European Commission  
Secretariat-General  
Unit SG C.2 – Better Regulation and Impact Assessment  
B-1049 Brussels, Belgium

Re: Recommendation on the Commission’s draft impact assessment guidelines  
Brussels, 24 July 2008

Dear President Barroso,  
Dear Catherine Day,  

The European Children’s Network (EURONET) and EUROCHILD welcome the Commission’s initiative to hold a consultation on the draft impact assessment guidelines.

EURONET and EUROCHILD note an important omission in the draft impact assessment guidelines. In our view, they fail to adequately address the need to measure the impact of legislative and policy proposals on fundamental rights, and in particular on children’s rights. Our key recommendations are therefore:

1. Measure the impact of EU actions on fundamental rights.  
3. Ensure the quality and effectiveness of impact assessment through stakeholder involvement

Measure the impact of EU actions on fundamental rights

The EU Charter of Fundamental Rights as well as EU and Member State’s commitments to respect human rights as laid down in the EU Treaties constitute an engagement for the EU to ensure that no initiative of the European Commission is contrary or affects negatively human rights (Article 6 of the Lisbon Treaty ensures that the rights, freedoms and principles set out in the Charter of Fundamental Rights shall have the same legal value as the Treaties). In this respect it should be noted that the EU needs to apply the human rights principles of universality and inalienability, indivisibility, interdependence and interrelatedness of all rights.
The European Commission’s has already outlined its commitment to screening all Community proposals against fundamental rights. The 2005 communication on compliance with the EU Charter of Fundamental Rights\(^1\) proposed to set out a methodology “to allow Commission departments to check systematically and thoroughly that all the fundamental rights concerned have been respected in all draft proposals (...).”

We therefore call on the Commission:

- To ensure proper follow-up of the Commission 2005 communication and integration of the monitoring proposals into the impact assessment guidelines.
- To ensure the development of an effective system for screening EU proposals for their impact on fundamental rights (as laid down in the Charter of Fundamental Rights and in other international human rights conventions).

**Measure the impact of EU actions on the rights of the child**

The Commission 2006 communication “Towards an EU Strategy on the Rights of the Child\(^2\)” commits the EU to ensuring “all internal and external EU policies respect children’s rights in accordance with the principles of EU law, and that they are fully compatible with the principles and provisions of the UNCRC and other international instruments.” It proposes “to mainstream children’s rights when drafting EC legislative and non-legislative actions that may affect them.” It is disappointing that the EU has not taken these commitments into account in the draft impact assessment guidelines.

Millions of children throughout the EU are still being denied their basic rights, for example, to health, a decent standard of living, a childhood free of violence and abuse. EURONET and EUROCHILD believe an essential step to improving the well-being and future chances of children is to ensure that the EU conducts child rights analyses of actions, policies and legislations it plans to undertake.

All EU member states have ratified the United Nations Convention on the Rights of the Child (UN CRC) and Article 6 of the Lisbon Treaty requires the EU to respect international human rights conventions. EU legislation has a direct and indirect impact in the Member States, and therefore these laws must be in compliance with the UN CRC. In this respect the four key principles of the UN CRC will have to receive particular attention: non-discrimination; the best interests of the child; survival and development and expression of his/her views.

We therefore call on the Commission:

- To ensure that children’s rights are included in the impact assessment guidelines (based on the UN CRC) – and in particular link in to the follow-up work to the recent child rights Communication.

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\(^1\) COM (2005) 0172
\(^2\) COM(2006) 367 final
Ensure the quality and effectiveness of impact assessment
Impact assessments risk becoming a superficial exercise unless they are properly informed by experts and stakeholders themselves. Child rights impact assessments must also take account of the views of children. In developing guidelines on involvement of children in impact assessments, the European Commission can draw on the wealth of experience of children’s NGOs and member state national, regional and local governments.

We therefore call on the Commission:

- To ensure consultation of stakeholders is an integral part of impact assessments. This should include participation of children and young people where appropriate.
- To ensure impact assessments are carried out in an open and transparent way, that ensures inputs from stakeholders are taken seriously and provide effective feedback on results and decisions taken.

We urge you take our demands into account in the revision of the impact assessment guidelines.

Your sincerely,

Mieke Schuurman
Secretary-General
The European Children’s Network

Jana Hainsworth
Secretary-General
Eurochild