

Procedure

Ex Post Evaluation

	<i>Author</i>	<i>Compliance check by CAP (if full workflow)</i>	<i>Approved by Process Owner</i>
<i>Name</i>	G. Potenza	Andrei Lixandru	Anna Gigantino
<i>Position</i>	Analysis Officer	Internal Control Coordinator	Head of Unit MARS
<i>Signature</i>			

Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
1.0	12/01/2018	Initial version
1.1	25/02/2019	Minor modification due to Agency reorganization alignment and ERA management standards revision following updated internal control framework of the European Commission. Retention periods extended to ensure consistency with other related documents (collated information interrelated with the report) or with ISO 9001 certification period (stakeholders' feedback). Performance indicator improved.
1.2	25/11/2020	Modification of process input in chapter 4.1, following the MT agreement on 30/10/2020 (see MoM); flowchart step 1 modified accordingly; adaptation to the new organizational structure (all minor changes).
2.0	22/05/2023	Major modification due to Agency reorganization and to include possible contribution to Commission ex post evaluations of other legislative acts.

1. <i>Process</i>	Core process > Monitoring > Ex Post Evaluation
2. <i>Process Owner</i>	Head of MARS Unit
3. <i>Purpose and Customers</i>	<p>To evaluate the impact of a single recommendation or a set of inter-connected recommendations (incl. legislative mandated activities of evaluation inputs) and other rail legislation of interest of the Agency once they have been in force for a specific period in order to:</p> <ul style="list-style-type: none"> › check if the activities/ the recommendation(s) lead to a mitigation of the problems already identified in the ex-ante assessment(s) › assess if the legislation is still fit-for-purpose › understand existing remaining problems as well as future potential problems, business opportunities and impacts for the railway sector by informing the baseline scenario in view of mid- and long-term planning (feeding the strategic planning process). <p>The main customers are:</p> <ul style="list-style-type: none"> › Various units/entities of the Agency › ERA Management Team (MT) › ERA Management Board (MB) › European Commission (EC) › Railway sector and the public › Members States (MSs), NSAs › Depending on the scope of the assessment, a limited number of representative organisations may be concerned.
4. <i>Scope</i>	<p>Legislative acts based on the Agency's recommendations which are the primary scope of ex-post evaluations (internal evaluations):</p> <ul style="list-style-type: none"> › usually covers a single recommendation of the Agency (e.g. PRM TSI) › it can cover a set of recommendations, if these recommendations are inter-connected (e.g. infrastructure related TSIs – ENE, INF TSI – and RINF) <p>Other legislative acts of the EU (external evaluations):</p> <ul style="list-style-type: none"> › usually include an obligation to evaluate effects after a certain time and input/experience of the Agency is deemed necessary by the European Commission <p>Ad hoc internal/external evaluations for which Agency input/experience is necessary</p>
5. <i>Legal basis</i>	<p>Agency Regulation (Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004). Article 8(3)</p> <p>Decision n° 300 of the Management Board adopting the ERA Internal Control Framework and repealing Decision n°191 adopting the ERA management standards</p>
6. <i>Linked with other (Sub)Processes /documents</i>	<ul style="list-style-type: none"> › Issuing Agency's Recommendation (REC): the results of the EPE procedure may be reflected in the follow-up revisions of decisions and regulations. › Ex Ante Impact Assessment (EEV): the monitoring indicators proposed in IAs may be evaluated in the framework of the EPE procedure. › Strategic Planning and Reporting (STP): the EPE procedure provides input related to existing problems and business opportunities including their economic impacts for the railway sector, which can be taken into consideration in the various strategies developed by the Agency. <p>Related documents: EC Guidelines on Ex Post Evaluation</p>

	Better regulation: guidelines and toolbox European Commission (europa.eu) Chapter 6 - How to carry out and evaluation and fitness check European Commission (europa.eu)
<i>7. Process Input</i>	<ul style="list-style-type: none"> › ERA units' suggested topics, internally triggered or following specific requests from the EC, proposals from MSs, sector organizations etc. › Indicators from the Agency's monitoring activities › Monitoring indicators as proposed in the ex-ante impact assessments measured after the recommendations have been implemented › Other data/information from the Railway System Data Inventory
<i>8. Process Output and Performance</i>	Process output: <ul style="list-style-type: none"> › Ex Post Evaluation Report (for internal and ad hoc evaluations) › Agency contribution to evaluations to be performed by the Commission (external evaluations) Performance indicators: <ul style="list-style-type: none"> › % of ex post evaluations which are timely delivered and accepted by the concerned stakeholders out of the total number of due ex post evaluations per year
<i>9. Enablers</i>	<ul style="list-style-type: none"> › Good knowledge of impact assessment methods and of the technical content › List of potential ex-post topics on the intranet MARS workspace › Feedback provided by the railway sector via rapporteurs or other fora
<i>10. Process Constraints</i>	<ul style="list-style-type: none"> › Some of the recommendations may produce measurable effects only after longer periods of time.

For the use of definitions and acronyms, please refer to [ERA Glossary](#) available in the IMCS Service (ERA1158).

General Process Risk

<i>Identified Risk</i>	<i>Risk Level</i>	<i>Mitigation Plan</i>
Rapporteurs from the stakeholder organisations provide incomplete or wrong input information to the ex-post evaluation provided by interviewees / contacts	Low	Information provided can be compared with the information provided by other sources to detect inconsistencies. Where applicable, draft ex post evaluation is reviewed by NSAs, MS, and relevant sector organisations.
Scope of the evaluation not well defined	Low	The scope of work of the evaluation is reviewed and validated by the Analysis Officer in charge with the Process Customers prior to kick-off the evaluation assignment.

1. Introduction/context

The Agency is committed to ensure that the overall legislative framework linked to its activities is working as intended and contributes to a more competitive railway sector in Europe.

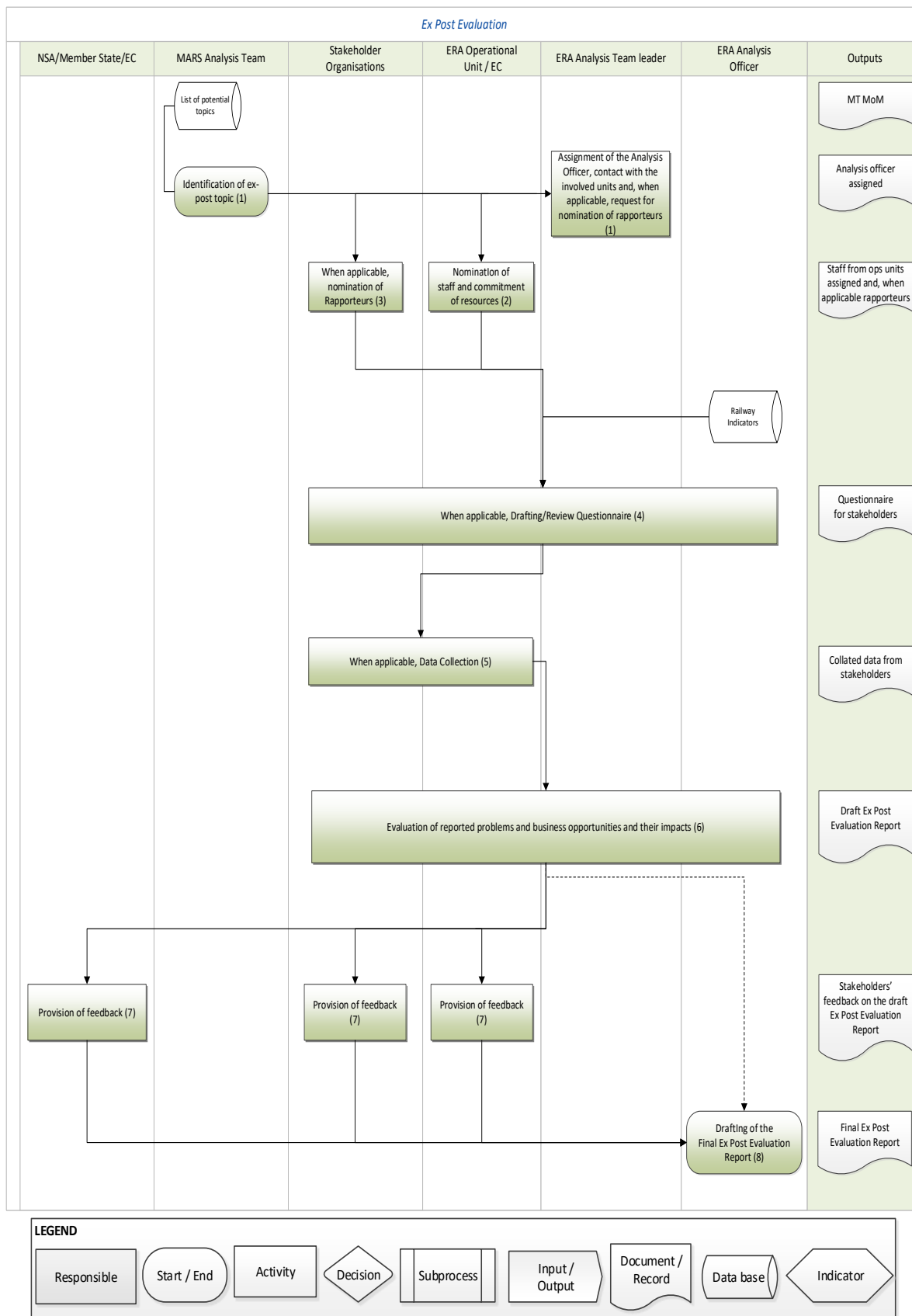
The approach is consistent with the Plan-Do-Check-Act logic and distinguishes between:

- › Ex ante evaluation - forward looking prior to introduction of new or amended legislative measures (covered by the Impact Assessment procedure, [PRO EEV 001](#));
- › Ex post evaluation - backward looking after legislative interventions have been made (covered by this procedure).

Art. 8(3) of the Agency Regulation (EU) 2016/796 explicitly promotes ex post evaluation of legislation, alongside the Agency's main activities from the Single Programming Document.

This is facilitated through the work of the Agency's Analysis team supported by other units.

2. Flowchart



3. Description

3.1. Step 1. Process Start

Potential ex-post evaluation topics are identified and prepared by the Analysis team (MARS). The concerned operational units / teams are consulted about the specific topics as required. Any topic is usually identified if a specific problem including a proof of evidence is reported to the Agency from external stakeholders or if evaluations are mandated by legal acts. A list of potential topics for ex-post evaluations is kept up-to-date and available on the MARS Intranet space. At the beginning of each year, the MT is informed about the plans for ex-post evaluations to be launched in that year. This is documented in the MTM minutes. The Analysis Team Leader:

- › decides on the ex-post evaluations, taking into account feedback from the MT and the concerned operational units / teams, taking account of the coordination of resources;
- › assigns an Analysis Officer in charge of the evaluation;
- › contacts the ERA units concerned by the scope of the evaluation and request the assignment of a contact person and of sufficient resources to provide data, inputs and support to the Analysis Officer in charge;
- › when applicable, requests the nomination of rapporteurs from stakeholder organisations which are concerned by the scope of the evaluation, e.g. through NRB.

3.2. Step 2. Nominate Staff from Operational Units

The head of the involved operational Unit nominates staff (and commits the necessary resources) which form the central contact point for the Analysis Officer and provide the necessary technical competence in the field of the operational activity addressed by the ex-post evaluation.

3.3. Step 3. Nominate Rapporteurs (optional)

Upon decision of the Analysis Team Leader depending on the evaluation topic, each of the stakeholder organisations referred to in Article 38 (4) of the Agency Regulation and concerned by the ex-post evaluation may be requested to nominate a “rapporteur”, with the following tasks:

- › to act as a central contact person for the Analysis Officer;
- › to reply to data requests and questionnaires as central contact person of its organisation;
- › to coordinate meetings with its members/company and to prepare position papers where:
 - › existing problems, potential problems and business opportunities are identified;
 - › further means of evidence for existing or potential problems are provided;
 - › business impact and priorities are assessed.
- › To act as a central contact point in the representative organisation informing the members about the status and progress of the evaluation.

3.4. Step 4. Drafting and review of the Questionnaire (optional)

When applicable, the Analysis Officer drafts a questionnaire with the aim of:

- › collecting evidence and data about existing and potential problems and business opportunities;
- › mapping impacts resulting from the recommendations to be evaluated against planned impacts.

The regular monitoring of indicators on safety, interoperability and other aspects can be used as a source, supplemented where necessary by additional data collected from stakeholders through questionnaires aimed at collecting further evidence on the problem drivers.

The rapporteurs, when appointed, as well as the involved operational units (via their central contact points) are, where applicable, actively engaged in the drafting and reviewing process. The output after the consultation with rapporteurs and the central contact points is a final questionnaire.

3.5. Step 5. Data Collection (optional)

When applicable, the rapporteurs distribute the final questionnaire to their members/within its organisation and may arrange dedicated meetings internally to gather data and fill out accordingly the questionnaire on behalf of its organisation.

The Analysis Officer, as well as staff from the concerned operational units can attend such meetings to follow and facilitate the discussion, when necessary. The rapporteurs will summarize the feedback from their members and send the collated information to the Analysis Officer.

For internal work, the nominees of operational units perform the necessary consultation and data collection as the above-mentioned rapporteurs.

3.6. Step 6. Evaluation of reported problems and business opportunities and their impacts

The Analysis Officer analyses the reported problems and their causes, and business opportunities including their impacts, supported by the operational units and the rapporteurs.

If possible, impacts shall be quantified. The evaluated impacts shall be mapped against the expected impacts as listed in the ex-ante impact assessments, where existing.

Problems and business opportunities shall be assessed taking into account the following aspects:

- › the magnitude of the expected impacts;
- › the reliability of the data used in the impact assessment (sufficient evidence, reliable source);
- › the timing when impacts are realized;
- › direct or indirect (weak) link with the recommendation(s) subject to the ex-post evaluation.

The results of this evaluation are presented in a draft ex-post evaluation report.

3.7. Step 7. Review by Industry Stakeholders, NSA, MS, EC of the draft ex-post evaluation report (optional)

The Analysis Officer, and when applicable the rapporteurs, distribute the evaluation report to trade associations, relevant industry players, NSA, MS, EC depending on the topic of the evaluation and ask for feedback. The collected feedback is sent, where feasible, aggregated to the Analysis Officer. The same is done by the nominated staff in Agency's operational units.

When applicable and especially for external evaluations, the Analysis Officer provides the report to the person in charge in the European Commission who will then coordinate, if needed, consultation of Member States authorities.

For internal/ad hoc evaluations, no external review will take place.

3.8. Step 8. Final Ex-post Evaluation Report

The Analysis Officer drafts the final ex-post evaluation report (when applicable based on the provided feedback from external actors) or the Agency input to external evaluations performed by the Commission.

4. Templates / Forms

- › Ex post evaluation report: A draft template (document and slides) will be tested by the Analysis team after the first evaluation performed according to the present procedure and stored in the IMSC library.
- › Agency inputs to external evaluations may follow templates provided by the Commission

5. Records and Other Outputs

<i>Record Name</i>	<i>Storage Responsible</i>	<i>Storage Location</i>	<i>Minimum Retention Time</i>
<ul style="list-style-type: none"> › Ex Post Evaluation Report (for internal and ad hoc evaluations) › Agency contribution to evaluations to be performed by the Commission (external evaluations) 	Analysis Officer in charge of the ex-post evaluation	EPE Intranet Space within Analysis	4 years

<i>Other Outputs Name</i>	<i>Storage Responsible</i>	<i>Storage Location</i>	<i>Minimum Retention Time</i>
MT MoM	As stated in the related IMCS documents		
Requests for nominations and nominations	Analysis Officer in charge of the ex-post evaluation	EPE Intranet Space within Analysis	1 year
Collated information from each rapporteur (when applicable)	Analysis Officer in charge of the ex-post evaluation	EPE Intranet Space within Analysis	4 years
Stakeholders' feedback on the ex-post evaluation report (when applicable)	Analysis Officer in charge of the ex-post evaluation	EPE Intranet Space within Analysis	4 years