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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Impact assessment - Guidance for Working Party Chairs - Template outlining general terms of reference

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Delegations will find herewith an extract of the Guidance for Working Party Chairs (Handbook) setting out the template outlining general terms of reference for an IA request (Annex II of doc. 6270/18).

**Impact Assessment Terms of Reference general template<sup>1</sup>**

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Section	Specification(s)
<b>1. Substantial amendment(s): description and content</b>	<p>This section should include following elements:</p> <ul style="list-style-type: none"> <li>– a short <b>description</b> of the proposed <b>substantial amendment(s)</b> requiring an impact assessment (IA),</li> <li>– the <b>text</b> of the <b>proposed provision(s)</b>, if available,</li> <li>– <b>a reference</b> to the relevant <b>Commission legislative proposal</b> and (if available) <b>the related IA study</b>,</li> <li>– the <b>text of the provision(s)</b> to be amended, if relevant.</li> </ul>
<b>Working party requesting the IA</b>	<ul style="list-style-type: none"> <li>– Official title of the working party requesting the IA</li> <li>– Title of the competent GSC DG/service</li> </ul>

<sup>1</sup> It is not obligatory to use the exact format of the template, however the terms of reference should include the data required. The text in the 'Specification(s)' column is intended to help the working party chair to prepare specific terms of reference.

Section	Specification(s)
<b>2. Background to the IA request</b>	<p><b>This section should include:</b></p> <ul style="list-style-type: none"> <li>– <b>a description of the issues at stake, the objective(s) of the IA, the overall background to and context of the request</b>, explaining the need for the amendment(s) and related IA,</li> <li>– the main <b>objective(s)</b> of the amendment(s),</li> <li>– the <b>general context</b> of the proposed amendment(s), including political, social, economic, environmental, regulatory or other factors that are directly linked to the planned IA,</li> <li>– a brief history of the Commission's <b>legislative proposal</b>, and the background to it,</li> <li>– a list/overview of the <b>stakeholders/groups concerned</b>, with a particular focus on those most likely to be affected.</li> </ul>
<b>3. Scope of the IA</b>	<p><b>Specification of the scope of the study, and as appropriate and relevant:</b></p> <ul style="list-style-type: none"> <li>– <b>the time period</b> covered by the study,</li> <li>– possible <b>geographical, regional and other limitations</b> where justified (e.g. coastal areas),</li> <li>– all or segments of the <b>parties</b> (e.g. SMEs) <b>affected</b>.</li> </ul>
<b>4. Impacts and specific IA questions<sup>2</sup></b>	<p>The IA request should in all cases include a request for the following:</p> <ul style="list-style-type: none"> <li>– an assessment of the economic, environmental and social impacts and impacts on competitiveness,</li> <li>– an <b>assessment of the regulatory burden</b> (including the administrative burden) and <b>the burden on SMEs</b> (including micro-enterprises).</li> </ul> <p>If any of the above-mentioned elements are <b>not requested</b>, <b>justification</b> should be included in the IA request submitted to Coreper.</p> <p>Other impacts, e.g. impacts on <b>innovation, digital aspects, employment, consumers, health, futureproofing, territorial impacts, etc.</b>, can be requested if relevant, or left to the discretion of the contractor.</p>

<sup>2</sup> 'Impact Assessment – Guidance for Working Party Chairs', COM's Better Regulation Guidelines and Toolbox, conclusions adopted by the Council (Competitiveness) on 4 December 2014 and 26 May 2016 (9580/16) to be taken into account.

Section	Specification(s)
	<p>The request should specify that the IA is to address the principles of <b>subsidiarity</b> and <b>proportionality</b> and <b>respect for fundamental rights</b>.</p> <p><b>The request should also include specific and structured IA questions</b> for the contractor <b>so that</b> the tasks requested from the contractor within the framework of the IA study are as focused as possible.</p> <p>The contractor may be asked to propose <b>mitigating actions and policy solutions</b> (recommendations, etc.) in the study.</p>
<b>5. Methodology &amp; stakeholder consultation<sup>3</sup></b>	<p><b>Specification of the methodology</b> or any <b>methodological elements</b> to be used by the contractor when drafting the study.</p> <p>The impacts should be <b>analysed qualitatively</b> and, whenever possible, <b>quantitatively</b>. Where relevant, a quantitative analysis should be requested. The methodology or parts of it can be left to the discretion of the contractor, if relevant.</p> <p>The methodology used in the Commission's IA study (if available) should be taken into account in order to ensure <b>comparability</b> between the <b>Commission's</b> and the <b>Council's IA study</b>.</p> <p>The request should include an indication as to whether <b>stakeholder consultations</b> should be carried out by the contractor.</p> <p>The contractor may be asked to carry out <b>specific assignments</b>, e.g. compiling statistics or studies provided by the members of the Council, or to work in collaboration with certain Member State authorities.</p>
<b>6. Available data, studies and research</b>	<p>If appropriate and relevant, the IA request should specify the <b>information sources</b> to be used by the contractor for the IA, if these are different from those used for the Commission's IA.</p> <p>If relevant, information should be provided to the contractor about any known <b>data access limitations</b> (e.g. procedural steps, confidentiality and data protection issues).</p>

<sup>3</sup> COM's Better Regulation Guidelines and Toolbox to be taken into account.

Section	Specification(s)
<b>7. Outputs, structure and time schedule</b>	<p>The request should include a list of the requested <b>outputs</b>:</p> <ul style="list-style-type: none"> <li>– <b>impact assessment study</b>, including an executive summary (mandatory),</li> <li>– if relevant, a <b>draft study</b> and <b>additional services</b> (e.g. presentations, discussions, meetings, consultations, etc.).</li> </ul> <p><b>The request should also indicate to the contractor any other specific requirements</b> in terms of the <b>structuring</b> of the expected outputs, if relevant.</p> <p>The <b>structure of the Commission's IA study</b> should be followed wherever justified to ensure comparability between the two IA studies.</p> <p><b>The request should also include:</b></p> <ul style="list-style-type: none"> <li>– <b>the expected timeframe</b> and the deadlines for submitting outputs, including details (e.g. duration, dates) of any presentation(s) and/or other outputs expected from the contractor; the timeframe allocated to the contractor for carrying out the IA study will depend on the scope of the study;</li> <li>– <b>where relevant, specific requirements related to the delivery of the IA</b> (e.g. via e-mail), <b>its format</b> (e.g. electronic, paper), <b>the number of copies, the delivery of original data</b>, etc.</li> </ul>
<b>8. Required resources</b>	Description of <b>expertise and skills needed</b> for the IA, if applicable.
<b>9. Budget</b>	Budget specification(s), e.g. budget ceiling for the IA study, if relevant.