring role. We also provide scientific and policy forecast activities which aim to highlight the consequences of agenda setting in the European Parliament.

I hope my explanations have been useful and that it is clear that the tasks of the European Parliament Research Service require an assessment of all aspects and all stages of the legislative cycle.

Thank you for your attention.

Paolo Pietrangelo

Director of the Conference of the Presidents of Regional Legislative Assemblies and of the Autonomous Provinces

Thank you, Ms. Vanden Broucke.

I'd like to give the floor to Ms Taulègne, from the European Committee of the Regions.

We have just listened to a very interesting presentation on the relationships between the European Parliament, the Commission, and the Council of Presidents. With the Committee of the Regions we will discuss how regions are directly affected by public policies, and the importance of assessments in helping us understand how decisions at the European level reach the various territories, as Professor Espa has previously discussed.

Ms. Taulègne, you now have the floor.

Bèatrice Taulègne

Deputy Director. Directorate for Legislative Work. European Committee of the Regions.

First of all, I'd like to thank you for having invited me to this event, in the wonderful city of Perugia.

The Committee of the Regions is pleased to have the opportunity to participate in this session, and would like to take this occasion to renew its support for CALRE's activities.

I will draw on the excellent presentations given by the two speakers who preceded me, in order to develop the territorial dimension of European policy assessments.

In this context, as a backdrop we have the implementation of the Memorandum of Understanding between the European Committee of the Regions and CALRE.

I would also like to compliment your organization for choosing to create this special opportunity so that the Regional Parliaments can become more aware of the need to have strategies and tools for European policy assessments.

We have all been able to verify that there is a very specific urgency to recognize the added value of European policies. Often its translation during elections – both national and European – has demonstrated that there is also a need to strengthen the objective of territorial cohesion as foreseen by the Treaty, and the impact of European policies on territories.

The European Committee of the Regions has always been very sensitive to and also rather concerned about the lack of consideration for local and regional dimensions, which sometimes has a great effect on election results. If we look at France's elections results, they offer a geographical and territorial interpretation which shows that rapid action must be taken immediately, and that there's a need to realize how crucial it is to develop these tools.

We were pleasantly surprised to discover that for the first time, in the 2017 European Commission work programme, the need for a multi-level governance approach to improve the implementation of European policy at the local, regional and European levels was included, and placed as one of the very first measures to be carried out. This was the first time, and we hope that this departure point might create some new dynamics. We have been both witnesses and actors in this evolution.

I shall quickly highlight four important points to bear in mind: the White Paper on European governance by the Prodi Committee which launched this dynamic, the White Paper on multi-level governance by the European Committee of the Regions, the 2015 "Better Law-Making" package, and finally the Interinstitutional Agreement on "Better Law-Making", which has already been cited here. For those of us on the Committee of the Regions, the "Better Law-Making" agreement represents the primary added value and advantage of the interinstitutional agreement; since we are a consulting body, we are not a part of this agreement,

however we do establish institutional and structural ties for it. For the first time, the TIA – Territorial Impact Assessments - appear in this agreement.

Our wish is that through this interinstitutional agreement, more structural ties can be established with European institutions: the Commission, the Council, and obviously the European Parliament. The latter has definitely been our very first champion, because through the urban dimension of the European Union it has encouraged the other institutions – Commission and Council – to consider the territorial impact of policies. Therefore I want to commend the work of those European parliamentarians who have accompanied us in this need for recognition. In thinking about the future, I'd like to mention one of the points which - in order to better implement the Lisbon Treaty - requires European institutions to ensure that the territorial impact of policies is considered. It is a very clear wish on the part of the European Parliament to strengthen this dimension, due to the need to draw citizens closer to the European decision-making process.

For the European Committee of the Regions, the activities regarding impact assessments have involved different stages along the way. In 2014, we launched a pilot project to test a series of methodologies and tools in order to identify the best approach to developing the TIA. This strategy assists us in focusing on four main objectives.

First: since the European Committee of the Regions is a consulting body, we have the task of assisting our rapporteurs by offering them impact assessments that are as precise as possible in order to strengthen the consulting role. We mustn't hinge our activity solely on this aspect, but also offer our services to all the regional and local authorities in order to develop a knowledge center that provides services to all those authorities. We also have the task of developing awareness in the other European institutions – the European Commission and the European Parliament - about the importance of territorial impact assessments. In this regard, over the last few months we have witnessed quite a number of positive signs, which lead us to believe that the path we have taken will offer some hope in strengthening this area.

In 2017, we have strengthened our impact assessment strategy considerably with the European Commission and the European Parliament, and have identified some typical issues. I will describe them quickly so that you can make the connection with the European agenda, which is essential for local and regional authorities. We would like to focus on subjects that are politically and democratically relevant.

The first issue to deal with is the future of the cohesion policy. In this regard, Ms. Vanden Brouke identified an important study on the costs of non-Europe which was carried out by the European Parliament. Together with the European Parliament, we intend to develop a study on the costs of a non-cohesion policy, because I believe that this aspect will be dealt with very soon - also in terms of what Ms. Vanden Brouke explained very well, in reference to control and the European Council.

We also hope that it will be possible to work on the cornerstone of European

social rights, which is a new priority for the Juncker Commission, and will also be a top priority objective for the future President of the European Committee of the Regions, Karl-Heinz Lambertz.

The third issue – and Parliament representative Vallone’s presence confirms it – is the impact of a certain number of international agreements. The experience of the CETA agreements has demonstrated how important it is to not forget this dimension. After all, the recent decision by the Court of Justice leads us to work on this issue. I can confirm that the European Committee of the Regions has truly been made aware of this issue; we must not forget the European Commission’s request to ensure that this situation is monitored, so that the European decision-making process can become more fluid without finding ourselves having to face the same situation we witnessed with the CETA agreement.

I’ve raised these three issues today to demonstrate how the TIA is a scientific and technical activity, but also and especially a political one: it must be carried out together, so this is why we have wanted to considerably strengthen our interinstitutional ties.

A short time ago Professor Espa mentioned the importance of the European Commission’s Regulatory Scrutiny Board, which has allowed us to have a more systematic understanding of territorial impact assessments. We have the DG REGIO’s commitment to develop a work programme for the cohesion policy in the upcoming months, as well as for the urban agenda, which continues to be fundamental. We also work with ESPON and the European Commission’s Joint Research Centre in developing tools for territorial impact assessments.

This is not just about having a purely analytical view of a given policy, but also developing a concept of the asymmetrical territorial impact of policies. We are aware of the decisions coming from Brussels and of the fact that these might have differentiated impacts, yet this does not necessarily imply a lack of trust in European operations. If we are unable to anticipate these differentiated impacts, we will probably have to face further problems in understanding the added value of European actions, in the future.

Given this context, I believe that as a political assembly we now need to deal with a task regarding a concept which we hope to develop with the TIA. This is the concept of vulnerability developed by the Intergovernmental Panel on Climate Change that was utilized by ESPON and that represents a starting point. It’s a foundation that should be developed; it’s the first and only existing foundation today for assessing territorial impact which allows us to assess the effects of a policy through a special territorial lens, because every territory has its own characteristics. The aim is to arrive at and develop this concept starting with tools that were developed a few years ago. One of these is the Quick Scan Territorial Impact Assessment Workshop, which is a series of workshops which we started so that we could have experts offer their own views, along with local and regional actors. In this way, we can better understand how a policy is perceived. A policy is an operation and a series of measures, but we also need to consider how all of this

is perceived. Besides the indicators which you are already familiar with, we also try to use other, more specific indicators. It is very important to have adequate indicators that are in line with our technical and scientific foundation. We strive to do mappings. The first experiences demonstrate that these workshops allow us to compare the data with a territorial reality. We also have some urban impact assessments that are fundamental to developing the European urban agenda, and this has been an important evolution over the past few years.

A few days ago I was in Paris at the OECD meeting, in which all the UN-Habitat and OECD directors participated. I was pleased that the themes of democracy and urbanization were taken into consideration at the global and intergovernmental level, and that there is a desire to develop a certain number of tools with the European Committee of the Regions.

A short time ago Ms. Vanden Broucke explained the importance of stress tests. Let's consider the last two crises which have had an enormous impact on the European Union in general. For example, the subprime mortgage crisis in the United States started with housing problems and local management problems. The increase in global urbanization has therefore created a global crisis, and this crisis has had an impact on all levels of governance. Therefore, urban impact must be considered.

If we examine the Arab Spring phenomenon, even in Maghreb we can see how everything began with a territorial problem – the city-country impact – and with the way in which the young people in these countries were not integrated into their territories' economic and social environments.

I've strayed a bit in my discussion, however all of this makes us understand how our perception of these issues is evolving today.

We also utilize important and specific tools regarding cross border cooperation, which could be useful for the Territorial Impact Assessment. We are working to develop and improve our methodology with all of these tools.

I would now like to provide you with some information on methodology. Our methodology aims to provide a clear picture which links a given policy to its impact. The experts working on these aspects aim to consider four elements. The first one consists in seeing how a policy directly influences a region's development. The second element regards what kinds of regions are impacted, given that rural, urban, metropolitan and cross border regions definitely do not have the same capacity to adopt European policies. Therefore we must see how this impact is calculated, and here we go back to the need to find adequate indicators which offer us a photograph, or map of this impact; politicians need elements which I would define as "scenography" to help them visualize an impact, so that our rapporteurs can translate everything into our political recommendations, that are then examined during the legislative process by the Parliament, the Council, and the European Commission. In this way, impact assessments serve the entire legislative process. We have an experience of 2-3 years – which obviously is not long enough to allow us to see everything with the necessary detachment – but I

can already share with you some of this initiative's first conclusions, which I hope will be useful for your reflections on how to deal with these important issues.

In reference to the conclusions made by Joséphine, I would like to highlight how crucial it is to consider the importance of the TIA work. Territorial impact assessments must be foreseen throughout the political cycle; rather than limiting ourselves with the pre-legislative phase, we must follow through the entire process. The European Parliament, which intervenes with its amendments in the legislative process, very often makes substantial changes to proposals formulated by the Commission.

Therefore impact assessments need to be evaluated throughout the entire process, including the delicate legislative phase, which is often forgotten because the focus is on the ex-ante and ex-post phases. This delicate and important phase should not be neglected, but rather vigilance needs to be maintained for this phase and for the role of contact between members of the European Committee of the Regions and of the European Parliament.

We must develop an interinstitutional partnership. I've already explained how we intend to achieve this with the Commission, and I believe there are promising prospects in this regard, especially for the ex-post phase.

Regarding the European Parliament, I would like to mention the excellent collaboration that has been developed with its Research Service. The number of shared assessments is increasing, and we are working on the impact assessment on a regular basis, as well as the Rolling Action Plans which Joséphine discussed. Another prospect, to assess the possible degree of collaboration regarding the elaboration of European Parliament implementation reports, was made official during the last meeting between the President of the Conference of Committee Chairs of the European Parliament and the Committee for the Regions.

More direct access to the features described above, which represent the cornerstone of the European Parliament's work, will certainly allow us to be more effective in assessing how European policies are implemented, which the European Parliament has already done in the past with its fact-finding missions. Connecting all of this with the territorial dimension, as well, will enable us to move in the right direction.

We've also had good results with the Member States, due to the fact that we gradually make connections to the national level in our TIA workshops. I'm particularly pleased to mention this today, because the national level needs to maintain its role in multi-level governance, or we risk losing much of our work's effectiveness. Behind all these processes I believe that we always need to bear in mind which political results we are expecting. I think that the first thing to consider is the political significance of a TIA, because it is so important to understand as soon as possible what its interpretation might be, what the political consequences might be, and how the use and communication of the TIA can be improved. Otherwise it risks becoming a merely technical exercise.

It was no surprise for us to find that there is a total lack of data at the intrastate

level. We are attempting to fill this statistical data gap in collaboration with Eurostat, and to try and improve local and regional data. The truth is that without relevant data we cannot expect to reach the level of excellence that we are aiming for with this tool. We need to invest in local and regional data: this is a great political and democratic issue. If we remain indifferent to this point, the only piece of data we will have will be election results, which are alarming in some countries. Instead I believe we must work towards making local and regional scientific data much more relevant, while also developing a methodological awareness. Our current initiative, which involves the regional Parliaments, contributes considerably to all of this, and we could work with the European Committee of the Regions on properly considering these elements, together.

In conclusion, what considerations do we have for developing this tool in the future? On the one hand, I believe we must consider the need to draw the local and regional challenges together, while bearing in mind the large issues that are being discussed at the European level. On the other hand, I would like to focus your attention on the 2030 Agenda for Sustainable Development, which is a new initiative and a source of reflection for the future on the part of the European Commission. It will require the European Commission to invest a lot - also in terms of impact assessments. Some of the sustainable development goals are of particular interest to local and regional authorities – urban Goal 10 and Goal 11 – but also all the other goals have a territorial dimension, and so a special project has been launched by the European Commission to understand how to carry out assessments. The OECD is also working on a similar activity regarding sustainable development goals. We need to think of these goals as a central theme. We also need to consider one aspect that is important for us: these sustainable development goals can be translated into a cohesion policy during the European semester, because we are dealing once again with aspects that local and regional authorities will have to take into consideration for the next five years.

Furthermore, we need to consider the planning prospective assessment and agenda- setting carried out by the European Commission regarding these scenarios in Europe's future. None of the scenarios presented will actually be taken into consideration, but they all have a territorial impact. The Committee of the Regions must take them into consideration to reflect on an impact assessment strategy, because we shouldn't allow ourselves to be unprepared. In this regard, thanks to the preparation of a very important reflection paper on the impacts of globalization that was adopted a few weeks ago, we have succeeded in adding the concept of territorial resilience as something to be considered when analyzing the impact of globalization on territories. In my opinion, this novelty represents a benchmark for carrying out a reflection on future territorial impact assessments.

The third point regards a very important issue for us: economic governance and the implementation of structural reforms during the European semester. In this regard we are continuing our monitoring activities. Each year the European Commission Country Reports are published, which report on each Member State's

implementation status during the European semester. This tool is recognized by the European Parliament, which now takes it into consideration because a gap exists between the national level and the local and regional levels in terms of investment capabilities. In assessing the importance of investment funds at the regional, European, and local levels, it is crucial to bear in mind the scenario we intend to follow, as well as what progress there is at the economic governance level, and any new recommendations for development that will be considered in the future.

I would like to conclude with the tangible prospects we have regarding the “Better Law-Making” agenda.

We have a variety of tools at hand that we can share with you. The work that we are conducting to strengthen capabilities in analyzing and assessing local and regional authorities has been shared with the Joint Research Centre (JRC); it has launched a knowledge center for territorial policies – an interesting tool which aims to improve scientific support for regions, in order to establish just one databank for territorial assessments. We are working daily with the JRC to develop this tool for the European Committee of the Regions, but also for local and regional authorities.

We have an urban data platform – with the DG REGIO and the JRC– which we use to analyze urbanization trends and their relative impact.

There is also a policy initiative that is useful to the academic world, which Joséphine spoke about when she cited STOA. It is called the Science Meets Parliaments initiative. We have just developed a parallel initiative called Science Meets Regions, that assists in creating connections between policy-makers and scientists.

I’d also like to mention the events that are held in Brussels and in various regions: the TIA could be a part of this initiative to improve the previously cited Evidence-Based Policy-Making, which we must develop.

There are a variety of initiatives in the upcoming months during the “European Week of Regions and Cities” which is held in October in Brussels under the aegis of the Committee of the Regions, as well as seminars that we have developed in collaboration with the JRC. Therefore there will be a variety of initiatives in the upcoming weeks and months which could be useful for your work in improving consideration for the impact on territories.

I believe that we must work together on the technical scenarios, but also on how they translate politically and are perceived by citizens.

These are the three steps of this initiative which require us to carry out a shared effort in order to also contribute to translating what we have been requested to do by the European Council. The Committee of the Regions has in fact been invited to contribute to this process of assessing the perceptions citizens have about EU implementations, with the aim of proposing a dynamic which engages citizens. All of the work linked to the TIA is therefore useful in contributing to the image of the connection that currently exists between citizens and the European process.

I would like to invite CALRE to contribute its own views about what the decision-making process should look like, and how it should be set up so that it can remain as close as possible to citizens.

Thank you for your attention.

Ilaria Dal Zovo

Regional Council of Friuli Venezia Giulia

President of the evaluation, control and legislation Committee

Good morning everyone. Thank you President Porzi for this opportunity and for having organised this moment of reflection on this subject which I believe is now central to all local and regional administrations and higher levels. I was very pleased to accept this invitation in place of the President of the Regional Council who could not attend as he is abroad. As President of the Committee for legislation, control and evaluation of the Friuli-Venezia Giulia Region I think that these moments of in-depth discussion and comparison between the various Institutions are necessary in order to improve and to try and summarise what we have in the field. In the Friuli-Venezia Giulia Regional Council, the “statutory” regional law no. 17 of 18 June 2007, included, among the guide and control functions attributed to the Council, the exercise of “control over the implementation of laws” and the promotion of the “evaluation of the effects of the regional policies in order to verify their results” and stated that the laws may include “evaluation clauses of the implementation of the law which govern the methods and timescales in which the effects, results and costs of its application occur”.

In this way, legislative significance was given to activities and institutions that had actually been introduced to the council’s works through regulations. In fact, after a fixed-term experience which began in 2004 with the establishment of a Special Commission, the regulatory reform of 2005 introduced a permanent body with a joint composition, the Committee for legislation, control and evaluation, which exercises the control activity over the implementation of laws and the evaluation of regional policies, as well as monitoring the quantity and quality of the legislation produced and the other council activities.

Like other regional legislative assemblies, the Council of Friuli-Venezia Giulia has therefore chosen to establish a body specifically appointed to exercise and promote the control and evaluation activities, in the conviction that the presence of a bipartisan institutional entity could promote the construction of common and shared knowledge of the implementation process and the results of the laws, displaying, in concrete terms, its determination to follow a process that constantly aims to improve the quality of legislative activity through the use of instruments

for checking the implementation of laws and evaluating the effects of policies.

I would like to point out that the Friuli-Venezia Giulia regional Council, since May 2006, has been involved in the “CAPIRe project” an initiative supported by the Conference of the Presidents of the Legislative Assemblies of the Regions and Autonomous Provinces to promote the use of the evaluation of policies in the regional legislative Assemblies.

Our evaluation committee is comprised of ten Councillors, appointed by joint nomination of the Presidents of the Council Groups, equally representing the majority and the opposition. The balanced composition of the body is to protect the credibility of the control and evaluation processes. The Presidency itself is reserved for the opposition.

To put the exercise of this function into practice, the 2005 Regulation also governed the procedures, introducing suitable tools for exercising control over the implementation of laws and the evaluation of regional policies: 1) the Proposals for evaluation clauses for draft laws considered to have the greatest impact: articles of laws that entrust to the implementing parties the task of reporting to the Council, with periodic reports at specified frequencies, the implementation of the reference law and consequent results, providing documented responses to the questions raised by the clauses themselves; 2) Evaluation missions: activities for finding out more in-depth information, generally on particular aspects of a law or regional policy, regardless of the existence of an evaluation clause.

The Committee also checks the implementation of the acts by the Council for the Executive (motions and agendas). It examines the statements and reports of the Regional control section of the Court of Auditors on the administrative management. It monitors the quantity and quality of regional legislation produced and of the other council activities, dealing with the presentation of an annual report that must provide evidence of the quality of the laws and their effectiveness for the purpose of ordering and simplifying the results obtained by the Council in the management of communication with the Executive in exercising the address and control functions.

In fact, the duty of the Committee is precisely to check whether the implementation of the legislation complies with the original plan and whether it fulfils the purpose of the regulation, to assess what reasons there are for any deviations, and to produce legislative amendments that improve the legislation (and its application).

In the same way, the evaluation of the effects of policies concentrates on the expected and unexpected effects of a policy, highlighting whether it has been successful, that is whether it has contributed to solving the problem for which it was adopted or whether it had any negative consequences or unexpected side effects.

What the legislator needs to do is to try to respond, in an intellectually honest way, to questions on the effects of the policies and, above all, make sure such answers really do enrich the public decision-making process with the consequence

of making more informed, and therefore also more conscious, subsequent choices. The outcomes of such control and evaluation activities are intended, in the form of proposals, opinions and informative reports, for the competent Commissions who refer them to the Regional Council since the Committee does not have any direct reporting functions to the Assembly.

The connection between the activities of the Committee and the permanent Commissions has, over time, led to the gradual consolidation of the procedures. In particular, precisely to make the planning of the work by the Committee and the council commissions more effective in relation to the activity of the Regional Government, in accordance with the permanent commissions, a program of three-year assessment initiatives has been adopted (for the years 2015-2017) which identifies the laws and regional policies subject to analysis and verification with priorities for legislation assisted by evaluation clauses.

Communication with the Executive has, particularly over the last two-year period, led to an increase in the reports coming from the Regional Government and the improvement of their quality.

To date, there are 30 regional laws of Friuli-Venezia Giulia containing an evaluation clause, 12 of which have been approved in the current term.

In 2016, 9 reports on the implementation of regional laws received by the Regional Government or by other implementing parties were examined by the Committee for legislation, control and evaluation; of these, up to now, 8 have also been examined within the Commission and 7 already referred to the Regional Council. In 2017 another report has been examined.

Two evaluation missions were concluded in 2016 (on housing policies and the so-called "dispersed hotels"); a new evaluation mission has recently been approved (in April 2017) following my proposal, on the identification and decontamination of asbestos, while another mission proposal (Regional Operational Programme, ERDF 2007 – 2013) was presented by the regional councillors and will be examined by the Committee for their potential approval.

The organisational support and preparatory and methodological assistance for the works by the Committee are provided by an operational and technical support facility that works in association with the offices of the Commissions.

I would like to conclude by underlining the importance of these tools.

Providing draft laws with clear and effective evaluation clauses, transforming the aims of laws that too often are expressed ambiguously in idealistic terms or rhetoric, into clear, concrete and explicit propositions, whose implementation is realistically and directly observable, means also making the evaluation of the effects of the policy more useful and effective.

On the subject of evaluating policies, the metaphor of therapy is often used, i.e. the public policy is defined as an effort to alleviate a particular pathology in certain patients, to "cure", or take care of a situation that is perceived socially to be unsatisfactory and therefore worthy of change.

I believe that public policies are much more legible from the therapy viewpoint

provided it is possible to attribute to them clearly defined objectives (e.g. reducing deaths on the roads; reducing forest fires; making small businesses more competitive), rather than hazy or generic objectives (e.g. encouraging local development; fighting crime; promoting equal opportunities; contrasting social alienation). More direct legibility of the policies as therapy also implies that these policies are easier to evaluate also by citizens, the true end users of public interventions.

I would like to add that the evaluation of the effects should not be considered as an administrative process, only useful to those with executive or management roles.

The results of the evaluation belong to the whole community affected by the collective problem that the policy subject to evaluation attempts to solve.

The step of divulging the results is just as important as that of performing the analysis. If the evaluation is not communicated correctly, and therefore not really understood or even ignored by possible users, it may as well have never been performed. Thank you!

Vincenzo Monaco

Vice President of Regional Council of Molise

Thank you, President Porzi also for the wonderful hospitality. I would like to greet all the colleagues and renowned speakers taking part in this excellent Working Group. I am bringing my experience as administrator of one of the smallest Regions in Italy, Molise. Molise is a Region with about 300,000 inhabitants and with quite a large surface area in relation to the number of inhabitants, about 4500 km². Therefore, it is a sparsely populated area where it is complicated to guarantee even important services such as health, particularly in the inland areas. However, in economics everything is measured according to the parameters of effectiveness and efficiency, i.e. based on evaluation research that is in our case especially social research that aims to collect data and information which are processed on a case-by-case basis according to the most subjective criteria and methods possible. Obviously evaluation is never an opinion but is and must remain the summary of research performed. Evaluation is an organised learning activity and particularly helps us to understand mistakes and not to repeat them without such mistakes then being used to point the blame; that is, it helps to understand the mechanisms that have led to success in order to try and repeat them - the famous best practices that the renowned speakers mentioned to us. Evaluation, which obviously has a cost, helps us to save money by using it better and very importantly helps democracy in the sense that it promotes transparency and reporting. Despite the urging of the European Commission, for years the

public administrations themselves have avoided studying and exploring the concept of evaluation as a means of improving local policies, even considering it a boring administrative tool. Now that the European Commission has become even more pressing and strict, international debate has moved evaluators closer to the most appropriate research methods and theories. Administrators and supervisors are now required to fulfil roles with greater responsibility. Returning to my Region, the critical points that emerged in relation to the application of the evaluation process are essentially connected with some aspects. The first aspect: a public administration structure that still pays little attention to results and is still anchored to the correctness of the procedures of our Country and its multiple standards, codes, laws, regulations and regulatory powers. Most supervisors are taught to apply the rules, perhaps because they are subjected to strict oversight in this sense, but they do not then take responsibility for any lack of development of these rules in their territory. Secondly, there is still a provincial political class that prefers to direct projects and programs from a very local, dare I say almost patronage-like, perspective. In a Region like mine, which is so small, where everyone knows each other and everyone has direct contact with the administrators, the phenomenon is clearly amplified. The “So and so” association comes to ask you for a law that will not lead to any broader benefits. Third: the lack of tested evaluation criteria and particularly the lack of training, although this has improved over the years, subsides into the disinterest of the administration and leads to evaluations that are of little use and are often not used at all. Finally, and this is very current, the financial/economic crisis is clearly cutting everything that can be cut, also including consultancy - which is always quickly labelled within the category of activities that are not very transparent and tend to be patronage-like. However, the new by-laws of the Molise Region approved with Regional Law No. 10 of 18-04-2014, marked a change of direction. The Council intended to make ex-ante and particularly ex-post evaluation more effective; in fact in Art. 16 of the by-laws in force under paragraph two, letter q, the following is stated: verifying through the Commissions the implementation status of regional planning, the effects produced by the regional laws and their implementation status, the work of the Regional Government and the proper running of the regional departments of the regional bodies, agencies and companies in which the Region has an interest. The subsequent paragraph also states: “The regional Council performs its functions making use of procedures and tools aimed at promoting a permanent and direct relationship with the territory and with the Regional community; it also calls on external organisms for the research and collection of the data necessary for performing its functions”. Finally paragraph 4 states: “The Council equips itself with organisational tools to effectively perform the control function in order to assess the effects of the policies and verify that the expected results are reached”. Paragraph 2 of Art. 37 of the mentioned Regional Law states: “Regional laws normally include evaluation clauses indicating the data and information that the implementing parties are obliged to provide for the purpose of verifying the

effects and results of the legislative interventions. Considering that the evaluation activities listed above cannot be left to the individual Regional Councillors, who may not have specific relevant training, a reorganisation of the administrative departments is scheduled with the Bureau. The reorganisation envisages the creation of a specific department with the following functions: acquisition, collection and distribution to the councillors and the organisational structures of the Council of information and documents of interest for the regional Institution and for the development of regional polices of legislative and government action. Monitoring, analysis and evaluation of the impact of regional legislation in the various sectors, recording and analysing the effects of regional legislative interventions on the Institutions and on citizens. In conclusion, I would like to summarise that since evaluation is useful for improving public performance and reaching greater effectiveness, I am convinced that as citizens we must support its growing development. Stakeholders must understand the great importance of the correct, reputable and properly used evaluation of public policies and be in the front line demanding it. There is still a long way to go and I believe the results that emerge from this Working Group will give an important contribution to the development of good evaluation practice.

Nicolas Tzanetatos

Member of the Parliament of Wallonia

I believe that making assessments of implemented policies a priority is an important symbol – and from what I’ve heard from the other speakers, my opinion is shared across the board. This is because we are talking about both a test of transparency and a test of humility. Transparency, because the possibility to criticize the decision-making or legislative institutions is put into the hands of citizens; humility, because those same legislative institutions are offering and implementing a tool which allows them to become aware of whether they have made a mistake, or have wrongly assessed a given territory’s situation.

In the Wallonia region – one of Belgium’s three regions – we do not have a specific assessment body at the administrative level, but we do have a series of tools which allow for both ex-ante and ex-post assessments.

The primary tool is the Parliament’s mode of operation.

The Region promulgates decrees in the form of proposals - if they are Parliamentary initiatives coming from the members of Parliament - or projects - if they are Government initiatives. The decree proposals/projects are first examined by the commission where legislative work is conducted: the members of Parliament – whether from the majority or opposition party – can criticize and offer opinions, but they can also request external opinions, consulting audits, or

assessments conducted by the sectors which are linked to the project or decree proposal. These are permanent ex-ante assessments.

However the fact that a decision has been made by the Parliament – regardless of the initiative or whether it comes from the Parliament itself or from the Government – allows for the possibility of an ex-post assessment. In fact from the moment a regulation goes into effect, members of Parliament can at any time decide to assess this regulation according to their territory's wishes; after all, they are representatives of a city and a geographic location, and are in communication with the various sectors that are linked to the projects or decree proposals, and that can therefore offer feedback.

Our system is also equipped with compulsory tools and optional tools.

When the government decides to implement a decree project, it is obligated to consult the Union des Villes et Communes. As I said the last time I participated in a meeting, Belgium could be compared to an “administrative lasagna” due to its composition, because besides having the Federal State we also have regions and communities, depending on the appropriate jurisdictions. And then we have provinces and municipalities, which represent the political institutions that are the closest to citizens. The municipalities have the region to safeguard them. The Union des Villes et Communes verifies whether the interest of the municipalities and cities is not invalidated by decisions which could be made at the higher levels, that is, the region.

We also have the inspectorate of finances which assesses the economic and financial impact of projects that can be launched by the Government; and we have the economic and social council which provides its own opinion.

An important actor at the institutional level is the Council of State, which is obligated to provide its opinion when the Government decides to promulgate a project. It has the power to provide advisory opinion and to verify whether the material handled by the Government for a decree project is under the regions' jurisdiction – since the jurisdictions in our institutional lasagna have been divided between the various levels – and to ensure, afterwards, that there is consistency between the legislation up for approval and the existing legislation.

The Council of State provides opinion, and the procedure requires that these opinions be taken into consideration for government projects, even though they have no binding value.

The Wallonia Parliament also has a legal services department, and the WBF (Wallonia-Brussels Federation), which is an “office for simplification”. These are tools which allow us to assess the impact of decisions that are being discussed.

Just like in the Italian regions, there is a Court of Auditors, another important actor. It assesses a project's quality and provides technical advice to the Parliament. The Court of Auditors also sends commissioners, who provide their oral opinion when the ministries conduct their budget analysis. This makes the Court of Auditors' role quite important.

Citizens have the possibility to address the Parliament directly, for example

through petitions. Recently we had an example of a decree proposal which intended to abolish the practice of slaughtering animals without stunning them. On this occasion we were able to witness strong mobilization on the part of citizens regarding this issue. I can tell you about my own personal experience, but my colleagues also received more than 5,000 email messages, which provided a very clear viewpoint on this issue. The fact that my e-mail box was full of messages enabled me to see that increase in citizen involvement.

Regarding other tools, I believe we must benefit from bodies like CALRE for the exchange of best practices; I am convinced that discussion can help improve the systems that are adopted within every structure.

On a more personal note, I would like to add that the world is evolving so quickly that we need to change our legislative apparatus. As professor Espa said, a real gap exists between legislative bureaucracy and the actual reality in a territory.

Today citizens no longer understand what happens in the Parliament – whether it is regional or federal. This leads citizens to even go so far as to minimize parliamentary work, and to say that political institutions do nothing more than complicate things and invent new taxes. This is a shame, because it has a direct impact on our democracy. In fact we can now see, even in Belgium, how extremism has intensified - so much so that the traditional parties are no longer placed on a pedestal.

Promoting assessment mechanisms helps reduce the distance between citizens and political institutions. Promoting transparency means allowing citizens to let their voices be heard.

Improving the system that produces regulations is indispensable, and simplification is needed. We can no longer count on the current mechanism and its slowness. When a problem arises – at the ecological level, or with new technologies, or regarding other issues – and the legislative institution decides to handle it, what often happens is that by the time a measure is implemented, there has already been a technical or technological evolution. Therefore we must simplify this apparatus. We have to also allow for permanent assessments, so that we can stay in touch with reality as much as possible. The world is evolving quickly, therefore permanent assessments can help focus a legislative institution's attention on improving its legislation, without necessarily reviewing an entire law but just modifying it. We should strive to make what has already been done – which is obsolete but not necessarily wrong – better, and closer to reality. To achieve this, that reality still needs to be a current event when the legislative institution deals with it.

In my region, assessments exist at the legal and financial levels, to detect whether a conflict exists between the various regulations, yet a true assessment must be based on objective criteria.

Today when a regulation is approved – whether it is an initiative coming from the Parliament or the Government – we must ensure that its objectives have been clearly established. Without a focus on objectives, it will be impossible to correctly

assess regulations. This requires the use of objective assessment criteria, which is what allows for total transparency.

Beyond the current tools, I believe that in order to guarantee the most objective assessments possible, assessments must be external to political institutions and be financed in an independent and certified way.

I would like to conclude by saying that I share the opinion that was presented regarding the need to create a knowledge center to remain up-to-date on various developments and ideas; it is obvious that the decisions made in Brussels are perceived differently according to the impact they can have on the various regions.

I believe that improving concertation between the regions is a good step to take. The example of Wallonia and the CETA agreements was mentioned, when my region faced the European Commission in the same role the Gauls had held in the past. I believe that on that occasion, Wallonia recognized a power within itself which every region has the authority to seize. If there had been more concertation at the very beginning of the decision-making process for the CETA agreement, I believe that all the regions would have been able to offer their own opinions. I don't want to imply that Wallonia was necessarily right about the CETA agreement, but that every region has, at the very least, an opinion that should be taken into consideration. I believe that increasing discussion between the various regions might help us in more quickly presenting the Commission with our concerns.

Thank you once again for this fine work day, which had transparency as its theme.

Francesco Pacini

Regional Council of Toscana. Chief of Vice president Lucia De Roberti's Cabinet

Good morning everyone. Mine will obviously be a short presentation to replace Vice President De Robertis who was unable to come. As you will certainly have seen from the questionnaire that Tuscany produced based on your request, the Tuscany Regional Council does not have its own dedicated structure, a Policy evaluation commission, but in accordance with the By-laws and internal regulations it entrusts the task and function to all the competent commissions through the support of a dedicated technical structure. It could be hypothesised that the Control Commission, which by definition has the task of also checking the implementation status of the regional policies and the congruity of the acts with respect to the main planning tools, could be the appointed tool but in practice this has never happened, also because by choice in the By-laws of the Tuscany Region, for example, the Control Commission is presided by a member of the minority and therefore, as part of the dialectics with the government body, which remains the

main source of production of regulations in terms of initiative - you will understand how this can create a series of problems. Mainly, in the Tuscany regional Council, the prevalent activity is that of the feasibility evaluation of legislative measures. There is a minimal structure in terms of numbers as, in fact, there are three units of highly qualified personnel to cover legislative production which last year included about a hundred laws. Despite this very high number, 70-80% of the measures can benefit from a feasibility sheet. This instrument is provided to the Councillors but as yet, compared to the legitimacy sheet, it has lower consideration by the legislators. Prevalently, the Regional Councillors still concentrate on the evaluation of the congruity of regulations produced with respect to the compatibility with the Constitution and the higher-ranking regulations, and do not focus much on the evaluation of the effects that these regulations will actually produce. One case that we can define as striking – and not due to the responsibility of the Council – is the whole regulatory process that the Tuscany Region launched from 2015 onwards in relation to the reorganisation of the provincial functions. The Tuscany Region chose to regain all the regional functions that had been transferred to the Province and to hand them back to the Regional Government: from professional training to agriculture, environment, etc. This led to the production of a build-up of regulations precisely because of an ex-post, operational examination of inefficiency in the organisational methods that had been used with the previous method. This has highlighted the idea that maybe a more meditated process supported by a previous, more reasoned evaluation, especially in terms of impact on the administrative structures, would have allowed the number of regulations to be reduced, although this would have delayed the reacquisition process of the functions. This would have benefited the departments called upon to implement them and the final users, citizens and businesses. This is the more striking case. Otherwise, in a positive sense, we can identify as a really new element also from the perspective of policy evaluation, the choice - by the council - to include within the latest budget a regulation that “obliges” the Regional Government to report at least every four months to the competent Commissions on the implementation of the measures that the budget includes. This implies a sort of continuous control by the Commission that deals with the budget when it involves interventions of a financial nature, and by the Commission that deals with transport infrastructures when it involves interventions related to infrastructure, etc. This makes it possible to acknowledge and build up a kind of monitoring on the implementation of the law itself, which is a new element. It is the first year that we have done this, and at the end of 2017 we will assess how it went. Two investigations are currently under way on the impact produced by research projects that will be delivered over the year: one related to housing policies in view of a reorganisation, not so much of the active policy tools, for public residential housing, rather in relation to the reorganisation of the parties called upon to manage public residential building policies; then there is another, more delicate and very important, which relates to the process of

mergers between the Municipalities. Some time ago, Tuscany activated a process in these terms also with an acceleration over the past legislature with economic incentive processes that initially allowed the reduction of a certain number of municipalities, even starting from a situation like Tuscany which has fewer than 300 municipalities. This process ground to a halt, not so much in terms of the merger initiative, rather in terms of its outcome. I am referring to a merger process in the Province of Arezzo, the Province where the Vice President De Robertis comes from, following a draft law requested by the public which was supported by a reasonable number of citizens; the outcome was negative with two municipalities that were to merge - which are actually separated by a bridge -; in one there was a total majority consensus and in the other the total majority disagreed. Why am I telling you this? Because I believe that an in-depth evaluation that looks into the causes and motivations of the “municipality merger” issue is a tool that the Tuscany Regional Council desperately needs. A final aspect to point out is that all the ex-ante and ex-post evaluation on which the Regional Council operates, I repeat, especially on acts of a legislative nature, always takes for granted having to depend on the availability of the information and data belonging to the Executive which is the party that is then competent for the implementation of regulations. This sort of dependence greatly conditions the timescales for taking action. Initially, also thanks to the diligence of the Conference of the Presidents of the Regional Councils, at the end of the last legislature, in the re-adaptation of our law on council autonomy, we introduced a regulation that imposed the signing of an agreement within the first six months of legislature between the Regional Government and the Council in order to put the data to be shared down on paper and for which to allow continued access and maximum transparency by those responsible for the guide and control function i.e. the Regional Councillors. Anyway, to date this agreement has not even been put down on paper, let alone signed. I say this with personal regret after the past experience in the last legislature. It is a tool that could really help a great deal in the re-activation of evaluation processes effectively functional to the main need that is - based on Article 44 and 45 of the By-laws - performing legislative activity that is really essential and truly responds to the principle of legal certainty. Thank you.

Simonetta Silvestri

Legislative Assembly of Regione Umbria

Director of the Policy evaluation, studies and organisation service

Thank you President Porzi for assigning this task to me. Yesterday, the commission for the reform of by-laws unanimously approved the amendment to the internal regulation of the Legislative Assembly; one of the first points on the commission's

work program, had been to identify the procedure to reinforce the public policy evaluation function within our Legislative Assembly. The text that was approved by the appointed Commission and that will have to be voted on by the Regional Council reinforces the function of ex-ante evaluation of public policies and the role of the Council Commissions which were already responsible for this function in the previous regulations, but this also gives the Committee for the control a decisive role in evaluation activities within the Council Commissions. In order to institutionalising and giving a role - within the regulations of the Legislative Assembly, I would like to point your attention on the fact that the Control Committee is presided by a minority Councillor. There was a great deal of reflection, particularly by the technical structure, but also by the political structure, on how we would be able to carry this exercise forward. A technical exercise in which we asked ourselves about what the political sense of evaluation could be and also with the intention of giving back to the citizens, using tools that Europe already uses and on which we, at national level, are behind. We have started working together, on one hand, on the implementation status of the requirements contained within the evaluation clauses, which are articles of laws that are provided, sometimes also in accordance with the Executive, within laws that have a greater impact; on the other hand, we have initiated a constant monitoring activity on the implementation status, not only with respect to information obligations, but also to the requirements that were envisaged in the individual regional laws. This also leads to continuous monitoring on laws with a three-year scope; for 2014-15-16 we concluded like this for all the evaluation clauses; we are also doing it for 2017 also using the tools that the new forms of communication give us; that is, trying to use not only the website of our Legislative Assembly but also discussing how this continuous monitoring of the requirements could essentially also be communicated to the parties affected by the laws and the entire civil society. Another reflection that we are undertaking over the current months is that the data (and on one hand I have been comforted by the reports that have been presented this morning) are scarce and are not available. The problem of the data is not only how much data we have, but also the quality of the data and how these data can be used and above all be compared, because the evaluation methodology is an analysis which leads to social, economic, financial and environmental consequences and it must be based on scientific elements in the kind of retrospective logic about which Professor Espa was talking this morning, and therefore useful to decision makers and also able to be used by individual citizens and by the community. I believe that the data problem is a serious one and, in fact, for this reason we have also tried to test out a way of putting our knowledge together with scientific knowledge. Therefore, we have initiated a collaboration agreement with the University of Perugia, with the aim of creating a strong relationship with our University and with various Departments (political science, social studies, but also economics and law) in order to encourage and study how to understand and process the data, starting

from a common database that we have. The fact that the executives do not fulfil the information obligations is not only due to political will, but I believe this is also due to the fact that the executives themselves often do not have available data or have information systems that do not communicate with one another. Social policies are integrated with housing policies, they are employment policies and education policies and the systems or the departments do not always put these policies together in a logical way, an inter-sectoral logic, hence they sometimes are not integrated. While distinguishing between the technical role and the management role of the political function, we are experimenting with an evaluation mission on active employment policies, and I hope that this will happen more and more. For example, the regional law on youth entrepreneurship. It is a law that dates back to a number of years ago, but unfortunately we have reached an evaluation of political impact only. We will try to test forms of participation of intended addressees by launching an online consultation process. We believe that data analysis and quantitative evaluation must absolutely be combined with qualitative evaluation. We have done this by putting together various types of knowledge. The road is undoubtedly a long one, and this function and role needs to become more institutionalised with a common commitment; identifying the procedures that facilitate relations between the Legislative Assemblies and the Executives. I don't think this is only a problem, a difficulty of having or not having structures - in this sense our Assembly decided a year ago to set up a structure, the one that I manage, dedicated to the evaluation of policies, and I consider myself fortunate as a supervisor because I have sociology, legal, economic and statistics skills; but where these structures are not strong we can do it only by promoting collaboration, and establishing a network relationship. Where there's a will there's a way and I think this is an ideal that needs to belong to all of us. Thank you.

Paolo Pietrangelo

I would especially like to thank the President for having taken on this CALRE working group. I am convinced that this is a very important initiative, in that we have decided to establish a connection between the experiences of Italian regions and those of the other European regions which CALRE is part of.

I would also like to thank my group for having organized this work day. I believe the experience has truly been fruitful.

Finally, I would like to thank all of the guests for their contributions.

I think that no real conclusions can be drawn at the moment. I would however like to share a few reflections with all of you.

I believe that there is still a long journey ahead of us. In fact as Nicolas has already

said, the current institutional situation - in a Europe which is characterized by populism, the need for transparency, the crisis of traditional parties, and the citizen's role - requires us to search for innovation, and those who need to do so are the institutional representatives and especially the Parliaments. The assessment thus becomes an attempt to change and improve our work: for citizens and for the implementation of public policies, and therefore for Europe, the European Parliament, and the Committee of the Regions. As you know, over the past few years we have gained some experience in doing assessments, as the representatives of Molise and Friuli Venezia Giulia have already explained.

We have a political and technical coordination. So much still remains to be done to improve the functioning of our public body.

Nicolas said that we must search for objective criteria: I would like to add that this is no easy task. It's actually the hardest task. Assessments are always political. For those who work in bureaucratic structures and groups it is very difficult to successfully provide a product which is truly scientific. It is a challenge. It is the greatest challenge. We need then to continue with the progress we have been making, and I believe that the President's proposal to hold a meeting in Brussels with the Committee of the Regions is an interesting idea. The Committee of the Regions has decided to create the Subsidiarity Monitoring Network, and I believe that assessments can indeed interest our level of awareness.

I would like to thank everyone once again, and leave you with some advice: know, in order to resolve.

Fabio Raspadori

University of Perugia

Thank you for the hospitality, thank you President Porzi. The University of Perugia has already been mentioned. I would like to take this opportunity to inform you that my Department, the students and the researchers who have already gained skills by working on research projects connected with the Region, will be more than happy to support this interesting and important activity that the Presidency and the Regional Council are undertaking on Better regulation. It is a subject for study and if done well it could also be a good support for practical and concrete action and good policy. So thank you and we remain at your disposal.

Donatella Porzi

We will keep this in consideration. Thank you all for the participation and for being

here. Thank you everybody, it has been a really interesting day of discussion. We hope there will be more of these to continue along this path together.

2. Questionnaire and survey reports

During the month of May this year, we sent the following questionnaire to the European Legislative Assemblies belonging to the CALRE, in order to find out about the experiences of public policy evaluation in the different European regions.

“Better regulation and policy evaluation” SURVEY

1. Regional institutional system

Describe

- a. The region’s form of government
- b. The number of regional Councillors in the legislative Assembly, and the number of political groups they are divided into
- c. The bodies constituting the legislative Assembly (including the Commissions and their area of competence)

2. The control and evaluation function of regional policies within the legislative Assembly

Was the public policies evaluation function institutionalised in your region?

- a. Specify whether the Statute, single laws or other legislative acts contain provisions on ex ante evaluation (feasibility assessment, others) and ex post evaluation (control over law and public policy implementation)
- b. Specify whether – regardless of the normative provision mentioned in the previous point – ex ante and ex post controls are carried out and on which basis (council regulations, various bodies deliberations, others)
- c. Specify the presence of Commissions or other bodies performing this function
- d. Specify the eventual presence of council bodies specifically dedicated to carrying out ex ante and ex post evaluations

3. The control and evaluation function of regional policies within your country

Was the public policies evaluation function institutionalised in your country and how?

4. Tools for control and evaluation

Which are the tools that allow the regional Councillors and the Assembly to carry out a control over the results of regional policies and their assessment?

5. State of the art of policy evaluation in your region

What is your experience in relation to evaluation?

The following members of the CALRE responded to the questionnaire: Abruzzo, Andalusia, Upper Austria, Bavaria, Calabria, Canaries, Cantabria, Catalonia, Emilia Romagna, Flanders, Friuli Venezia Giulia, Galicia, Liguria, Lombardy, Madeira, Marches, Molise, Piedmont, Autonomous Province of Trento, Scotland, Tuscany, Wallonia and Veneto.

The number of respondents to the survey is therefore 23 out of 78 total members of the CALRE; the survey reached a response rate of 29%, which we consider to be a first indicator of interest in this subject.

Table 1. Number of regions belonging to CALRE who responded to the questionnaire, number of regions belonging to the CALRE and response rate

(totals and by nation values)

NATION	No. of respondents to the questionnaire	No. of CALRE members	Response rate
Austria	1	9	11%
Belgium	2	6	33%
Finland		1	0%
Germany	1	17	6%
Italy	12	23	52%
Portugal	1	2	50%
UK	1	3	33%
Spain	5	17	29%
TOTAL	23	78	29%

From these data, the Italian Regions appear to show the greatest interest in the subject. This is probably due to the fact that over the last ten years many Italian Regions have taken part in the Capire project with the aim of consolidating control

and evaluation activities in the Italian Legislative Assemblies and last year many of them sent their officials to do a Master's Degree in Analysis and Evaluation of Public Policies in association with the Italian Senate, organised in association with the Conference of Presidents of the Legislative Assemblies of the Regions and Autonomous Provinces. Hence, between the Italian Legislative Assemblies a common feeling is developing in relation to the evaluation of public policies.

In actual fact Scotland, the Belgian regions and the German speaking area seem to have a more deep-rooted tradition and approach to the systematic evaluation of public policies, such that it gets absorbed into the legislative process *per se* without needing to be distinguished from it with specific organisations or dedicated administrative structures.

The experience of Upper Austria is to be pointed out, where a software package is used that simulates administrative costs, with which all draft laws are evaluated from the point of view of administrative costs. This experience is very interesting and it could be useful to share the methodology.

From reading the responses to the questionnaires, three characteristics can be described:

1. The general vision of the control and evaluation function expressed in response to the questionnaire;
2. The presence within the individual Assemblies of political bodies specifically dedicated to the control and evaluation function;
3. The technical administrative structures to support the implementation of the function itself.

For each of these characteristics, the responses gathered around two antithetical positions.

1. According to the first characteristic, two visions of public policy evaluation can be distinguished, which we can call the “institutional” vision and the “technical” vision.

The “institutional” vision in which the policy control and evaluation function is inherent to the fundamental role of the Legislative Assemblies, to which the executives and other regional bodies must report.

The evaluation and control tools are those that the members of the parliaments have available within the plenary sessions or within the Commissions activities.

Therefore, control and evaluation tools could be questions, written and oral requests, motions for resolutions, motions, hearings, audits of the Court of Auditors, hearings of stakeholders, online petitions and consultations with citizens. All these are tools for the quality of legislation and how to reform it if necessary. Motions of censure and motions of no confidence to the Government are the most important Parliamentary control tool.

The “technical” vision, on the other hand, is shared in Italy particularly by the group of Regions that have promoted the experience of the Capire project, who have reinforced the function within their By-laws and internal Regulations, by including *ad hoc* articles describing the, generally common, evaluation tools.

The ex-ante evaluation tools include feasibility analysis, regulatory impact analysis (AIR) and regulatory technical analysis (ATN), whereas the ex-post evaluation tools mainly include regulatory impact evaluations (VIR), evaluation clauses and evaluation missions.

2. The second distinctive characteristic is which bodies are responsible for the control and evaluation function

In a first case the function is part of the ordinary role of the Commissions responsible for individual subjects

The permanent commissions perform the control and evaluation function as part of their ordinary work, sometimes at their discretion, sometimes they might require opinions from third party organisations, in-depth studies through research centres or the implementation of *ad hoc* surveys.

The other case is that in which ad hoc Organisations have been set up

Within the Assemblies, the implementation of the control and evaluation function is appointed to a joint Committee or to one or more permanent Commissions, such as in the case of the Veneto Region that appoints the First Commission to perform the ex-ante analysis particularly regarding the financial coverage and compatibility with EU law and the Fourth Commission to evaluate the policies.

3. The third distinctive factor that we have observed is the human resources allocated to the function

In some Regions, within the technical structures the officials or researchers are integrated into the works of the permanent Commissions by subject.

Therefore, no *ad hoc* departments are provided within the Assemblies that perform the support activities for the control and evaluation function, but officials or researchers collaborate on the works of the Commissions or third party technical organisations may be consulted.

In other Regions, the organisational chart of the Assembly includes a department with a specific evaluation and control role.

In this case the Assembly's organisation chart has a department that performs the activities to support the function, which is generally observed in Italy for the Regions that have taken part in the Capire project and that share a common view of the evaluation function.

3. Summary writings

When we decided, in agreement with the Conference of the Presidents of the Regional and Autonomous Province Legislative Assemblies, to contribute to the establishment of a dedicated working group within the CALRE, we were aware of the difficulties we would have encountered and the priorities we would have had to keep in mind in order to achieve the goals that have always characterized the assessment activity: legislating better, spending better, and being accountable to citizens.

The road map of the working group was conceived and shaped with this awareness, and with the aim of creating an instrument that would be useful for consolidating the regional situations, enabling the local territories to introduce, in a shared manner, the practice of evaluating public policies.

First of all, we considered necessary a survey activity that would enable us to map the area over which we would be working, and which would serve as the basis for the future operating decisions. The survey would be useful for knowing, on the one hand, what differences had to be analysed and in what direction it would be advisable to move and, on the other, what the already-existing key points were and how to connect our work to those points. Using a questionnaire that would facilitate an active participation of a large number of Assemblies – albeit without the actual physical presence of the interviewees – we sought to compile the characteristics of the single contexts so as to obtain, through their comparison, an overall picture of their differences and similarities. This report offers a summary of the results achieved during the first phase of the Better Regulation & Policy Evaluation working group's course of action. Also, as can be seen from the proceedings of the meeting day and the talks of the speakers invited, our attention was not only focused on the Assemblies, but instead we felt it was also useful to consider the activity and directives of the higher institutions on which, we believe, the work of the Assemblies and working groups should be based.

With the ambition of linking our work to a larger network, we found it useful to include the stances of the Commission, EPRS, and Committee of Regions in the discussion. Apart from their high quality, these contributions were also able to offer interesting points for further analysis.

The report in the preceding chapter clearly defines the situation in which we are working: a rough, uneven terrain, with numerous differences and a few similarities.

The reality we have to deal with is therefore one of great variety. The extreme diversification of the methods through which the assessment of the various

legislative Assemblies was introduced makes it difficult to summarize the data. Nevertheless, we believe it is possible to arrive at a Charter of Intent which underscores the necessary value of ex-ante and impact assessment.

This would be a document resulting from study and introspection which would be able to summarize the different solutions adopted, also serving as a scenario for future actions. We firmly believe that the differences can become resources, and that in order to make this happen they must be included in a network that enables them to circulate quickly, reaching the areas where it is possible for them to evolve most successfully.

We want to continue along the route undertaken, in spite of the difficulties and slowdowns, because we are convinced of the functional validity of the evaluative inquiry for the purposes of a better administration, one that is closer to the needs of the citizens.

At this point, the next step must necessarily be oriented toward the definition of an approach that is shared as much as possible, through which to disseminate the assessment in the various Assemblies. Taking into account the peculiarities that have emerged, the approach we will decide to adopt must be based on flexibility and a pragmatic efficiency. During the coming work period, we must concentrate on the role and renewed function that must characterize our actions more and more, and the promotion of a culture that makes evaluation the cornerstone of its activity. The working group will have to devote itself to drafting guidelines that are sufficiently adaptable to the situations, and which make it possible to obtain real results in circumstances that are different from one another. These guidelines must come from an internalization of the results and incentives collected, but must be able to keep in mind the paths already initiated by other bodies, so the territorial ones can refer to those.

The working group must be able to develop, starting from this year's compilation and analysis as a basis and keeping in mind the characteristics compiled, a plan that can be placed at the disposal of the actors operating in the Regions.

We already know that it will be a long process, and that it will require numerous adjustments and just as many corrections as the work progresses, but our goal is to create conditions that can be effective in the local territories.

We hope that the next working group meeting we are organizing will be able to promote a charter of intent supporting the spread throughout the local territories of the practice of evaluating public policies. We will work toward this goal, while we are certain that, thanks to the professionalism of my colleagues and the technical staff that have been working on this subject for years, we will be able to translate all the passion that was palpable during the meeting into a useful, effective tool.