Part II

*Ex Ante* Evaluation in Practice
Chapter 7

European Impact Assessment and the Choice of Alternative Regulatory Instruments

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I. Introduction

One key element of the Better Regulation strategy of the EU is to promote the use of alternative regulatory instruments, including co-regulation, self-regulation, the open method of coordination and soft law more in general. In recent years, an important way or tool for putting the aims of the Better Regulation strategy to practice has been the development and application of impact assessments. In many policy documents of the Commission claims are made that Better Regulation initiatives, including impact assessments, entail enhanced consideration of the use of alternative regulatory mechanisms. Most recently, this was done in the Commission’s Second Strategic Review of Better Regulation in the European Union: “Better regulation does not mean deregulation or holding back new rules when they are needed. But policy and regulatory proposals are now systematically assessed, and a wide range of options – regulatory and non-regulatory – are examined for each initiative.”

In the Inter-Institutional Agreement ‘Better Lawmaking’, adopted by the Council, Commission and European Parliament in 2003, we can also find a joint recognition of the need to use alternative regulatory mechanisms by

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