Updated and extended edition

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NGOS VS INDUSTRIES

ANTHEMIS

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The “Better Regulation” package, so badly named…

As the Lisbon Treaty demonstrated its weaknesses, the European Commission quickly became convinced that it could improve what it needed to without having to revise the Treaties again. Thus Better Regulation was born, a framework agreement between the three institutions whose intentions were not open to criticism. The problems come from its application, particularly with regard to impact assessment, which are very often biased, suspected of being manipulated and creating mistrust between industrial lobbies and the Commission.

The very strong criticisms listed in the previous two chapters were obviously shared as early as 2012-2013 in the upper floors of the Berlaymont. To be convinced of this, one need only consult the organisational chart of the College of Commissioners under the Juncker Commission, whose term of office began on 1 November 2014. As you will recall, the post of First Vice-President was entrusted to the Dutchman Frans Timmermans. But the exact wording of his function has been forgotten. It was as follows: “In charge of better law-making, inter-institutional relations, the rule of law and the Charter of Fundamental Rights.” The key theme of the Juncker Commission was thus very clearly defined: improving the governance of the Union. The mission entrusted to Mr Timmermans would culminate in the publication of the “Better Regulation” package. Promoted to Executive Vice-President in the von der Leyen Commission, he is once again in charge of the key issue, namely the Green Deal.

“Better Regulation” aims to ensure that EU action is effective, transparent and integrated at all stages of the policy cycle – from conception to implementation and possible revision – and to ensure that EU law does not impose unnecessary red tape and formalities on stakeholders.

Convinced that a reform of the Lisbon Treaty is out of the question as it requires the unanimity of the 27 Member States, the Commission opted for an inter-institutional agreement whose general principles was the subject of a "Communication from the Commission to the European Parliament and the Council" on 21 May 2015 under the title "Proposal for an Inter-institutional Agreement on Better Regulation".

This rather short text (7 pages) set out a number of principles which can be summarised as follows:

- The Commission's work programme (multi-annual and annual) will be the subject of an "exchange of views with the European Parliament and the Council on the basis of the political guidelines of the Commission President";
- "The three institutions agree on the positive contribution of impact assessments in improving the quality of EU legislation. Impact assessments should be based on the best available evidence";
- "Stakeholder consultation is an integral component of better regulation. This will include public internet-based consultations [...]. The results of each consultation will be made public";
- "The Commission commits to gathering all necessary expertise prior to adopting delegated acts, including through the consultation of experts from the Member States and through public consultations;
- "The three institutions will ensure an appropriate degree of transparency of the legislative process, including of trilateral negotiations between the three institutions";
- "The Commission will identify areas of current legislation for simplification and burden reduction (REFIT)".

On 13 April 2016, the Interinstitutional Agreement on Better Law-making was signed between the three institutions and entered into force immediately. Six months later, in October 2016, the Commission adopted the technical implementing details in the

form of three communications and guidelines weighing over 400 pages!

A reading of these multiple documents reveals a panorama that is seductive in its philosophy, but already questionable in terms of the bureaucratic heaviness that underlies it:

- In the proposal phase, the Commission set up a Regulatory Scrutiny Board (RSB) to examine, reject or validate impact assessments. The RSB is composed of seven members: four Commission officials (including the Chairperson) and three external experts. Designed to be independent, it is, in my view, at best semi-independent.
- For the adoption phase, it is stated that the three institutions will ensure transparency in the legislative procedures including appropriate treatment of trilateral negotiations. For the Commission, trilateral negotiations mean "trilogues", those cenacles where, as we have seen, opacity reigns supreme.
- At the level of delegated acts, the creation of expert groups composed of representatives of the Member States, but without voting rights, is nothing but a wooden sword, as will be explained in the pages devoted to "Taxonomy".
- Finally, the idea of simplification summarised in the acronym "REFIT" turns out to be more complex than a gas factory with plenary sessions, working groups, a secretariat, and an incomprehensible pile-up!

The Better Regulation package is founded on evidenced-based policy making. Again, the concept is attractive. The Commission is equipped with decision-making tools: the opinion of its specialised agencies (EFSA, ECHA, EMA, etc.) and/or an impact assessment followed by a public consultation. This virtuous process should enable the Commission to draw up impeccable, objective and judicious proposals.

“Call for evidence”, “preliminary impact assessment”: a system biased in favour of the Commission

In the months and years following the implementation of the Better Regulation package, the system would become more sophisticated. Did it make it more democratic or less democratic? Each person will decide for themselves. In any case, in the initial phase, i.e. before the first word of the first draft has been written - the Commission produces a “Call for evidence” which “describes the problem to be solved and the objectives to be achieved; explains why EU action is needed; presents policy options; and outlines the main features of the consultation strategy, including the need for a public consultation with a questionnaire”.

Reading this type of document shows that the main lines are not only set, but that the solutions are already expressed in a synthetic form. A bit like the route of a motorway, length, width, bridges and tunnels... everything is known, all that remains is to build it... The starting point of the procedure is therefore, in reality, an arrival point!

This “Call for evidence” will trigger a “preliminary assessment of impacts”. Preliminary impact assessments “aim to inform citizens and stakeholders of the Commission’s plans to enable them to give their opinion on the envisaged initiative and to participate effectively in future consultation activities.”

“In particular, citizens and stakeholders are invited to give their views on the Commission’s understanding of the problem and possible solutions, and to make available to the Commission any relevant information they may have, including on the possible impacts of different options”. Make no mistake: behind the words “possible solutions” and “different options” lies the Commission’s primary intention. The path is clearly marked out.

For each file subject to a call for evidence and a preliminary impact assessment, the Commission stipulates that “the preliminary impact assessment is provided for information purposes only. It does not prejudge the Commission’s final decisions on the continuation of this initiative or on its final content. All elements of the project described by the preliminary impact assessment,

including its timing, are subject to change." This is an important statement which again needs to be decoded. It expresses what must be clear in everyone's mind: the Commission does what it wants, reserves the right to have the last word and drafts its legislative proposal as it sees fit, regardless of the results of the consultation and the quality of the work of the consultant it has itself hired to prepare the impact assessment.

The mechanisms the Commission put in place in the first phase of its reflections can generate two opposite attitudes in the minds of the industrial lobbies to which the Commission's legislative and regulatory projects are generally addressed. The first attitude is positive, the second negative.

The positive attitude, shared by the NGOs, consists in thinking that these mechanisms are judicious because they generate stakeholder intervention at a very early stage and that it is therefore possible for them to communicate their points of view and arguments in an organised manner to the competent Commission departments.

The negative attitude (which is mine and that of industrial sectors) consists in thinking that the dice is loaded because the Commission is imposing the framework of the discussion: what are the issues, the options and the solutions? This means that:

- The impact assessment, which takes place at a later stage and whose role is objectively to define the best strategic option, will de facto be framed, or even conditioned, by the guidelines of the prior impact assessment. Clearly, the system is biased and the path has already been mapped out. It will be a matter of "putting to music" the political vision of the Commissioner in charge, the collegiality of the Commission rarely being in evidence here.
- When such and such an economic sector, industry, or company complains to the Commission about the conclusions of an impact assessment which they consider unfavourable and/or unbiased, they will be told either "You have been consulted, but we have also received many other contributions that have supported other options", or "You have had plenty

> of time to make your views known, you should have intervened earlier, during the call for evidence or the preliminary impact assessment; now it is too late, go on your way...".

However, it is clear that calls for evidence and preliminary impact assessments frequently go under the radar of the legislative monitoring carried out by professional associations because, in absolute terms, they are merely administrative details. And when these associations are informed, they have, of course, many more important or urgent things to do and everyone thinks it is appropriate to say "we'll see about that later". Too late.

In reality, and we will come back to this, one of the key elements of the "manipulation" lies in the choice of the consultancy in charge of the impact study. As the client, the Commission will be able to explain to its service provider what it expects of him or her because, in the end, "the one who pays is the one who decides". It is true that the consultancy chosen is supposed to be "independent", but experience shows that this cardinal notion often clashes with the Commission's freedom of choice, which will naturally tend to go for subcontractors close to its orientations, convictions and interests within the framework of a "short list" that does not change much.

Evidence-based policymaking: how the Commission sees it as a kind of Holy Grail

I have been concerned about the necessary balance between the precautionary principle and the innovation principle for over 10 years. We will see in the next chapter to what extent the first principle imposes itself on the second. During several interviews, I expressed my concern to Ben Smulders, the Head of Cabinet of Frans Timmermans, who was at the time First Vice-President in charge of "Better Regulation". Sharing my concern, Mr Smulders suggested that I might be able to persuade the College of Europe to carry out an in-depth study on the subject.

As years passed and nothing like this was published, my colleague Vicky Marissen and I proposed to the College to write

this legal Research paper ourselves. While Vicky worked on the text, I organised a series of interviews at the Commission, the European Parliament and the Council. During these interviews, I discovered the extent to which Better Regulation had shaped the decision-making processes in the upstream phase, which leads to the drafting of a legislative proposal submitted to the co-legislators for adoption.

In the Commission, but also in the Council, everyone liked to explain the "evidence-based method" to me. "It's great", I was told by all sides: the Commission is supported by its agencies, enlightened by an impact assessment and supported in its strategic options by a public consultation. And everyone in the Commission can congratulate each other for a system that is considered transparent, objective and efficient. Indeed, a sort of Holy Grail, the Nirvana of bureaucrats...

This awareness of a kind of "new Community method" was so strong for Vicky and me that it quickly led us to add the evidence-based method to our original title. The title of our Research paper thus became: "Towards science-based or evidence-based policy-making in the European Union: complementary or contradictory concepts?"

During the course of this work, which took us several months in parallel with our daily activities, we were surprised to see how the system that we were told as brilliant was biased at all levels and did not meet any of the criteria of uniformity, objectivity, transparency and performance that we were promised.

Our criticisms and recommendations were (and still are) directed at the various segments of the chain of command. We could elaborate at length on the Commission's agencies (the European Food Safety Authority, the European Medicines Agency, the European Chemicals Agency, etc.). There is indeed much to say about their organisation, the lack of harmonisation of procedures, the ambiguous support of the College of Commissioners. We could also elaborate on the public consultations, whose questions are often biased, but all this would take us away from the heart of our reasoning, namely that

management by evidence is a source of manipulation. The most convincing way to do this is to focus on impact assessments.

Impact assessment, or how to validate previously decided choices

As mentioned above, the Commission now considers impact assessment to be "an essential aid to decision-making". As a result, an impact assessment is in principle required for any initiative included in the annual work programme. But there are exceptions.

An impact assessment is not required for files on which the Commission's agencies have issued a scientific opinion. In our view, this exception is not justified because, as has just been said, the agencies issue a "scientific" opinion. This opinion does not in any way address the economic, environmental, social and societal dimensions of the subject.

What about the Farm to Fork project, which aims to reshape European agriculture? Is there an impact assessment? No, because it is not a legislative project. It is a "package" comprising several pieces of legislation, so there is no impact assessment here. Except that the Joint Research Centre (JRC), which is a Commission Directorate-General with around 2,000 officials, has taken the initiative to calculate the impact of Farm to Fork. One could say that this is an unauthorised impact assessment. Its catastrophic results for the Commission (15% drop in agricultural production, increase in prices and imports, etc.) were kept under wraps and not published. This is not an isolated case. There are other examples of independent impact studies that have been discarded for not being in line with the line...

The cacophony described above can be seen in the Green Deal, Fit for 55 and the ban on internal combustion vehicles in 2035: all priorities of the Union, but no impact assessment!

We can already see that at this global level, the worm is in the fruit. This is confirmed in the phase previously described, that of calls for evidence and preliminary impact assessments. We have noted that the preliminary impact assessment outlines options and often underlies a priority choice. In a way, this public phase (but in

reality very underground, because who is interested at this stage?) provides the direction desired by the Commission. A first public consultation accompanies these early stages but again, who is involved? Our Research paper for the College of Europe, though written in the academic style required for such work, notes however that "questionnaires (to consultations) are also perceived as 'orienting' replies". And therefore very susceptible to manipulation, not to mention questions whose wording suggests the answer.

The Commission is of course responsible for impact assessments. Very often, it is assisted by a subcontractor. The objectivity of subcontractors and the quality of their work will be discussed in the following pages. The subcontractor's report is completed/corrected/validated by the Commission, which has a competent unit in the Secretariat-General, the power centre par excellence.

Once validated by the Unit responsible in the Directorate-General in charge in liaison with the Secretariat-General, sometimes accompanied by interdepartmental discussions, the draft impact assessment is submitted to the Regulatory Scrutiny Board which, as we have seen, is a joint body made up of seven members, four of whom, including the chairperson, are Commission officials, while the other three are independent experts. Despite the official nature of the body, 46% of the 41 draft impact studies submitted to it in 2020 received a negative opinion! In its annual report, the RSB explains the reasons for this high rejection rate. It states: "Often the set of options was not complete and focused too much on the predetermined (political) choice." This could not have been better said!

These negative first-reading opinions concern major legislative projects, e.g. sustainable corporate governance, consumer credit, energy efficiency, renewable energy... and very recently, the draft regulations known as SUR (Sustainable Use of Pesticides Regulation) and PPWR (Packaging and Packaging Waste Regulation).

After being rejected, the draft impact assessments are revised, which generally does not call into question the overall direction of

the work. It's basically like studying at university. You have to pass the September term, but in the end you get your degree.

All this creates a total lack of confidence in impact assessment. The most striking example is biofuels. Already more than thirty years ago, I denounced the fanciful nature of impact assessments on ethanol or biodiesel. Twenty years later, I felt the same way about the EU directive on renewable energy (RED II). Today, the situation is simply nonsensical. One could say grotesque. For the Emissions Trading System (ETS), biofuels have a GREEN light. For CO_2 emissions from cars, biofuels are considered RED. And for taxonomy, neither green nor red, say ORANGE. Need we say more to discredit the system?

Impact assessments suffer from another flaw, probably the most important one. They are published at the same time as the draft legislation they concern. It is a simultaneous publication. On the same day, you receive the draft legislation and you find out in the impact assessment the different options and the one chosen by the Commission. All this work is considered highly confidential: you are not allowed to contact the members of the Regulatory Scrutiny Board and you do not see the impact assessment before publication. In short, once again, the die is cast and one wonders what purpose the impact assessment serves if the scenarios it examines are published simultaneously with the draft legislation.

One of our recommendations is to dissociate the publication of the impact assessment from the draft legislative act. This question, when asked to a Commission official, makes him or her cringe. The easy argument would be that it is a waste of time. But their opposition is deeper. They see it as a challenge to the Commission's monopoly on legislative initiative. In my opinion, it is more a refusal to lose an ounce of power than a fear for their legislative monopoly. Separate publication of impact assessments and a threat to the monopoly on legislative initiative have nothing to do with each other.

Strong suspicions about the small hands in charge of carrying out impact assessments

Companies and economic sectors are generally very uncomfortable with impact assessments. Firstly – and this is their own fault – they are often informed about them too late. As described in the previous paragraphs, it is at the level of calls for evidence, preliminary impact assessments and prior consultations that action should be taken. It is no slight to Politico Pro or Dods, whose monitoring is very professional, to say that they do not go into such detail. If they do, they probably don't stress the importance of it. Being informed in time through tailor-made monitoring becomes a necessity in this context.

When companies and economic sectors are duly informed about the triggering of an impact assessment, they are not comfortable with it either. The most junior lobbyist is convinced - by his studies, by his colleagues, by his boss - that no direct or indirect intervention is allowed with those who carry out the impact assessment. This is certainly true at the level of the Regulatory Scrutiny Board, although personally I would not rule out some form of indirect and informal contact at that level.

But for the rest, I don't agree with these prohibitions. There is no reason for a lobbyist to stay away from the successive stages leading to the adoption of an impact assessment in the Commission. At the very least, I think it is necessary to find out which service provider will be selected by the Commission, what options it will have to study and what the agreed timetable is. But it is also necessary to find out about the provider of the primary data, the date of the baseline data, the methodology of analysis used and the possible peer-review process. It seems to me that it is also essential to make oneself known to the service provider selected by the Commission so as to be included in the list of entities that will be consulted or to which a questionnaire will be addressed. It is also essential, if one is dissatisfied, to make this known discreetly or even publicly if necessary.

This proactive approach is very rarely followed and it is only once the impact assessment is known that stakeholders' criticisms are expressed. Too late. When a draft impact assessment is rejected

by the Regulatory Scrutiny Board, the door is left open for criticism. But this is only an illusion, because the corrections made for a new submission to the RSB almost never change the direction of the study. This was recently confirmed with the impact assessment on the PPWR (Packaging and Packaging Waste Regulation).

The PPWR dossier is actually emblematic because it is based on a series of postulates laid down by the services of the First Executive Vice-President of the Commission, Mr Timmermans, with, as one would expect, his full approval. The basic idea is to reinterpret the waste hierarchy by favouring one of its levels at the expense of its guiding principle, which is “the search for the best overall environmental outcome”. The concept of “reuse” is arbitrarily privileged to the detriment of “recycling” regardless of the resulting environmental impact. In other words, it is better to have plastic packaging that is reusable but not yet recycled and imported from Asia, than paper packaging that is certainly single-use but recyclable, biodegradable and produced in Europe.

Recently introduced in France, the system leads fast-food restaurants to invest in plastic cutlery, cups, glasses and plates (largely imported, as mentioned above) with all the constraints of storage, cleaning, water consumption and theft that are immediately denounced. But the consumers themselves are not happy either. Ordered at McDonalds or Starbucks, they used to like to take a drink to their office, but this is no longer possible unless a return cycle is organised.

In this authoritarian system - the word “totalitarian” being the first to come to my mind - the use of biodegradable paper packaging is downgraded to unsustainable and therefore ultimately condemnable practices. The Commission, at the highest levels of the institution, is thus downgrading biomass, extending to biofuels and forestry, which is deemed uncivilised because it is contrary to the necessary inviolability of primary forests. This is a serious attack on free will and therefore on democracy.

This tendency is clearly reflected in the statements of Commissioner Timmermans that re-use is always better than single-use. This approach clearly contradicts Article 4(2) of the

2008 Waste Framework Directive, which requires Member States to "encourage the options that deliver the best overall environmental outcome [...] where this is justified by life-cycle thinking". This implies giving priority to the solution with the best environmental performance and not to reuse as a matter of principle. This common-sense principle was confirmed in 2014 by the European Court of Justice (Case C-323/13).

Faced with this situation, the industry is helpless, knowing neither how to respond nor how to react. At the risk of repetition, one of the major problems lies in the Commission's contracting out of impact assessments to external service providers. We understand that the Commission services are not equipped to do this work, but the systematic use of consultants is problematic. A friend of mine - an acute observer of Brussels practices - has grouped all these agencies under a generic name: QUANGO. When he said it to me for the first time, I had to make him repeat it. "QUANGO? What do you mean?" He said it means "QUASI NGO", adding that "they were structures that acted like NGOs, but officially presented themselves as consultancies". "They are the translation of what the NGOs want and they are the transmission belt to the Commission," he added.

A few months later, during a debate I was moderating, the issue of these QUANGOs came up again. As the debate took place under Chatham House rules, i.e. confidentially or "off the record", I cannot name the speakers, but I will allow myself to reveal what they said. The scene involved the director of European affairs of a large multinational group and one of the Commission's senior managers with a direct link to impact assessments.

The former told the latter that he must publicly denounce a company (whose name he gave) which the Commission has commissioned regarding an impact assessment that he believes is seriously unobjective, technically unsound and malicious to his sector. In my capacity as moderator, I pointed out that the same criticisms have been made of other impact assessments. And I would add that I have passed on this information to the Commission in confidence, and no one seems to have been bothered by it.

The charge thus made by the participant - a well-known interest representative in Brussels - and by me, did not evoke any surprise in my guest who quickly responded off-topic. That these accusations - true or false - are met with indifference by responsible authorities is, in my view, a demonstration that something is wrong with the impact assessment process. Not to mention at this stage the mistrust created between the Commission, companies and their trade associations.

Internalise impact assessments and give civil dialogue its rightful place

On closer inspection, impact assessments look like a protected preserve. Clearly, the European Commission has established a shortlist of consultancies from which it draws for its impact assessments and other economic analysis work. The list is long, with some twenty names divided between various sub-groups: the environment sub-group, the packaging sub-group, the forestry sub-group, etc.

The real question is: who is manipulating whom? Experience shows that the person who orders an impact assessment is the one who defines the result in advance. This is true at all levels: questionnaires are often biased and unsophisticated because they do not explore all options. It is not uncommon for them to have an anti-industry or anti-innovation bias, or both. The Commission sees this as a clever way of dressing up its proposals in the way it likes. It officially advocates ex-post decisions, but favours its ex-ante choices!

To be objective, the tasks entrusted to these external service providers are generally very poorly paid. Therefore, they play on the “mass effect”, which discourages potential competitors from fighting for a single file that is not very profitable or not profitable at all. The result is a low quality of work, “quick work”, sometimes with factual errors. The industries denounce a structural collusion between the Commission, NGOs and the consultancies in charge of the studies. We cannot speak of corruption (no sign of it), but rather of interference, of reciprocal sympathies.

At this stage, I think it is necessary to avoid any caricature: for some, impact assessments are infiltrated by NGOs, making industries the innocent victims. I do not share this feeling, as the industrial sectors have a great deal to answer for in the situation I am describing. Indeed, they are either passive or reluctant to make waves.

My feeling is clearly that there is a closeness - one could say a collusion of interests - between the makers of the studies, the NGOs and the commissioner. They pull the cart in the same direction, often with generational sympathies between young consultants and young NGO staff. They have the same profile and are part of the "little hands of lobbying". They meet in the same places, at the same times, at the Thursday evening parties on Place du Luxembourg (just outside my office). There is nothing wrong with this, but we can see that these networks are not very frequented by representatives of the industrial world. This is an important point.

But it must also be recognised that NGOs have made progress in their technical expertise. It is often very convenient to caricature them as "activists" with all the negative connotations of that word. We have the right to disagree with their analyses, but it would be counterproductive to despise them. The last few times I have been invited to WWF Europe to discuss this or that issue, I have been surprised by the number of collaborators and the quality of their training.

To put things in perspective, I will hand over to Aaron McLoughlin, who enjoys the distinction of having been a young European lobbyist for WWF, and then - years later - No. 2 at CEFIC, the very important lobby for the chemical industry. His argument is based on two points:

- Industries are very reluctant to work in confidence with research institutes or even with specialised Commission agencies because they are afraid that the final results of these studies will not be favourable to them or will not fully reflect the data they have provided;

- When it comes to lobbying, NGOs are “campaigners”, they are pro-active, they communicate, they seek public support. On the other hand, he adds, industries are defensive and above all seek the status quo.

In reality, two fault lines have been created. The first is between NGOs and industry. The second is between the industries and the Commission. The precise reasons for these antagonisms will be analysed at length in the two chapters to follow. But they have led to a destruction of trust, much of which is rooted in the impact assessments.

The comments of the senior managers of the Institutions we met in the framework of our Research paper for the College of Europe were unanimous in deploring the passivity of the industrial sectors in impact assessments. They all recommended being more pro-active, more anticipatory. They all felt that in the event of disagreement, dissatisfaction, or a feeling of having been wronged, one should not hesitate to make this known to the competent departments, the media, the Ombudsman…and why not even take legal action? Finally, all of them - with surprising unanimity - suggested that companies and professional associations carry out counter-impact assessments and compare their results with those of the Commission. Provided, of course, that it is not too late. And that they know how to “sell” the results of this work to the authorities and even to public opinion.

It is therefore important to reform the system thoroughly by putting an end to the outsourcing of impact assessments. To put this idea forward in the corridors of the Commission would only be met with a shrug of the shoulders and a comment such as “we don’t have the resources”.

Obviously, by dint of multiplying legislative and regulatory initiatives and overcomplicating the decision-making process, the Commission is almost burnt out. Many files have been postponed - the reform of REACH for chemicals products, the possible re-authorisation of glyphosate, etc. And even legal obligations are no longer being met, putting the Commission, guardian of the Treaties, in a bind, without anyone really being alarmed.

In reality, there is no shortage of human resources within the institutions, as staff numbers have increased significantly. Do we really need 4,000 officials in the Secretariat of the Council of Ministers? Does the 1,000-strong staff of the Economic and Social Committee have any added value? Do we need 9,000 people in the European Parliament? The Commission itself has seen its staffing levels rise sharply. It has also drawn on the staff of the Directorate-General for Agriculture to strengthen DG SANTE, DG ENV and DG GROW. The Joint Research Centre (JRC), which has the status of a Directorate-General, seems to me to be the prototype of an under-utilised service. It employs 2,000 people, most of whom are of a very high intellectual/technical/scientific level, and would seem, in my view, to be the ideal tool for carrying out impact assessments internally. Of course, nothing would prevent the JRC from being assisted by external subcontractors, provided that it guarantees a rigorous, uniform and objective methodology.

Like the dissociation between the publication of impact assessments and the corresponding draft legislative acts, this proposal is vehemently rejected by the senior officials I spoke to, without them ever explaining why. The reason for this rejection is twofold: the Commission benefits most from the current system, and it has no confidence in the JRC, which took the liberty of publishing an unauthorised impact assessment that was highly critical of the “Farm to Fork” project.

Only by internalising impact assessments will it be possible to restore a high level of trust, transparency, and quality, putting the various components of civil society, from producers to consumers, on an equal footing. Then - and only then - will the virtuous concept of evidence-based policymaking be seen to extend in concreto into its application.