

RWE Workshop on Stakeholder Engagement

on 6 October 2020

Conclusions

(1) Stakeholder engagement is a key element of the better regulation principles.

Stakeholder engagement delivers not only experiences from practice, but also additional facts and figures, that can help regulators and legislators identify problems and solutions, e.g. as part of an impact assessment. Thus, stakeholder engagement is one of the key elements of evidence-based policy making.

(2) External stakeholders vary and so does engaging with them.

Stakeholders are not a uniform group, and great consideration to their diversity and characteristics should be given to inform decision-making on how to most appropriately engage with them. If proposals affect stakeholders who are usually hard to reach (like homeless people, certain minorities, entrepreneurs or Small and Medium Enterprises), the communication approach of the stakeholder consultation should be adjusted to this particular situation. Seeking information from not only umbrella organisations but from individual stakeholders, who can share experience from actual practice as well, should be considered.

Some scrutiny bodies are already trying to find new ways of contacting stakeholders who are usually hard to reach, e.g. using social media to connect with stakeholders or to enhance the relationships with them. The use of social media can make it easier to raise public awareness and knowledge about scrutiny bodies and can facilitate engaging with stakeholders regarding particular questions, depending on the stakeholders one wants to engage with.

It should be recognised however, that some stakeholders are more prone to more conventional ways of engagement such as government's online consultation portals or responding to email consultations, questionnaires or participating in interviews.

Also, it should be noted that some governments' approaches require strict and formal rules for public consultations, others feature rather informal guidelines. While strict and formal rules might have a stronger binding character in the eyes of departments, informal guidelines might encourage departments to find more creative or tailor-made solutions to achieve useful input from stakeholders. Scrutiny bodies' approaches to engage with stakeholders also vary as some maintain informal relations to stakeholders only whereas others maintain formal relations.

(3) Stakeholder Engagement can only unfold benefits if it is not only done as a technical exercise.

To achieve effective results, it is essential to allow sufficient time for stakeholders to respond and to provide documents that include all relevant information. It goes without saying that the results of the consultation should be considered appropriately before making the final decision on the legislative proposal. In some countries it is mandatory to reflect on the stakeholder input publicly, while in other

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countries governmental departments are not obliged to provide an explanation whether they considered the input gained during the consultation or not. Some scrutiny bodies urge departments to disclose how stakeholder contributions regarding compliance costs have been considered.

(4) Stakeholders provide useful information for the scrutiny of impact assessments

To be able to evaluate and to validate departments' assessments of impacts appropriately, some scrutiny bodies call upon the expertise of stakeholders from practice. Thereto, some scrutiny bodies contact stakeholders directly. Others are not allowed to contact stakeholders regarding individual files or prefer to keep distance to stakeholders. Some scrutiny bodies make use of the information provided in the stakeholders' opinions. At the same time, independent scrutiny bodies have to comply with their mandate as independent advisors.

(5) Stakeholders can provide input regarding possible simplification of existing regulation

Some rules turn out to be burdensome only when applied in practice. In these cases, stakeholder engagement can deliver concrete suggestions on how to reduce these burdens. It is therefore important to consider engaging relevant stakeholders when conducting ex-post evaluations or fitness-checks of existing regulation, including its implementation and enforcement.

(6) Targeted engagement of internal stakeholders should not be neglected

Scrutiny bodies should consider engaging actively with internal stakeholders like governmental departments, public authorities etc. to enhance knowledge about better regulation in the administration. Scrutiny bodies' experience show that presentations, guidelines and online courses are effective ways of engaging with internal stakeholders, but like external stakeholders, these stakeholders vary and great consideration as to the best means of engaging with them should be considered.