

Closing the Regulatory Cycle

PhD project about ex-post legislative evaluations in the European Commission

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Content

1. Background of the PhD project.
2. Results: initiation of ex-post legislative evaluations.
3. Results: quality of ex-post legislative evaluations.
4. Results: use of ex-post legislative evaluations.
5. General conclusions and reflections.



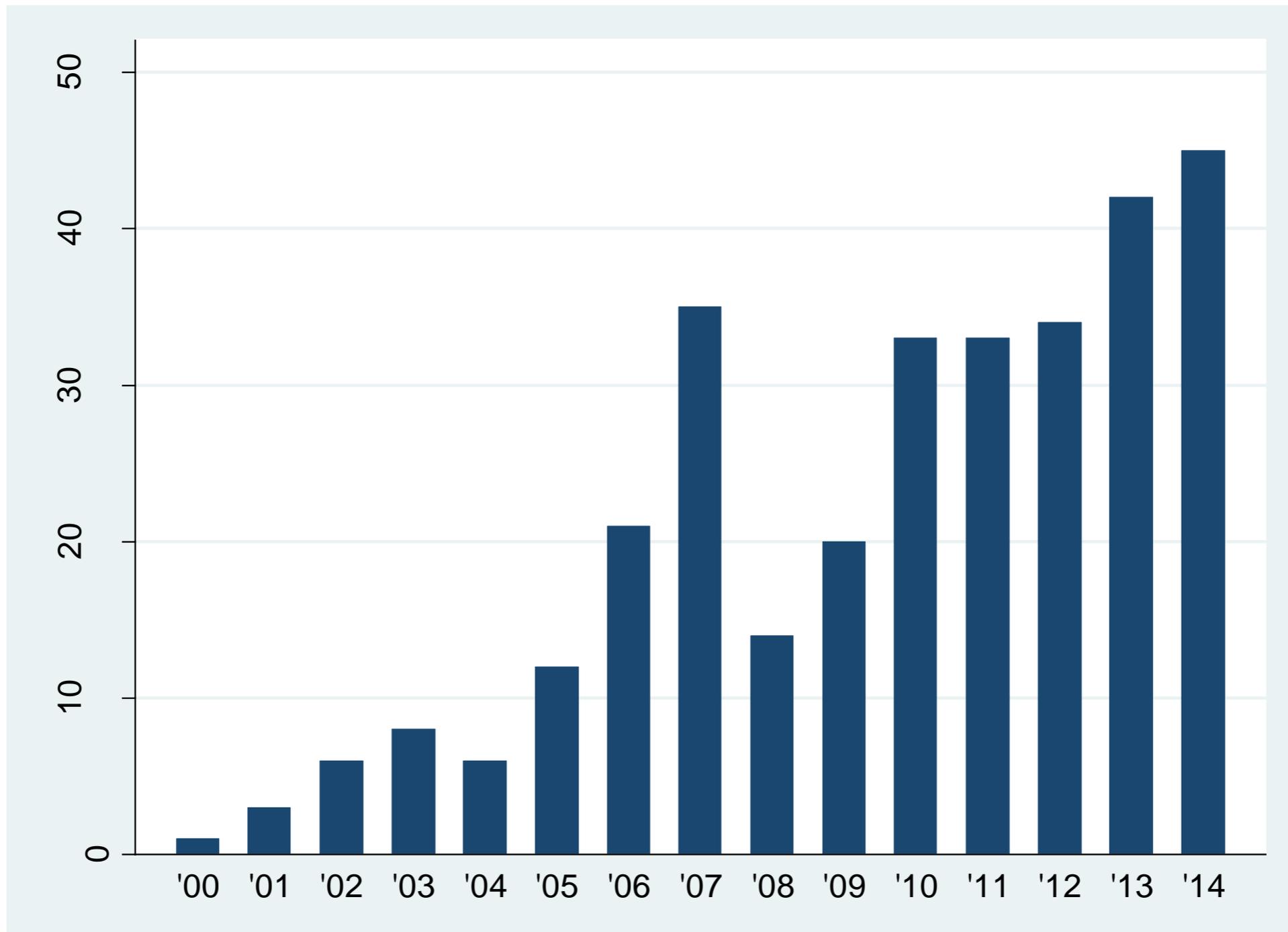
Background of the project (1)

Runtime: 2014-2018.

Topic: ex-post legislative (EPL) evaluations conducted by the European Commission. These are defined as *reports that retrospectively assess the functioning (effectiveness, side-effects, etc.) of EU directives or regulations.*

Triggers: (1) Growing number of EPL evaluations in the EU.
(2) Theoretical importance for learning & accountability.
(3) Limited prior academic scrutiny for the topic.

Evaluations per year



Background of the project (2)

Three theoretical requirements for the Commission's EPL evaluations to contribute to learning/accountability:

- 1. Systematic initiation:** all major legislation should be evaluated periodically.
- 2. High quality:** EPL evaluations should meet standards of methodological rigor, as they are a form of research.
- 3. Systematic use:** the results of all EPL evaluations should be seriously considered by decision-makers.

Initiation of evaluations (1)

Research question: why is some legislation evaluated by the Commission while other legislation is not?

Based on: a dataset of 313 EPL evaluations and a dataset of 277 major regulations/directives from 2000-2004.

Full publication: Voorst S. van & Mastenbroek, E. (2017). Enforcement tool or strategic instrument? The initiation of ex-post legislative evaluations by the European Commission. *European Union Politics*, 17(4), 640-657.

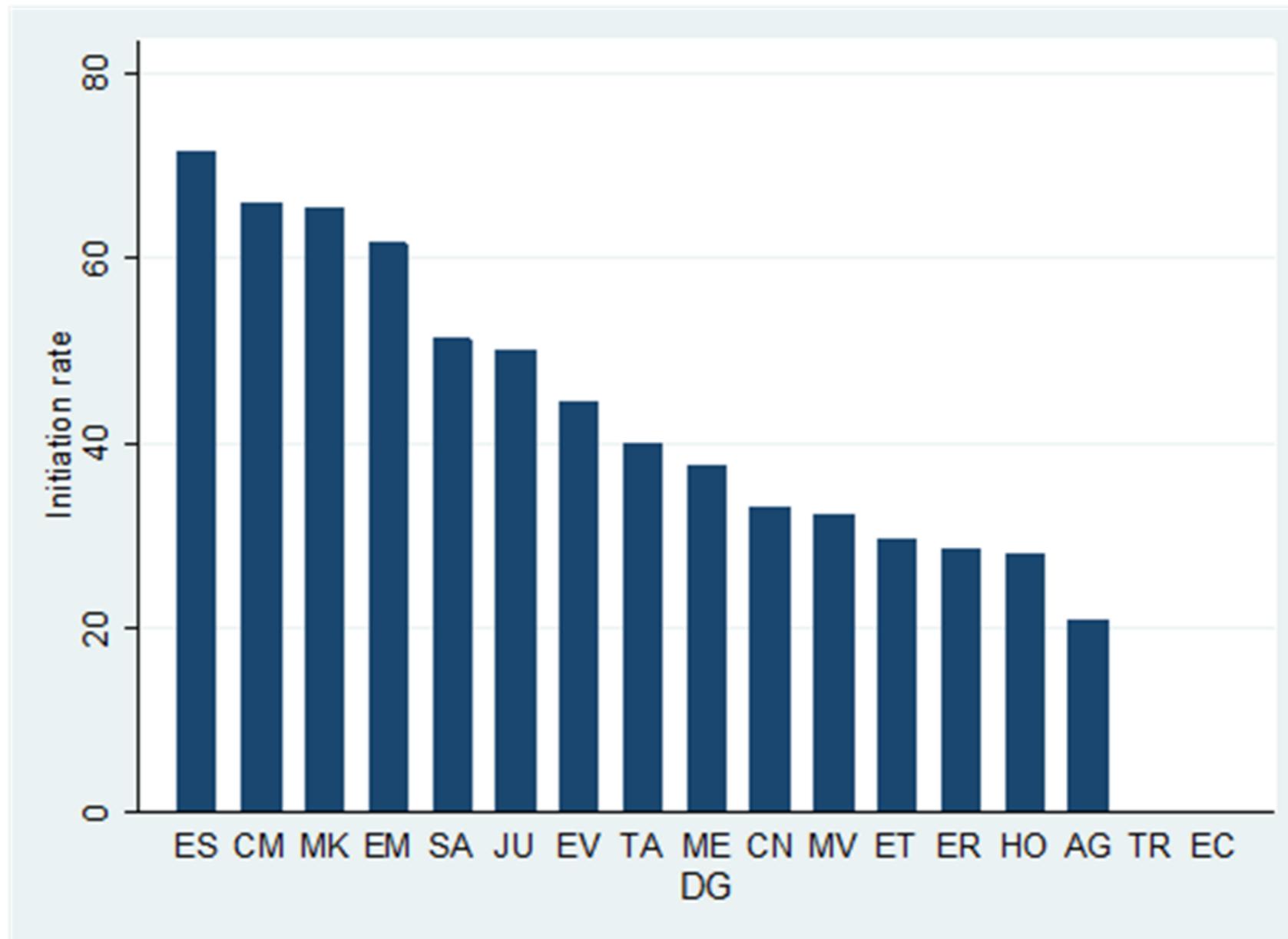
Initiation of evaluations (2)

41.9% of major legislation from 2000-2004 was evaluated.

Some explanations for the variation:

- 1. Type of legislation** (51.8% of directives was evaluated, versus 31.6% of regulations).
- 2. The complexity of the legislation** (legislation with more recitals is more likely to be evaluated).
- 3. Evaluation clauses** (55.8% of legislation with a clause was evaluated, versus 21.4% of all legislation without).
- 4. Evaluation capacity** (DGs with evaluation units and guidelines initiate more evaluations).

Initiation rate per DG



Evaluation quality (1)

Research question: how can we explain the variance in the quality of the Commission's EPL evaluations?

Based on: a dataset of 153 EPL evaluations from 2000-2014 that specifically concern legislative effectiveness.

Full publication: has yet to be reviewed by a journal.



Evaluation quality (2)

1. Well-defined scope

1.1 Clear problem definition: 89%.

1.2 Reconstruction of intervention logic: 37%.

2. Accurate data

2.1 Clear operationalization: 64%.

2.2 Clear country selection: 70%.

2.3 Clear case selection: 42%.

2.4 Replicability: 31%.

Evaluation quality (3)

3. Sound analysis

3.1 Stakeholder consultation: 84%.

3.2 Triangulation of research methods: 90%.

4. Substantiated findings

4.1 Substantiated conclusions: 57%.

Explanation for variance: the type of evaluator.

EPL evaluations outsourced to consultants are of higher quality than those conducted internally by DGs.

Use of evaluations (1)

Research question: to what extent and how do political conditions affect the European Commission's instrumental use of EPL evaluations?

Based on: three specific EPL evaluations selected from the larger dataset of 313 cases.

Full publication: Van Voorst, S. & Zwaan, P. (2018). The (non-) use of ex-post legislative evaluations by the European Commission. *Journal of European Public Policy*. Epub ahead of print, 20 March 2018. DOI: 10.1080/13501763.2018.1449235

Use of evaluations (2)

Main finding: the Commission seems more likely to use EPL evaluations in policy fields prioritized by its political top. In policy fields where the Commission has decided to limit its activity, there is less room for such use.

Underlying point: many EPL evaluations recommend new legislation or legislative amendments. This can contradict another better regulation aim: cutting red tape.



Conclusions: assessment of the Commission

The Commission's system for EPL evaluations only partly meets the standard for systematic initiation, quality and use.

However:

1. All three of these elements have shown improvements over the years.
2. The Commission's system for EPL evaluations also performs well in relative terms.

Conclusions: theoretical implications

1. Our data shows no evidence that the initiation or quality of the evaluation is lower when their results could threaten the Commission's competences.



The view of the Commission as a 'competence seeker' is not confirmed.

2. However, the Commission might have an interest in conducting EPL evaluations for enforcement purposes.

Further discussion

The dissertation will be defended tomorrow (19 December) at 16:00 at Tilburg University.

I look forward to your questions and suggestions!

