Introduction
Chapter 1

Ex Ante Evaluation of Legislation: An Introduction

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I. The Rise of Ex Ante Evaluation of Legislation

“Better Regulation” is afoot in Europe.1 At the EU level, as well as at the level of many of the Member States, the legislature is seeking to improve the quality of legislation and reduce administrative burdens. In this process, much attention is focussed on ‘ex ante’ evaluation or impact assessments.2 There is a wide variety of such assessments, some more or less limited to cost-benefit analysis,3 while others have a much wider scope such as most (Regulatory) Impact Assessment (RIA or IA). Sometimes they simply encompass predictions on the basis of previous (ex post) evaluation research, more often impact assessments are carried out according to a specific methodology. In literature, four reasons for the rise of prior assessments have been distinguished.4

1 This is the first sentence of Jonathan B. Wiener’s article ‘Better Regulation in Europe’ (2006) 59 Current Legal Problems Yearbook, p. 447.