

1.6.2011

A7-0159/1

Amendment 1

Jan Philipp Albrecht

on behalf of the Verts/ALE Group

Report

A7-0159/2011

Angelika Niebler

Guaranteeing independent impact assessments
2010/2016(INI)

Motion for a resolution (Rule 157(4) of the Rules of Procedure) replacing non-legislative motion for a resolution A7-0159/2011

European Parliament resolution on guaranteeing independent impact assessments

The European Parliament,

- having regard to the Lisbon Treaty and the Charter of Fundamental Rights of the European Union, which entered into force on 1 December 2009,
- having regard to the Commission communication of 8 October 2010 on smart regulation in the European Union (COM(2010)0543),
- having regard to the interinstitutional agreement on better law-making concluded between Parliament, the Council and the Commission on 16 December 2003¹,
- having regard to the Interinstitutional Common Approach to Impact Assessments concluded between Parliament, the Council and the Commission in November 2005,
- having regard to Special Report No 3/2010 of the European Court of Auditors,
- having regard to the results of the study commissioned by the European Parliament on impact assessments in the EU Member States,
- having regard to the Commission's Impact Assessment Guidelines of 15 January 2009, and the annexes thereto (SEC(2009)0092),
- having regard to the Commission communication of 5 June 2002 on impact assessment (COM(2002)0276),
- having regard to the Framework Agreement of 20 October 2010 between Parliament and the Commission,
- having regard to Rule 48 of its Rules of Procedure,

¹ OJ C 321, 31.12.2003, p. 1.

- having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0159/2011),
- A. whereas impact assessments should present an evaluation of the likely effects of proposed legislation,
- B. whereas the Lisbon Treaty contains horizontal social and environmental clauses (Articles 9 and 11 of the Treaty on the Functioning of the European Union) which have to be taken into account in defining and implementing the Union’s policies and activities and require an in-depth analysis of the social and environmental impact of any proposed legislation,
- C. whereas the Impact Assessment Board (IAB) is considered by the Commission to be independent, although it is under the authority of the President of the Commission and is composed of high-level officials from several DGs and chaired by the Deputy Secretary-General; whereas this poses serious questions as to their objectivity and thus aptitude for proper quality control,
- D. whereas the impact assessments carried out by the Commission are inconsistent in their quality level and frequently serve rather to justify a legislative proposal than to permit an objective consideration of the facts,
- E. whereas impact assessments may be used to create unnecessary bureaucratic impediments to the further development or entry into force of European legislation and policies,
- F. whereas Parliament has on a number of occasions expressed support for the use of comprehensive independent impact assessments in the European Union,

General requirements for impact assessments at European level

1. Emphasises that impact assessment can never be a substitute for political debate and the legislator’s decision-making process but should only help the technical preparation of political decisions;
2. Believes that, if external expertise is used in the impact assessment process, it is not with the aim of revealing the objective truth, but of informing the process of the different aspects of the future policy decision; considers that the quality of the impact assessment lies in presenting the benefits and drawbacks of a sufficient number of policy options; notes in this connection that the final outcome and control of the quality of the impact assessment should remain with the European Union institutions;
3. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; calls for impact assessments to always evaluate the compatibility of the legislation with fundamental rights; calls attention to the ‘horizontal’ social and environmental clauses (Articles 9 and 11 TFEU) of the Lisbon Treaty;

4. Considers that ex-post evaluation by the Commission of legal acts adopted should never replace the Commission's duty as 'Guardian of the Treaties' to monitor effectively and in a timely way the application of Union law by Member States;

Potential for improvement at Commission level

5. Calls on the Commission to involve systematically the Parliament at an early stage for the formulation of possible policy options to be studied;
6. Considers that the work of the Commission's Impact Assessment Board (IAB) should take place in the public sphere, with the highest transparency;

Potential for improvement at Parliament level

7. Stresses the importance of a uniform impact assessment mechanism for the quality and coherence of its own policy formation; calls, therefore, for the establishment of an integrated impact assessment process within the European Parliament;
8. Considers that the integrated impact assessment process should be carried out, as it is now the case, under the aegis of the European Parliament Policy Departments, which are part of the European Parliament administration;
9. Proposes in this context that a common impact assessment procedure be developed on the basis of a common system and methodology used by all committees;
10. Regrets that the Commission opposes the idea of a common approach to impact assessment by the European institutions;
 - o
 - o o
11. Instructs its President to forward this resolution to the Council and Commission.

Or. en