

INDEPENDENT SCRUTINY

Experiences of RegWatchEurope Members

According to RegWatchEurope's experiences, the following aspects have been proven successful in order to make independent scrutiny possible and to safeguard it from institutional interventions:

- (1) Board Members, who are free from interference in their decision-making and are autonomous in their internal organisation.
- (2) A Secretariat appropriately staffed to prepare the decision-making of the Board and run its administrative operations effectively.
- (3) The current professional occupation of Board Members is not linked or dependent to the government / institution that

is scrutinized. Prior experiences in the public sector are useful.

- (4) All Board Members are financially independent from the institution to be scrutinized and will not be employed by the institution in the near future. However, Board members shall be recompensed appropriately for the time and resources directly linked to their role.
- (5) All of the Board's opinions are published in the public domain alongside the impact assessment and the legislative draft.
- (6) The Board receives sufficient resources to guarantee its independent and effective operation through appropriate allocation of financial and staff resources.

- (7) To ensure robust scrutiny, the Board's scrutiny role needs to be placed at an early stage in the legislative process. After the Board has provided an opinion, there has to be enough time left for the leading department /DG to take the Board's recommendations into account and to incorporate its requests. The Board shall exercise the right to criticise or the right to reject impact assessments based on specific, defined quality requirements not fulfilled by the leading department / DG.
- (8) The Board has access to all underlying assumptions and facts used in the assessment of policy options, the illustration of policy preferences and the assessment of impacts.