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REPORT

on the interpretation and implementation of the Interinstitutional Agreement on
Better Law-Making
(2016/2018(INI))

Committee on Legal Affairs
Committee on Constitutional Affairs

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(Joint committee procedure – Rule 55 of the Rules of Procedure)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the interpretation and implementation of the Interinstitutional Agreement on Better Law-Making (2016/2018(INI))

The European Parliament,

- having regard to Article 17(1) of the Treaty on European Union (TEU),
- having regard to Article 295 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹ ('the new IIA'),
- having regard to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission² ('the 2010 Framework Agreement'),
- having regard to the Interinstitutional Agreement on Better Law-Making of 16 December 2003³ ('the 2003 IIA'),
- having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts⁴,
- having regard to the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation⁵,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts⁶,
- having regard to the Joint Declaration of 13 June 2007 on practical arrangements for the codecision procedure⁷,
- having regard to the Joint Political Declaration of 27 October 2011 of the European Parliament, the Council and the Commission on explanatory documents⁸,
- having regard to the Joint Declaration on the EU's legislative priorities for 2017⁹,

¹ OJ L 123, 12.5.2016, p. 1.

² OJ L 304, 20.11.2010, p. 47.

³ OJ C 321, 31.12.2003, p. 1.

⁴ OJ C 102, 4.4.1996, p. 2.

⁵ OJ C 73, 17.3.1999, p. 1.

⁶ OJ C 77, 28.3.2002, p. 1.

⁷ OJ C 145, 30.6.2007, p. 5.

⁸ OJ C 369, 17.12.2011, p. 15.

⁹ OJ C 484, 24.12.2016, p. 7.

- having regard to the Joint Declaration on the EU’s legislative priorities for 2018-2019¹ ,
- having regard to the judgments of the Court of Justice of the European Union of 18 March 2014 (the ‘Biocides case’), 16 July 2015 (the ‘Visa Reciprocity Mechanism case’), 17 March 2016 (the ‘CEF delegated act case’), 14 June 2016 (the ‘Tanzania case’) and 24 June 2016 (the ‘Mauritius case’)² ,
- having regard to its decision of 13 December 2016 on the general revision of Parliament’s Rules of Procedure³ ,
- having regard to its resolution of 12 April 2016 on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook⁴ ,
- having regard to its resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017⁵,
- having regard to its resolution of 9 March 2016 on the conclusion of an Interinstitutional Agreement on Better Law-Making between the European Parliament, the Council of the European Union and the European Commission⁶,
- having regard to its resolution of 27 November 2014 on the revision of the Commission’s impact assessment guidelines and the role of the SME test⁷,
- having regard to its resolution of 25 February 2014 on follow-up on the delegation of legislative powers and control by Member States of the Commission’s exercise of implementing powers⁸,
- having regard to its resolution of 4 February 2014 on EU Regulatory Fitness and Subsidiarity and Proportionality – 19th report on Better Lawmaking covering the year 2011⁹,
- having regard to its resolution of 13 September 2012 on the 18th report on better legislation – Application of the principles of subsidiarity and proportionality (2010)¹⁰,
- having regard to its resolution of 14 September 2011 on better legislation, subsidiarity

¹ OJ C 446, 29.12.2017, p. 1.

² Judgment of the Court (Grand Chamber) of 18 March 2014, *European Commission v European Parliament and Council of the European Union*, Case C-427/12, EU:C:2014:170; judgment of the Court (Grand Chamber) of 16 July 2015, *European Commission v European Parliament and Council of the European Union*, Case C-88/14, ECLI:EU:C:2015:499; judgment of the Court of 17 March 2016, *European Parliament v European Commission*, Case C-286/14, EU:C:2016:183; judgment of the Court (Grand Chamber) of 14 June 2016, *Parliament v Council*, Case C-263/14, ECLI:EU:C:2016:435; judgment of the Court (Grand Chamber) of 24 June 2016, *Parliament v Council*, Case C-658/11, ECLI:EU:C:2014:2025.

³ Texts adopted, P8_TA(2016)0484.

⁴ Texts adopted, P8_TA(2016)0104.

⁵ Texts adopted, P8_TA(2016)0312.

⁶ Texts adopted, P8_TA(2016)0081.

⁷ OJ C 289, 9.8.2016, p. 53.

⁸ OJ C 285, 29.8.2017, p. 11.

⁹ OJ C 93, 24.3.2017, p. 14.

¹⁰ OJ C 353 E, 3.12.2013, p. 117.

- and proportionality and smart regulation¹ ,
- having regard to its resolution of 8 June 2011 on guaranteeing independent impact assessments² ,
 - having regard to the Commission communication of 24 October 2017 entitled ‘Completing the better regulation agenda: better solutions for better results’ (COM(2017)0651),
 - having regard to Article 294 TFEU on the codecision procedure,
 - having regard to the Commission staff working document of 24 October 2017 entitled ‘Overview of the Union’s Efforts to Simplify and to Reduce Regulatory Burdens’ (SWD(2017)0675),
 - having regard to the Commission communication of 13 December 2016 entitled ‘EU law: Better results through better application’ (C(2016)8600),
 - having regard to the Commission communication of 14 September 2016 entitled ‘Better Regulation: Delivering better results for a stronger Union’ (COM(2016)0615),
 - having regard to the Commission communication of 19 May 2015 entitled ‘Better regulation for better results – An EU agenda’ (COM(2015)0215),
 - having regard to the Commission staff working document of 7 July 2017 on better regulation guidelines (SWD(2017)0350),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Legal Affairs and the Committee on Constitutional Affairs under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the Committee on Constitutional Affairs and the opinions of the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on Environment, Public Health and Food Safety and the Committee on Petitions (A8-0170/2018),
- A. whereas the new IIA entered into force on the day of its signature, 13 April 2016;
- B. whereas, on the occasion of the adoption of the new IIA, Parliament and the Commission made a statement affirming that the new agreement ‘reflects the balance between, and respective competences of, the European Parliament, the Council and the Commission as set out in the Treaties’ and ‘is without prejudice to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the

¹ OJ C 51 E, 22.2.2013, p. 87.

² OJ C 380 E, 11.12.2012, p. 31.

European Commission'¹;

- C. whereas, in order to implement the provisions of the new IIA on interinstitutional programming, Parliament revised its Rules of Procedure inter alia to set out the internal processes for negotiating and adopting joint conclusions on multiannual programming and joint declarations on annual interinstitutional programming;
- D. whereas, in the context of annual interinstitutional programming, the three Institutions agreed on two joint declarations on the EU's legislative priorities for the years 2017 and 2018-2019 respectively;
- E. whereas, contrary to the 2003 IIA, the new IIA no longer includes a legal framework for the use of alternative methods of regulation, such as co-regulation and self-regulation, with the result that any reference to such methods is missing;
- F. whereas paragraph 13 of the new IIA requires the Commission to consult as widely as possible in its impact assessment process; whereas, similarly, paragraph 19 of the new IIA requires the Commission, before adopting a proposal and not after, to conduct public consultations in an open and transparent manner, ensuring that the modalities and time limits of those public consultations allow for the widest possible participation, not restricted to vested interests and their lobbyists;
- G. whereas in July 2017 the Commission revised its Better Regulation guidelines so as to better explain and exploit the linkages between the various steps of policy-making within the Commission, replacing the previous stand-alone guidelines, which addressed separately impact assessment, evaluation and implementation, and so as to include new guidance on planning and stakeholder consultation;
- H. whereas under paragraph 16 of the new IIA, the Commission may, on its own initiative or upon invitation by Parliament or the Council, complement its own impact assessment or undertake other analytical work it considers necessary;
- I. whereas the new IIA acknowledges the replacement of the former Impact Assessment Board with the Commission's Regulatory Scrutiny Board; whereas the latter's task is, inter alia, to carry out an objective quality check of the Commission's impact assessments; whereas in order for an initiative, accompanied by an impact assessment, to be tabled for adoption by the Commission, a positive opinion is needed from the Board; whereas, in the case of a negative opinion, the draft report must be reviewed and resubmitted to the Board, and, in the case of a second negative opinion, a political decision is required for the initiative to proceed further; whereas the Board's opinion is made public on the Commission's website at the same time as the report relating to the initiative concerned and, in the case of impact assessments, once the Commission has adopted the related policy initiative¹;
- J. whereas at the beginning of 2017, the Regulatory Scrutiny Board completed the

¹ See Annex II to European Parliament decision of 9 March 2016 on the conclusion of an Interinstitutional Agreement on Better Law-Making between the European Parliament, the Council of the European Union and the European Commission (Texts adopted, P8_TA(2016)0081).

¹ Article 6(2) of the Decision of the President of the European Commission of 19 May 2015 on the establishment of an independent Regulatory Scrutiny Board (C(2015)3263).

recruitment of its staff, including three members from outside the EU Institutions; whereas in 2016 the Board reviewed 60 separate impact assessments, of which 25 (42 %) received an initial negative assessment, resulting in revision and resubmission to the Board; whereas the Board has subsequently given positive overall assessments to all but one of the revised impact assessments that it has received; whereas the Board has exchanged information with Parliament's services on best practices and methodologies relating to impact assessments;

- K. whereas under paragraph 25 of the new IIA, if a modification of the legal basis is envisaged entailing a change from the ordinary legislative procedure to a special legislative procedure or a non-legislative procedure, the three Institutions will exchange views thereon; whereas Parliament has revised its Rules of Procedure to give effect to this provision; whereas this provision has not yet had to be applied;
- L. whereas in paragraph 27 of the new IIA, the three Institutions acknowledge the need for the alignment of all existing legislation to the legal framework introduced by the Lisbon Treaty, and in particular the need to give high priority to the prompt alignment of all basic acts which still refer to the regulatory procedure with scrutiny (RPS); whereas the Commission proposed that latter alignment in December 2016¹; whereas Parliament and the Council are currently examining this proposal in great detail;
- M. whereas a new version of the Common Understanding on Delegated Acts and on the related standard clauses is annexed to the new IIA; whereas under paragraph 28 of the new IIA, the three Institutions will enter into negotiations without undue delay after the entry into force of the agreement, with a view to supplementing this Common Understanding by providing for non-binding criteria for the application of Articles 290 and 291 TFEU; whereas, after lengthy preparatory work, these negotiations finally began in September 2017;
- N. whereas in paragraph 29 of the new IIA the three Institutions committed to setting up, at the latest by the end of 2017, a joint functional register of delegated acts, providing information in a well-structured and user-friendly way, in order to enhance transparency, facilitate planning and enable traceability of all the different stages in the lifecycle of a delegated act; whereas the register has now been set up and became operational in December 2017;
- O. whereas point 32 of the IIA stipulates that 'the Commission shall carry out its role as facilitator by treating the two branches of the legislative authority equally, in full respect of the roles assigned by the Treaties to the three Institutions';
- P. whereas in paragraph 34 of the new IIA, Parliament and the Council, in their capacity as co-legislators, underlined the importance of maintaining close contacts already in advance of interinstitutional negotiations, so as to achieve a better mutual understanding of their respective positions, and agreed, to that end, to facilitate a mutual exchange of views and information, including by inviting representatives of the other institutions to informal exchanges of views on a regular basis; whereas these provisions have not given rise to any new specific procedures or structures; whereas, while contact between the Institutions has intensified within the framework of the joint declaration on

¹ See COM(2016)0798 and COM(2016)0799.

legislative priorities, the experience of the committees suggests that there is no systematic approach to facilitate such a mutual exchange of views and that it remains difficult to obtain information and feedback from the Council on issues raised within it by the Member States; whereas Parliament finds this situation highly unsatisfactory;

- Q. whereas, in order to further reinforce the transparency of the legislative process, Parliament revised its Rules of Procedure so as to adapt its rules on interinstitutional negotiations during the ordinary legislative procedure, building on the provisions introduced in 2012; whereas, while all of Parliament's negotiating mandates are public, the same does not hold true of the Council's mandates; whereas Parliament finds this situation highly unsatisfactory;
- R. whereas in paragraph 39 of the new IIA, in order to facilitate traceability of the various steps in the legislative process, the three Institutions undertook to identify, by 31 December 2016, ways of further developing platforms and tools to that end, with a view to establishing a dedicated joint database on the state of play of legislative files; whereas no such joint database has been created to date;
- S. whereas in paragraph 40 of the new IIA, regarding the negotiation and conclusion of international agreements, the three Institutions committed to meeting within six months after the entry into force of the new IIA in order to negotiate improved practical arrangements for cooperation and information-sharing within the framework of the Treaties, as interpreted by the Court of Justice of the European Union (CJEU); whereas such negotiations began in November 2016 and are still ongoing;
- T. whereas regulatory cooperation has emerged as a key instrument in international trade agreements on a path towards regulatory dialogue and coherence between trading partners; whereas the Commission is to remain committed in that process to the principles of a fair and level playing field for all stakeholders and guaranteeing the utmost transparency in decision-making;
- U. whereas in paragraph 46 of the new IIA, the three Institutions confirm their commitment to using the legislative technique of recasting for the modification of existing legislation more frequently and in full respect of the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹;
- V. whereas under paragraph 48 of the new IIA, by way of contribution to its regulatory fitness and performance programme (REFIT), the Commission undertakes to present annually an overview, including an annual burden survey, of the results of the Union's efforts to simplify legislation and to avoid overregulation and reduce administrative burdens; whereas the results of the first annual burden survey were presented on 24 October 2017 as part of the Commission Work Programme for 2018;
- W. whereas the annual burden survey offers a unique opportunity to identify and monitor the results of EU efforts to avoid overregulation and reduce administrative burdens; whereas this survey provides an excellent opportunity to demonstrate the added value of

¹ OJ C 77, 28.3.2002, p. 1.

EU legislation and to provide transparency to EU citizens;

- X. whereas the new IIA calls for interinstitutional cooperation with the aim of simplifying existing Union legislation and avoiding overregulation and administrative burdens for citizens, administrations and businesses; whereas Parliament emphasises that with regard to international trade agreements these objectives should not lead to lower standards on the protection of the environment, public health, workers' health, safety, International Labour Organisation standards or consumer rights;
- Y. whereas under paragraph 50 of the new IIA, the three Institutions will monitor the implementation of the new IIA jointly and regularly, at both the political level through annual discussions and the technical level in the Interinstitutional Coordination Group; whereas monitoring at the political level includes regular discussions in the Conference of Committee Chairs and the annual high-level stocktaking meeting; whereas, furthermore, specific monitoring arrangements were laid down in the context of the joint declarations on the EU's legislative priorities for 2017 and 2018-2019 respectively; whereas, moreover, the experience gained by committees so far is an invaluable tool for assessing the implementation of the new IIA; whereas the Committee on Legal Affairs has specific competence for better law-making and simplification of Union law;

Common commitments and objectives

1. Considers the new IIA as an interinstitutional exercise which seeks to improve the quality of Union legislation; recalls that, in many instances, EU legislation harmonises or replaces different rules in 28 Member States, making national markets mutually and equally accessible and reducing administrative costs overall to establish a fully functional internal market;
2. Welcomes the progress achieved and the experience gained in the first year and a half of the application of the new IIA and encourages the Institutions to undertake further efforts to fully implement the agreement, in particular with regard to the interinstitutional negotiations on non-binding criteria for the application of Articles 290 and 291 TFEU, the alignment of all basic acts that still refer to the regulatory procedure with scrutiny (RPS), the interinstitutional negotiations on practical arrangements for cooperation and information-sharing regarding the negotiation and conclusion of international agreements, and the establishment of a dedicated joint database on the state of play of legislative files;
3. Recalls that the new IIA aims to develop a more open and transparent relationship between the three Institutions with a view to delivering high-quality legislation in the interest of EU citizens; considers that, although the principle of sincere cooperation among Institutions is only mentioned in paragraphs 9 and 32 in relation to specific areas covered by the new IIA, it should be observed throughout the legislative cycle as one of the principles enshrined in Article 13 TEU;

Programming

4. Welcomes the three Institutions' agreement to reinforce the Union's annual and multiannual programming in accordance with Article 17(1) TEU by means of a more structured procedure with a precise timeline; notes with satisfaction that the first exercise of interinstitutional annual programming under the new IIA saw the active participation of the three Institutions, participation that led to a joint declaration on the EU's legislative priorities for 2017, with 59 key legislative proposals identified as priorities for 2017 and, further to a joint declaration on legislative priorities for 2018-2019, 31 key legislative proposals identified as priorities until the end of the current term; particularly welcomes, in this context, the active involvement of the Council and trusts that it will continue in the future, including as regards multiannual programming for the new term; considers, however, that priority treatment for certain legislative files agreed upon in joint declarations should not be used to exert undue pressure on the co-legislators and that greater speed should not be prioritised at the expense of legislative quality; considers it important to evaluate how the current practice and rules for approving the joint declarations are applied and whether certain improvements can be made to Parliament's Rules of Procedure with regard to the negotiations on interinstitutional programming, for example to reinforce the mandate given to the President by the political groups;
5. Considers it of the utmost importance that parliamentary committees are fully consulted throughout the joint declaration preparation and implementation process;
6. Points out that the new IIA is without prejudice to the mutual undertakings agreed between Parliament and the Commission in the 2010 Framework Agreement; recalls, in particular, that the arrangements relating to the timetable for the Commission Work Programme set out in Annex 4 to the 2010 Framework Agreement must be complied with when implementing paragraphs 6-11 of the new IIA;
7. Considers that the Commission should, when presenting its Work Programme, in addition to the elements referred to in paragraph 8 of the new IIA, indicate how the envisaged legislation is justifiable in the light of the principles of subsidiarity and proportionality and specify its European added value;
8. Welcomes the establishment of the Commission Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', which must work hand in hand with the new IIA to increase the trust of citizens who consider the principle of subsidiarity to be a key aspect of the democratic process;
9. Calls on the Commission to present more inclusive, more detailed and more reliable Work Programmes; requests, in particular, that the Commission Work Programmes clearly indicate the legal nature of each proposal with accurate and realistic timeframes; calls on the Commission to ensure that forthcoming legislative proposals – especially key legislative packages – arrive well before the end of this legislative term, thereby giving the co-legislators enough time to exercise their prerogatives in full;
10. Encourages developing efficient legislation geared to developing employment protection and European competitiveness with a particular focus on small and medium-sized enterprises, across all sectors of the economy;
11. Welcomes the fact that the Commission replied to Parliament's requests for proposals

for Union acts under Article 225 TFEU, for the most part within the three-month deadline referred to in paragraph 10 of the new IIA; points out, however, that the Commission failed to adopt specific communications as foreseen in that provision; calls on the Commission to adopt such communications with a view to ensuring full transparency and providing a political response to requests made by Parliament in its resolutions, and with due regard for Parliament's relevant European Added Value and Cost of Non-Europe analyses;

12. Underlines the importance of transparent cooperation in good faith between Parliament, the Council and the Commission, which should be translated into practice by a genuine commitment on the part of the Commission to involving Parliament and the Council, at the same level, in the implementation of its programming arrangements, and reminds the Commission of its obligation to respond promptly to legislative and non-legislative own initiative reports; deplores the fact that several own-initiative reports have remained unanswered, and calls on the Commission to provide the co-legislators, within three months, with reasons for the withdrawal of a text and also with a reasoned reply to requests for legislative or non-legislative proposals;
13. Considers that the deletion of all references to the use of alternative methods of regulation in the new IIA is without prejudice to Parliament's position that soft law should be applied only with the greatest of care and on a duly justified basis, without undermining legal certainty and the clarity of existing legislation, and after consultation of Parliament¹; is concerned, furthermore, that a lack of clear boundaries on the use of soft law may even encourage recourse to it, with no guarantee that Parliament would be able to carry out scrutiny;
14. Invites the Council and the Commission to agree that alternative methods of regulation, provided that they are strictly necessary, should be included in the multiannual and annual programming documents, so as to allow proper identification and scrutiny by the legislators;

Tools for better law-making

15. Underlines that impact assessments may inform but must never be a substitute for political decisions or cause undue delays to the legislative process; underlines that, throughout the legislative process and in all assessments of the impact of proposed legislation, particular attention must be paid to the potential impacts on those stakeholders who have least opportunity to present their concerns to decision-makers, including SMEs, civil society, trade unions and others who do not have the advantage of easy access to the Institutions; believes that impact assessments must pay equal attention to the evaluation of social, health and environmental consequences in particular, and that the impact on the fundamental rights of citizens and on equality between women and men must be assessed;
16. Recalls that SMEs represent 99 % of all businesses in the EU, generate 58 % of the EU's turnover and are responsible for two thirds of total private employment; recalls,

¹ See Parliament's resolution of 9 September 2010 on Better lawmaking - 15th annual report from the Commission pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (OJ C 308E, 20.10.2011, p. 66), paragraph 47.

furthermore, that the Commission, in the Small Business Act, made a commitment to implementing the ‘think small first’ principle in its policymaking, and that this includes the SME test to assess the impact of forthcoming legislation and administrative initiatives on SMEs¹; recalls that in its decision of 9 March 2016 on the new IIA Parliament stated that the wording of the new IIA does not sufficiently commit the three Institutions to include SME and competitiveness tests in their impact assessments²; stresses the importance of taking into account and paying attention to the impact on competitiveness and innovation and to the needs of SMEs at all stages of the legislative cycle, and expresses satisfaction that the Commission’s Better Regulation Guidelines prescribe that potential impacts on SMEs and competitiveness must, where relevant, be considered and reported systematically in all impact assessments; notes that SME tests often lack quality and coherent implementation; calls on the Commission to consider how the impact on SMEs can be better taken into account, and intends to monitor this issue closely in the years to come;

17. Urges the Commission, in the context of better law-making, to better assess the social and environmental consequences of its policies and their impact on the fundamental rights of citizens, by keeping in mind also the cost of non-legislation at European level and the fact that cost-benefit analyses are only one of many criteria;
18. Reiterates its call for the compulsory inclusion in all impact assessments of a balanced analysis of the medium- to long-term economic, social, environmental and health impacts;
19. Calls on the Commission to use impact assessments and ex-post evaluations to examine the compatibility of initiatives, proposals or pieces of existing legislation with the Sustainable Development Goals, as well as their impact, respectively, on the progress and implementation of these Goals;
20. Recalls that the idea of a supplementary ad hoc technical independent panel contained in the Commission’s initial proposal for the new IIA was not further pursued in the course of the negotiations; points out that the aim of the creation of such a panel was to enhance the independence, transparency and objectiveness of impact assessments; recalls that it was agreed in paragraph 15 of the new IIA that Parliament and the Council, where and when they consider it appropriate and necessary, would carry out impact assessments in relation to their own substantial amendments to the Commission proposal, which are much needed in order to take an informed and well-founded decision; reminds its committees of the importance of availing themselves of this tool wherever needed;
21. Welcomes the reference in the new IIA to the inclusion of the principles of subsidiarity and proportionality in the scope of impact assessments; stresses, in this regard, that impact assessments should always encompass a thorough and rigorous analysis of the

¹ See Parliament’s resolution of 27 November 2014 on the revision of the Commission’s impact assessment guidelines and the role of the SME test (OJ C 289, 9.8.2016, p. 53), paragraph 16.

² See Parliament’s resolution of 9 March 2016 on the conclusion of an Interinstitutional Agreement on Better Law-Making between the European Parliament, the Council of the European Union and the European Commission (Texts adopted, P8_TA(2016)0081), paragraph 4.

compliance of a proposal with the principles of subsidiarity and proportionality and specify its European added value;

22. Notes that a significant number of Commission proposals were not accompanied by impact assessments and that committees have expressed concern that the quality and level of detail of impact assessments varies from the comprehensive to the rather superficial; points out that in the first phase of application of the new IIA 20 out of 59 Commission proposals included in the 2017 joint declaration were not accompanied by impact assessments; recalls in this regard that, while it is in any case foreseen that initiatives which are expected to have significant social, economic or environmental impact should be accompanied by an impact assessment, paragraph 13 of the IIA also states that the initiatives included in the Commission Work Programme or the joint declaration should, as a general rule, be accompanied by an impact assessment;
23. Welcomes the fact that the IIA stipulates that the ‘European added value’ of any proposed Union action, as well as the ‘cost of non-Europe’ in the absence of action at Union level, should be taken into account when setting the legislative agenda; highlights the fact that the cost of non-Europe can be estimated at EUR 1.75 trillion per year, equivalent to 12 % of EU GDP (2016); honours the work of the Directorate for Impact Assessment and European Added Value of the European Parliamentary Research Service (EPRS) in this context;
24. Calls on the Commission to further clarify how it intends to assess the cost of non-Europe – inter alia the cost for producers, consumers, workers, administrations and the environment of not having harmonised legislation at EU level and where divergent national rules cause extra cost and render policies less effective – as referred to in paragraphs 10 and 12 of the new IIA; points out that such an assessment should not only be conducted in the event of sunset clauses, towards the end of a programme, or when a repeal is envisaged, but should also be considered in cases where action or legislation at EU level is not yet in place or under review;
25. Recalls that the former Impact Assessment Board has been replaced with the new Regulatory Scrutiny Board, thereby enhancing the independence of the Board; reiterates that the independence, transparency and objectiveness of the Regulatory Scrutiny Board and its work must be safeguarded and that the members of the Board should not be subjected to any political control¹; underlines that the Commission should ensure that all of the Board’s opinions, including negative ones, are made public and accessible at the same time as the relevant impact assessments are published; calls for an evaluation of the performance of the Regulatory Scrutiny Board in fulfilling its role of supervising and providing objective advice on impact assessments;
26. Points out that Parliament’s Directorate for Impact Assessment and European Added Value, established within its administration, assists parliamentary committees and offers them a variety of services, for which sufficient resources must be available so as to ensure that Members and committees receive the best possible support available; notes with appreciation the fact that the Conference of Committee Chairs adopted an updated version of the ‘Impact Assessment Handbook – Guidelines for Committees’ on 12

¹ See Parliament’s resolution of 27 November 2014, cited above, paragraph 12; Parliament decision of 9 March 2016, cited above, paragraph 6.

September 2017;

27. Calls on all its committees to systematically review Commission impact assessments and to review Parliament's ex-ante impact assessment analysis as early as possible in the legislative process;
28. Recalls that under paragraph 14 of the new IIA, upon considering Commission legislative proposals, Parliament will take full account of the Commission's impact assessments; recalls in this context that parliamentary committees may invite the Commission to present its impact assessment and the policy option chosen at a full committee meeting and invites its committees to avail themselves of this opportunity more regularly, and of the possibility to see a presentation of the initial appraisal of the Commission's impact assessment by Parliament's own services; points out, however, that this must not lead to a restriction of the room for manoeuvre available to the co-legislators;
29. Welcomes the possibility for the Commission to complement its own impact assessments during the legislative process; considers that paragraph 16 of the new IIA should be interpreted to the effect that, when requested by Parliament or the Council, the Commission should as a rule promptly provide such complementary impact assessments;
30. Stresses the importance of timely, public and transparent stakeholder involvement and consultation, with sufficient time for meaningful replies; maintains that it is essential for public consultations to be carried out by the Commission in all official languages during the preparatory phase;
31. Notes that, as specified in paragraph 17 of the new IIA on better law-making, 'each of the three Institutions is responsible for determining how to organise its impact assessment work, including internal organisational resources and quality control';
32. Welcomes the fact that in paragraph 17 of the new IIA the three Institutions committed to exchanging information on best practices and methodologies relating to impact assessments; is of the opinion that this should include the sharing of raw data underpinning the Commission's impact assessment wherever possible, and notably whenever Parliament decides to complement the Commission's impact assessment with its own further work; encourages, to that end, the services of the three Institutions to cooperate to the maximum possible extent, including with regard to joint training sessions on impact assessment methodologies, with a view, moreover, to achieving a future, common interinstitutional methodology;
33. Maintains that it is essential that, to quote paragraph 18 of the new IIA, 'the Commission's initial impact assessment and any additional impact assessment work conducted during the legislative process by the Institutions' be made public by the end of the legislative process in order to ensure transparency in relation to citizens and stakeholders;
34. Reiterates its position that stakeholders, including trade unions and civil society, should be able to provide effective input on the impact assessment process as early as possible in the consultation phase, and encourages the Commission, to that end, to make more

systematic use of roadmaps and inception impact assessments and to publish them in due time at the beginning of the impact assessment process;

35. Welcomes the commitment made by the Commission, before adopting a proposal, to consult widely and encourage, in particular, the direct participation of SMEs, civil society and other end-users in consultations; notes with satisfaction that the Commission's revised Better Regulation Guidelines take such a direction;
36. Underlines the new provisions for public and stakeholder consultations, which should serve as an important tool both in the preparatory phase and throughout the entire legislative process;
37. Urges the Commission to respect the mandatory deadlines set for implementation reports and reviews of directives and regulations;
38. Underlines the importance of the ex-post evaluation of existing legislation, in accordance with the 'evaluate first' principle, and recommends that, whenever possible, it take the form of ex-post impact assessments applying the same methodology as in the ex-ante impact assessment relating to the same piece of legislation, so as to enable a better evaluation of the performance of the latter;
39. Welcomes paragraph 22 of the new IIA, wherein, in order to support the evaluation process of existing legislation, the three Institutions agree to, as appropriate, establish reporting, monitoring and evaluation requirements in legislation, while avoiding overregulation and administrative burdens, in particular on the Member States; notes the challenges linked to collecting data in the Member States on the performance of legislation and encourages the Commission and the Member States to step up their efforts in this regard;
40. Welcomes paragraph 23 of the new IIA, wherein the three Institutions agree to systematically consider the use of review clauses in legislation; invites the Commission to include review clauses in its proposals whenever appropriate and, if not, to state its reasons for departing from this general rule;

Legislative instruments

41. Welcomes the commitments made by the Commission as regards the scope of the explanatory memorandum accompanying each of its proposals; expresses particular satisfaction at the fact that the Commission will also explain how the measures proposed are justified in the light of the principles of subsidiarity and proportionality; underlines, in this regard, the importance of a strengthened and comprehensive assessment and justification regarding compliance with these principles as well as the European added value of the measure proposed;
42. Considers that consistency between the explanatory memorandum and the impact assessment related to the same proposal is necessary; invites the Commission, therefore, to ensure such consistency and to explain the choice made where it deviates from the conclusions of the impact assessment;
43. Draws attention to the fact that in paragraph 25 of the new IIA, the Commission only

committed to taking ‘due account of the difference in nature and effects between regulations and directives’; reiterates its request that, pursuing the same approach as that outlined in the Monti report, greater use should be made of regulations in legislative proposals¹, in accordance with the legal requirements established by the Treaties as to their use, in order to ensure consistency, simplicity and legal certainty across the Union;

44. Welcomes the three Institutions’ commitment to exchanging views on modifications of the legal basis, as referred to in paragraph 25 of the new IIA; stresses the role and the expertise of its Committee on Legal Affairs in verifying legal bases²; recalls Parliament’s position that it will resist any attempt to undermine the legislative powers of Parliament by means of unwarranted modifications of the legal basis; invites the Council to fully respect its commitment to pursuing a dialogue with Parliament in the event of disagreement over the proposed legal basis, especially in politically sensitive files;
45. Highlights the fact that the choice of legal basis for a Commission proposal should be made on objective grounds which are subject to judicial review; stresses, however, Parliament’s right, as co-legislator, to propose modifications to the legal basis, on the basis of its interpretation of the Treaties;

Delegated and implementing acts

46. Underlines the importance of the principle enshrined in paragraph 26 of the new IIA and reiterates that it is the competence of the legislator to decide, within the limits of the Treaties, and in the light of the case law of the CJEU, whether and to what extent to use delegated acts and whether and to what extent to use implementing acts³;
47. Notes that the delegation of power to the Commission is not merely a technical issue but can also involve questions of political sensitivity which are of considerable importance to EU citizens, consumers and businesses;
48. Welcomes the Commission’s effort to comply with the deadline referred to in paragraph 27 of the new IIA for proposing the alignment of all basic acts which still refer to the RPS; further considers that, as a rule, all cases previously dealt with under the RPS should now be aligned to Article 290 TFEU and thus be converted into delegated acts⁴;
49. Warns that the inclusion of the obligation for the Commission of systematic recourse to Member States’ experts in connection with the preparation of delegated acts should not amount to making the relevant procedure very similar, if not altogether identical, to that established for the preparation of implementing acts, especially as regards procedural prerogatives conferred upon those experts; considers that this may also blur the differences between the two types of acts to the extent that it could imply a *de facto*

¹ See Parliament’s resolution of 14 September 2011 on better legislation, subsidiarity and proportionality and smart regulation, paragraph 5.

² See Rules of Procedure of the European Parliament, Annex V, point XVI.1.

³ See Parliament’s resolution of 25 February 2014 on follow-up on the delegation of legislative powers and control by Member States of the Commission’s exercise of implementing powers, cited above, recital D.

⁴ See Parliament’s resolution of 25 February 2014 on follow-up on the delegation of legislative powers and control by Member States of the Commission’s exercise of implementing powers, cited above, paragraph 6.

revival of the pre-Lisbon comitology mechanism;

50. Expresses dissatisfaction at the fact that, in spite of the concessions made by Parliament, the Council is still very reluctant to accept delegated acts when the criteria under Article 290 TFEU are met; recalls that, as laid down in its recital 7, the new IIA should facilitate the negotiations in the framework of the ordinary legislative procedure and improve the application of Articles 290 and 291 TFEU; points out that in several legislative files the Council, nevertheless, insisted either on the conferral of implementing powers under Article 291 TFEU or on the inclusion of all the elements *in abstracto* eligible for the delegation of powers or for the conferral of implementing powers in the basic act itself; expresses disappointment at the fact that, in those cases, the Commission did not defend its own original proposals;
51. Is very concerned that the Council is trying almost systematically to replace delegated acts with implementing acts; finds it particularly unacceptable that the Council is trying to use the post-Lisbon alignment to replace the RPS with implementing acts, rather than delegated acts;
52. Welcomes the start of the interinstitutional negotiations referred to in paragraph 28 of the new IIA; confirms its position on the non-binding criteria for the application of Articles 290 and 291 TFEU as established in its resolution of 25 February 2014¹; considers that they should be the basis for those negotiations;
53. Recalls that politically significant elements, such as Union lists or registers of products or substances, should remain an integral part of a basic act – where appropriate in the form of annexes – and should therefore only be amended by means of delegated acts; stresses that the creation of self-standing lists should be avoided in the interests of legal certainty;
54. Considers that the criteria for the application of Articles 290 and 291 TFEU must take account of the rulings of the CJEU, such as those issued in the Biocides case, in the CEF delegated act case and in the Visa Reciprocity Mechanism case²;
55. Welcomes the Commission's commitment, should broader expertise be needed for the early preparation of draft implementing acts, to make use of expert groups, consult targeted stakeholders and carry out public consultations, as appropriate; considers that, whenever any such consultation process is initiated, Parliament should be duly informed;
56. Notes with appreciation the fact that the Commission, in paragraph 28 of the new IIA, agreed to ensure that Parliament and the Council have equal access to all information on delegated and implementing acts, so that they will receive all documents at the same time as Member States' experts; welcomes the fact that experts from Parliament and the Council will systematically have access to the meetings of Commission expert groups to which Member States' experts are invited and which concern the preparation of

¹ *Ibid*, paragraph 1.

² Judgment of the Court (Grand Chamber) of 18 March 2014, *European Commission v European Parliament and Council of the European Union*, cited above; judgment of the Court of 17 March 2016, *European Parliament v European Commission*, cited above; judgment of the Court (Grand Chamber) of 14 June 2016 *Parliament v Council*, cited above.

- delegated acts; calls on the Commission to abide by this commitment genuinely and consistently; notes that such access has already improved;
57. Emphasises the need to improve informal cooperation during the preparatory phase of delegated acts and implementing acts; warns against losing sight of the intention of the co-legislators, as expressed in a legislative act and as a part of its aim, when preparing delegated and implementing acts; emphasises the importance of the Delegated Act Register, which is now operational;
 58. Regrets the fact that on many occasions the Commission considers level 2 measures proposed by the three financial services authorities (ESAME, EBA and EIOPA) as adopted without changes, which reduces the amount of scrutiny time available to Parliament when important or a substantial number of changes are introduced;
 59. Commends the swift progress made at interinstitutional level in the establishment of a joint functional register of delegated acts and welcomes its official launch of 12 December 2017;
 60. Looks forward to making use of a well-structured and user-friendly functional register of delegated acts, which was published on 12 December 2017 and had been requested by Parliament;
 61. Notes that improved legislative procedures at EU level, with timely and deeper interinstitutional cooperation, can lead to a more consistent and harmonised application of EU law;

Transparency and coordination of the legislative process

62. Welcomes the fact that under paragraph 32 of the new IIA, Parliament and the Council, as the co-legislators, are to exercise their powers on an equal footing, and the Commission must carry out its role as facilitator by treating the two branches of the legislative authority equally; recalls that this principle is already enshrined in the Treaty of Lisbon; requests, therefore, that the Commission make available and, when feasible, public, all relevant documents relating to legislative proposals, including non-papers, to both legislators at the same time;
63. Deplores the fact that paragraphs 33 and 34 of the new IIA have not yet led to an improvement in the information flow from the Council, notably since there seems to be a general lack of information on the issues raised by the Member States within the Council and no systematic approach to facilitate the mutual exchange of views and information; notes with concern that the information flow usually varies greatly from Presidency to Presidency and varies between services of the Council's General Secretariat; underlines the asymmetrical access to information between the co-legislators, since the Council can attend parliamentary committee meetings but Parliament representatives are not invited to attend the meetings of the Council's working groups; considers, therefore, that a coherently transparent approach is desirable; suggests that the Council should as a rule conduct all its meetings in public, as Parliament does;

64. Requests that paragraphs 33 and 34 of the new IIA be fully implemented; asks the Council, in particular, that the agendas, working documents and presidency proposals of working parties and the Committee of Permanent Representatives of the Governments of the Member States (Coreper) be transmitted to Parliament in a regular and structured manner in order to allow for a matching level of information between co-legislators; considers that paragraphs 33 and 34 of the new IIA should be interpreted to the effect that, in addition to informal exchanges of views, Parliament may be invited to send a representative to the meetings of the Council's working parties and Coreper;
65. Stresses that, within the meaning of paragraphs 35 and 36 respectively of the new IIA, synchronisation and acceleration of the legislative process may only be pursued while ensuring that the prerogatives of each Institution are fully preserved; considers, therefore, that on no account may synchronisation or acceleration entail the imposition of a timetable on Parliament by other Institutions;
66. Urges that efforts be stepped up to set up the dedicated joint database on the state of play of legislative files referred to in paragraph 39 of the new IIA; recalls that this database should include information on all steps of the legislative procedure to facilitate its traceability; suggests that this should also include information on the impact assessment process;
67. Reminds the three EU institutions that further progress is needed in establishing a dedicated joint database on the state of play of legislative files;
68. Proposes that the Council meets Parliament at least once during the consultation procedure to allow Parliament to present and explain the reasons for the approved amendments, and the Council to state its position on each of them; proposes, in any case, that the Council provide a written reply;
69. Suggests that Parliament conduct a quantitative study on the effectiveness of the consultation procedure;
70. Urges the Commission to respect the timeframe set in the European Supervisory Authorities Regulation for deciding whether to endorse, amend or not to endorse draft technical standards, and, as a minimum, to officially inform the co-legislators well in advance if it, on an exceptional basis, is unable to respect such a timeframe, as well as stating its reasons for this; underlines the fact that the Commission recently omitted to do so in numerous cases; reminds the Commission that procedures through which Parliament declares it has no objections to an act are not intended to compensate for delays originating from the Commission's side and that these procedures significantly impact the time available for Parliament to exercise its scrutiny rights;
71. Welcomes the fact that the interinstitutional negotiations referred to in paragraph 40 of the new IIA began in November 2016; notes with disappointment that after more than one year of discussions, two rounds of negotiations at political level and a number of meetings at technical level, no agreement has yet been reached despite clear and established case law;
72. Welcomes the written briefings provided by the Commission ahead of international conferences and the daily oral briefings provided by the Council Presidency and the

Commission during those conferences;

73. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences;
74. Calls on the three EU institutions to conclude – in a timely manner – the negotiations on improved practical arrangements for cooperation and information-sharing that were initiated in November 2016 in accordance with paragraph 40 of the Interinstitutional Agreement on Better Law-Making;
75. Reminds the Council and the Commission that practical arrangements in relation to international agreements must be compliant with the Treaties, notably Article 218(10) TFEU, and take account of rulings of the CJEU, such as those issued in the Tanzania case and the Mauritius case¹;
76. Calls on the other institutions to comply with the Treaties and regulations and to observe the relevant jurisprudence in order to ensure that Parliament:
 - a. is immediately, fully and accurately informed during the whole life-cycle of international agreements in a proactive, structured and streamlined way, without undermining the EU's negotiation position, and is given sufficient time to express its views at all stages and have them taken into account as far as possible;
 - b. is accurately informed and involved in the implementation stage of the agreements, especially in regard to the decisions taken by the bodies set up by agreements, and is allowed to fully exercise its rights as a co-legislator when they impact EU legislation;
 - c. is proactively informed about the Commission's position in international fora, such as the WTO, UNCTAD, OECD, UNDP, FAO and UNHRC;
77. Believes it is essential to respect horizontally the long-standing practice of awaiting Parliament's consent before provisionally applying the trade and investment provisions of politically important agreements, as also committed to by Commissioner Malmström in her hearing on 29 September 2014; calls on the Council, the Commission and the European External Action Service to continue to extend this practice to all international agreements;
78. Notes that Parliament stands ready to seize the CJEU again to ensure that the rights of Parliament are respected, should no conclusive progress be made in the near future in the negotiations on paragraph 40 of the new IIA;
79. Notes that each of the institutions should be mindful that their responsibility as legislators does not end once international agreements are concluded; stresses the need for close monitoring of implementation and ongoing efforts to ensure that agreements are meeting their aims; calls for the institutions to extend best practice and a collaborative approach to the implementation and evaluation phases of international

¹ Judgment of the Court (Grand Chamber) of 14 June 2016, *Parliament v Council*, cited above; judgment of the Court (Grand Chamber) of 24 June 2016, *Parliament v Council*, cited above.

agreements;

80. Notes that impact assessments including an analysis of the human rights situation can be an important tool in negotiating trade and investment agreements, helping parties to comply with their human rights obligations, and recalls the binding character of agreements such as the International Covenant on Economic, Social and Cultural Rights;
81. Calls on the Commission and the Council to fully respect the distribution of competences between the EU and its Member States, as can be deduced from the CJEU Opinion 2/15 of 16 May 2017, for the adoption of negotiating directives, negotiations and the legal basis of proposals to sign and conclude, and in particular for the Council's signature and the conclusion of international trade agreements;
82. Calls on European representatives to pay particular attention to consistency between international standards/requirements and adopted binding EU legislation;
83. Calls on the Commission to disclose documents outlining its stance in the international organisations which set standards in the financial, monetary and regulatory fields, in particular the Basel Committee on Banking Supervision; requests that Parliament be fully informed at all stages of the development of international standards that may have an impact on EU law;
84. Calls for the establishment and formalisation of a financial dialogue on the adoption and coherence of European positions in the run-up to major international negotiations, in accordance with the resolution adopted by Parliament on the EU role in the framework of international financial, monetary and regulatory institutions and bodies; emphasises that on the basis of detailed guidelines, which could be supplemented by proactive guidance resolutions, these positions should be discussed and known *ex ante* and a follow-up should be ensured, with the Commission reporting back regularly on the application of these guidelines;
85. Recalls its statement adopted on 15 March 2018 on the location of the seat of the European Medicines Agency, in which Parliament regretted that its role and rights as equal co-legislator with the Council had not been duly taken into account;
86. Acknowledges the mandate approved by the Coreper on 6 December 2017 agreeing on the Council's position on the Commission proposal for a mandatory transparency register; calls on all parties to finalise the negotiations in a spirit of good cooperation to improve the transparency of the legislative process;

Implementation and application of Union legislation

87. Underlines the importance of the principle set out in paragraph 43 of the new IIA, that when the Member States, in the context of transposing directives into national law, choose to add elements that are in no way related to that Union legislation, such additions should be made identifiable either through the transposing act(s) or through associated documents; notes that this information is often still lacking; calls on the

Commission and the Member States to act jointly and consistently to tackle the lack of transparency and other problems related to ‘gold-plating’¹;

88. Is of the opinion that in the implementation and transposition of EU acts, a clear distinction must be made between cases of ‘gold-plating’, in which Member States introduce additional administrative requirements unrelated to EU legislation, and the setting of higher standards that go beyond EU-wide minimum standards for environmental and consumer protection, healthcare and food safety;
89. Considers that, in order to reduce the problems related to ‘gold-plating’, the three Institutions should commit to adopting EU legislation which is clear, easily transposable and which has a specific European added value; recalls that, while additional unnecessary administrative burdens should be avoided, this should not prevent the Member States from maintaining or taking more ambitious measures and adopting higher social, environmental and consumer protection standards in cases where only minimum standards are defined by Union law;
90. Calls on the Member States to refrain as much as possible from creating additional administrative requirements when transposing EU legislation, and in accordance with paragraph 43 of the Interinstitutional Agreement, to make such additions identifiable in the transposing act or associated documents;
91. Recalls that, under paragraph 44 of the new IIA, Member States are called upon to cooperate with the Commission in obtaining information and data needed to monitor and evaluate implementation of Union law; calls, therefore, on the Member States to take all necessary measures to respect their commitments, including by providing correlation tables containing clear and precise information on the national measures transposing directives in their domestic legal order, as agreed in the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents and in the Joint Political Declaration of 27 October 2011 of the European Parliament, the Council and the Commission on explanatory documents;
92. Considers that the commitment made by the Commission under paragraph 45 of the new IIA should be interpreted to the effect that, with due respect for confidentiality rules, Parliament’s access to information relating to pre-infringement and infringement procedures will improve considerably; reiterates, to that end, its long-standing requests to the Commission as regards the data which Parliament is entitled to access²;
93. Reiterates its appreciation for the EU Pilot problem-solving mechanism as a more informal, but nonetheless effective, way to ensure compliance with Union law on the part of the Member States³; disapproves of the Commission’s announcement that, as a rule, it will launch infringement procedures without relying on the mechanism

¹ See Parliament’s resolution of 21 November 2012 on the 28th annual report on monitoring the application of EU law (2010) (OJ C 419, 16.12.2015, p. 73), paragraph 7.

² See Parliament’s resolution of 4 February 2014 on the 29th annual report on monitoring the application of EU law (2011) (Texts adopted, P7_TA(2014)0051), paragraphs 21 and 22.

³ See Parliament’s resolution of 6 October 2016 on monitoring the application of Union law: 2014 Annual Report (Texts adopted, P8_TA(2016)0385), paragraph 16.

anymore¹;

94. Points out that Members of the Commission are required to respect the legislative prerogatives of Members of the European Parliament; is of the opinion that they should provide Parliament with all the independently conducted studies on the basis of which they have taken their decisions, while at the same time disclosing those which contradict their conclusions;
95. Regrets that not all translations of legislative proposals are made available at the same time, which delays the legislative process;
96. Stresses that when it comes to its application, effective EU legislation must aim to ensure that the procedures established therein match the underlying purpose of the piece of legislation itself, and particularly the ultimate goal of protecting the environment when it comes to ensuring a high degree of environmental protection;
97. Acknowledges the importance of the work being done in the Committee on Petitions in assessing the quality of EU law-making with regard to its actual implementation, and as a basis for improving legislative texts and procedures; notes in this regard the importance of genuine interinstitutional cooperation with the Commission when it comes to ensuring that the petitions are properly examined;

Simplification

98. Welcomes the commitment made in paragraph 46 of the new IIA for a more frequent use of the legislative technique of recasting; reiterates that this technique should constitute the ordinary legislative technique as an invaluable tool to achieve simplification²; considers, however, that in the event of a complete policy overhaul, the Commission should, instead of using the recasting technique, put forward a proposal for an entirely new legal act repealing existing legislation, so that the co-legislators can engage in broad and effective political discussions and see their prerogatives as enshrined in the Treaties fully preserved;
99. Recalls that, in assessing unnecessary regulatory and administrative burdens, pursuant to the agreement made by the three Institutions in paragraphs 47 and 48 of the new IIA, and when examining possible burden reduction objectives in order to lower costs for administrations and businesses, including SMEs, better law-making can, where appropriate, also mean more EU legislation, including harmonisation of disparities in national legislation, taking account of the benefits of legislative measures and the consequences of failure to act at EU level with regard to social, environmental and consumer protection standards, and bearing in mind that Member States are free to apply higher standards if only minimum standards are defined by Union law; recalls, furthermore, that the horizontal social clause enshrined in Article 9 TFEU requires the Union to give careful consideration to the impact of EU legislation on social standards and employment, involving proper consultation of social stakeholders, in particular trade unions, consumers and representatives of vulnerable groups' interests, with

¹ See Commission communication entitled 'EU law: Better results through better application', cited above, page 5.

² See Parliament's resolution of 14 September 2011, cited above, paragraph 41.

respect for the autonomy of the social partners and the agreements that they may conclude in accordance with Article 155 TFEU; stresses, therefore, that the reduction of administrative burdens does not necessarily mean deregulation and that, in any event, it must not compromise fundamental rights and environmental, social, labour, health and safety, consumer protection, gender-equality or animal welfare standards, including the information requirements related thereto, and thus must not be detrimental to workers' rights – regardless of the size of the company –, or lead to an increase in precarious employment contracts;

100. Welcomes the Commission's first annual burden survey undertaken in the context of simplification of EU legislation, for which it carried out a Flash Eurobarometer survey on business perceptions of regulation, interviewing over 10 000 businesses across the 28 Member States, mainly SMEs and reflecting the distribution of business in the EU; draws attention to the findings of the survey, which confirm that the focus on cutting unnecessary costs remains appropriate and suggest that there is a complex interplay of different factors that influence the perception of businesses, which may also be caused by variations in national administrative and legal set-ups concerning the implementation of legislation; points out that gold-plating and even inaccurate media coverage can also affect such perception; considers that the concept of the annual burden survey, while being an important tool for the identification of problems with the implementation and application of EU legislation, may not give rise to the assumption that regulation results by its nature in excessive administrative burdens; agrees with the Commission that the only way to identify concretely what can actually be simplified, streamlined or eliminated is to seek views from all stakeholders, including those who have less powerful representation, on specific pieces of legislation or various pieces of legislation that apply to a particular sector; calls on the Commission to refine the annual burden survey, on the basis of the lessons learnt from the first edition, to apply transparent and verifiable data collection methods, to pay particular regard to SMEs' needs, and to include both actual and perceived burdens;
101. Takes note, furthermore, of the outcome of the Commission's assessment of the feasibility, without detriment to the purpose of legislation, of establishing objectives to reduce burdens in specific sectors; encourages the Commission to set burden reduction objectives for each initiative in a flexible but evidence-based and reliable manner, and in full consultation with stakeholders, as it does already under REFIT;
102. Stresses that an EU standard generally replaces 28 national standards, thereby underpinning the single market and cutting down on bureaucracy;
103. Stresses the importance of avoiding unnecessary bureaucracy and taking into account the correlation between company size and the resources required to implement obligations;

Implementation and monitoring of the new IIA

104. Notes that the Conference of Presidents will receive a regular report, drawn up by the President, outlining the current state of play of implementation both internally and interinstitutionally; considers that this report should take due account of the assessment

made by the Conference of Committee Chairs on the basis of the experiences of the various committees, in particular the Committee on Legal Affairs, as the committee responsible for better law-making and the simplification of Union law¹;

105. Welcomes the first annual interinstitutional high-level political stocktaking meeting on the implementation of the IIA, which took place on 12 December 2017; encourages the Conference of Committee Chairs to provide the Conference of Presidents with any recommendation it deems appropriate on the implementation of the new IIA;

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106. Instructs its President to forward this resolution to the Council and the Commission.

¹ See Rules of Procedure of the European Parliament, Annex V, point XVI.3.

EXPLANATORY STATEMENT

I. Background

On 13 April 2016, the European Parliament, the Council and the European Commission adopted the new Interinstitutional Agreement on Better Law-Making ('the new IIA') aiming at improving the way the EU legislates to ensure that EU legislation better serves citizens and businesses and that EU laws and policies are effective in achieving their objectives, with a minimum of administrative burdens.

The new IIA sets out common commitments and objectives, contains provisions on interinstitutional cooperation as regards multiannual and annual interinstitutional programming, tools for better law-making, legislative instruments, delegated and implementing acts, transparency and coordination of the legislative process, implementation and application of Union legislation and simplification. It also sets out a general framework for implementation and monitoring of the new IIA by the three Institutions. The new IIA also commits the three Institutions to further negotiations on appropriate criteria for delineating delegated and implementing acts and on improved practical arrangements for cooperation and information-sharing regarding the negotiation and conclusion of international agreements. It commits to alignment of the existing legislation to the legal framework introduced by the Lisbon Treaty, in particular with regard to measures adopted under the regulatory procedure with scrutiny (RPS). Finally, it also provides for the establishment of a dedicated joint database on the state of play of legislative files and of a register on delegated acts.

II. Parliament's decision on the conclusion of the new IIA and setting-up of a Working Group on the latter's interpretation and implementation

On a recommendation from the Committee on Constitutional Affairs, on 9 March 2016 Parliament decided, with 516 votes in favour, 92 votes against and 95 abstentions, to approve the new IIA¹. Parliament's decision also identified a range of issues, which need further follow up at political and/or technical level².

The Committee on Legal Affairs and the Committee on Constitutional Affairs were asked by the Conference of Presidents to examine the implementation of the new IIA under Rule 55 of Parliament's Rules of Procedure. To that end, they set up a Working Group whose main findings served as a starting point for the two rapporteurs to draw up this draft report.

The Working Group met 9 times, between 10 May 2016 and 20 November 2017. It concluded its work by endorsing a summary of activities and its main findings were presented at the joint meeting of the Committee on Legal Affairs and the Committee on Constitutional Affairs on 28 November 2017.

III. Rapporteurs' evaluation of the implementation of the IIA: main aspects

¹ Resolution of 9 March 2016 on the conclusion of an Interinstitutional Agreement on Better Law-Making between the European Parliament, the Council of the European Union and the European Commission, P8_TA(2016)0081.

² See Parliaments decision of 9 March 2016, cited above, at para. 16.

Common commitments and objectives

The progress achieved and the experience gained in the first year and a half of the application of the new IIA is overall positive and should encourage the three Institutions to make further efforts to implement it fully, in particular with regard to the remaining issues: a) the non-binding criteria for the application of Articles 290 and 291 TFEU and the alignment of all basic acts still referring to the RPS, b) the practical arrangements for cooperation and information-sharing regarding the negotiation and conclusion of international agreements and c) the establishment of a dedicated joint database on the state of play of legislative files.

The ultimate goal of the new IIA is to deliver high quality legislation in the interest of Union citizens. To that end, the principle of sincere cooperation among Institutions should be observed throughout the legislative cycle as one of the principles enshrined in Article 13 TEU.

Programming

The first exercise of interinstitutional annual programming under the new IIA led to a first joint declaration on the EU's legislative priorities for 2017 and a further joint declaration for the years 2018-2019. This shows the engagement of the three Institutions and is to be welcomed, it being understood that greater speed should not be prioritised at the expenses of legislative quality.

When presenting its Work Programme, the Commission should clearly indicate the legal nature of each proposal with an accurate and realistic timing.

As regards the Commission's replies to Parliament's requests for proposals for Union acts under Article 225 TFEU, the Commission failed to adopt specific communications as foreseen in paragraph 10 of the new IIA. Parliament attaches value to the adoption of such specific communications since they are meant to ensure full transparency and give a political response to Parliament's requests.

Tools for better law-making

The new IIA rightly makes it clear that impact assessments may never replace political decisions nor cause undue delays in the legislative process. Impact assessment is an important tool, which should cover in a balanced way the various aspects foreseen in the IIA, including, as Parliament insisted upon, SMEs tests. The Commission revised its Better Regulation Guidelines in July 2017.

Notwithstanding this revision and the commitment in paragraph 13 of the new IIA many Commission proposals, including politically sensitive proposals, are not accompanied by impact assessments. In particular, 20 out of 59 of the proposals identified as priorities in the 2017 joint declaration were not accompanied by impact assessment. It also appears that the quality and level of detail of impact assessments can vary greatly.

Setting up a dedicated joint database on the state of play of legislative files, including information on all steps of the legislative procedure to facilitate its traceability as referred to in paragraph 39 of the new IIA is a crucial goal, which needs to be pursued without undue

delay.

Legislative instruments

The explanatory memorandum accompanying each of the Commission proposals should now explain how the measures proposed are justified in the light of the principles of subsidiarity and proportionality. It is also recommendable that consistency between the explanatory memorandum and the impact assessment related to the same proposal is ensured.

The three Institutions' committed to exchange views on modifications of the legal basis in paragraph 25 of the new IIA. In this respect, the role and the expertise of its Committee on Legal Affairs in verifying legal bases is to be stressed. Parliament's position that it will resist any attempt to undermine the legislative powers of the European Parliament by means of unwarranted modification of the legal basis is also to be underlined.

Delegated and implementing acts

The Commission complied with the deadline set by the new IIA and in December 2016 it proposed the alignment of a number of basic acts which still refer to the regulatory procedure with scrutiny (RPS). These proposals are under examination by the co-legislators.

The Commission's systematic recourse to Member States' experts in connection with the preparation of delegated acts is one of the main concessions made by Parliament. Despite the concern that this could blur the differences between delegated and implementing acts to the extent that it could imply a *de facto* revival of the pre-Lisbon comitology mechanism, this concession made in the negotiations was meant to encourage the Council to accept delegated acts, when the criteria under Article 290 TFEU are met. Surprisingly, the Council proved to insist either on the conferral of implementing powers under Article 291 TFEU or on the inclusion of all the elements *in abstracto* eligible for delegation of powers or conferral of implementing powers in the basic acts itself. Even more surprisingly, in those cases the Commission chose not to defend its own proposals.

The interinstitutional negotiations on non-binding criteria for the application of Articles 290 and 291 TFEU referred to in paragraph 28 of the new IIA ('delineation criteria') started in September 2017. Parliament's mandate for those negotiations is established in Parliament's resolution of 25 February 2014¹. Whatever criteria may be agreed, these must take account of the relevant rulings of the Court of Justice².

The Commission agreed to ensure that the European Parliament and Council have equal access to all information on delegated and implementing acts, so that they will receive all documents at the same time as Member States' experts. Experts from the European Parliament and from the Council are to have systematic access to the meetings of Commission expert groups to which Member States' experts are invited and which concern the preparation of

¹OJ C 285, 29.8.2017, p. 11.

² See for instance judgment of the Court (Grand Chamber) of 18 March 2014, *European Commission v European Parliament and Council of the European Union*, cited above; judgment of the Court of 17 March 2016, *European Parliament v European Commission*, cited above; judgment of the Court (Grand Chamber) of 14 June 2016 *Parliament v Council*, cited above.

delegated acts. Evidence so far suggest that such access has improved significantly.

Swift progress was made at interinstitutional level in setting up a joint functional register of delegated acts. Its official launch took place on 12 December 2017. This is an important achievement.

Transparency and coordination of the legislative process

The principle whereby the European Parliament and the Council, as co-legislators, are to exercise their powers on an equal footing is of the utmost importance, but it tends to be undermined by the fact that there is a general lack of information from the Council. Committee meetings in the European Parliament are public, while the Council's working parties are not. It is, therefore, justified to request that working parties' and COREPER's agendas, working documents and Presidency proposals be transmitted to Parliament in a regular and structured way. In addition to informal exchanges of views, Parliament should also be invited to send representatives to the meetings of Council's working parties and of the COREPER.

The interinstitutional negotiations on practical arrangements for cooperation and information sharing regarding the negotiation and conclusion of international agreements, started in November 2016. However, after more than one year of discussions no agreement has so far been reached despite an established and clear case law.¹

Implementation and application of Union legislation

Correct and timely transposition of Union legislation, which is clear, easily transposable and having European added value is key to better law-making. Under the new IIA, when, in the context of transposing directives into national law, Member States choose to add elements that are in no way related to that Union legislation, such additions should be made identifiable either through the transposing act(s) or through associated documents. Much progress is still to be achieved in the identification of gold-plating.

Parliament has stated on several occasions that it should be given access to information relating to pre-infringement and infringement procedures. Effective problem-solving mechanisms, such as the EU Pilot, should not be dismissed too hastily.

Simplification

Simplification is at the heart of better law-making. One way to pursue it is a systematic recourse to the legislative technique of recasting, which should therefore constitute the ordinary legislative technique. However, in case of a complete policy overhaul, the Commission should rather put forward a proposal for an entirely new legal act repealing existing legislation, so that the co-legislators can engage in broad and effective political discussions and see their prerogatives as enshrined in the Treaties fully preserved.

¹ See judgment of the Court (Grand Chamber) of 14 June 2016 *Parliament v Council*, cited above; judgment of the Court (Grand Chamber) of 24 June 2016 *Parliament v Council*, cited above.

The Commission undertook its first annual burden survey and assessed the feasibility of establishing objectives for the reduction of burdens in specific sectors as foreseen in the IIA. The findings were presented on 24 October 2017 as part of the Commission Work programme for 2018 and confirm that the focus on cutting unnecessary costs remains appropriate and suggest that there is a complex interplay of different factors that influence the perception of businesses. It is only by seeking views on specific or sectorial pieces of legislation that one may identify concretely what can actually be simplified. The Commission should refine the annual burden survey on the basis of the lessons learnt from the first survey and apply transparent and verifiable data collection methods, having particular regard to SMEs' needs and including both actual and perceived burdens while taking due account of the need for the legislation to meet its objectives. The Commission should set burden reduction objectives for each initiative in a flexible but evidence-based and reliable manner, and in full consultation with stakeholders, as it already does under REFIT.

Implementation and monitoring of the new IIA

The Conference of Committee Chairs has an important role to play in monitoring the implementation of the new IIA and should provide the Conference of Presidents with any recommendation it deems appropriate. The Committee on Legal Affairs, as the committee responsible for better law-making and the simplification of Union law¹, should greatly contribute to this exercise.

¹ See Rules of Procedure of the European Parliament, Annex V, point XVI.3.

12.2.2018

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

on interpretation and implementation of the Interinstitutional Agreement on Better Law-Making
(2016/2018(INI))

Rapporteur: Bendt Bendtsen

SUGGESTIONS

The Committee on International Trade calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the Interinstitutional Agreement on Better Law-Making (IIA BLM) calls for interinstitutional cooperation with the aim of simplifying existing Union legislation and avoiding overregulation and administrative burdens for citizens, administrations and businesses; whereas Parliament emphasises that with regard to international trade agreements these objectives should not lead to lower standards on the protection of the environment, public health, workers' health, safety, International Labour Organisation standards or consumer rights;
- B. whereas regulatory cooperation has emerged as a key instrument in international trade agreements on a path towards regulatory dialogue and coherence between trading partners; whereas the Commission is to remain committed in that process to the principles of a fair and level playing field for all stakeholders and guaranteeing the utmost transparency in decision-making;
- C. whereas the IIA BLM has started to lead to tangible improvements in some priorities, and whereas paragraph 40 thereof commits to negotiating improved practical arrangements for cooperation and information-sharing on international agreements;
- 1. Believes it is essential to respect horizontally the long-standing practice of awaiting Parliament's consent before provisionally applying the trade and investment provisions of politically important agreements, as also committed to by Commissioner Malmström in her hearing on 29 September 2014; calls on the Council, the Commission and the EEAS to continue to extend this practice to all international agreements;

2. Calls on the other institutions to comply with the Treaties and regulations and to observe the relevant jurisprudence in order to ensure that Parliament:
 - a. is immediately, fully and accurately informed during the whole life-cycle of international agreements in a pro-active, structured and streamlined way, without undermining the EU's negotiation position, and is given sufficient time to express its views at all stages and have them taken into account as far as possible;
 - b. is accurately informed and involved in the implementation stage of the agreements, especially in regard to the decisions taken by the bodies set up by agreements, and is allowed to fully exercise its rights as a co-legislator when they impact EU legislation;
 - c. is proactively informed about the Commission's position in international fora, such as the WTO, UNCTAD, OECD, UNDP, FAO and UNHRC;
3. Notes that Parliament stands ready to seize the Court of Justice of the European Union (CJEU) again to ensure that the rights of Parliament are respected, should no conclusive progress be made in the near future in the negotiations on paragraph 40 of the IIA BLM;
4. Notes that each of the institutions should be mindful that their responsibility as legislators does not end once international agreements are concluded; stresses the need for close monitoring of implementation and ongoing efforts to ensure that agreements are meeting their aims; calls for the institutions to extend best practice and a collaborative approach to the implementation and evaluation phases of international agreements;
5. Welcomes the Commission Working Programme on trade-related priority files, although it could provide more information on the scheduling of international trade negotiations; calls for greater transparency of the legislative process, e.g. by using a shared database;
6. Notes that impact assessments including an analysis of the human rights situation can be an important tool in negotiating trade and investment agreements, helping parties to comply with their human rights obligations, and recalls the binding character of agreements such as the International Covenant on Economic, Social and Cultural Rights;
7. Welcomes the more systematic approach to impact assessments although the methodology used is not always optimal; calls on the Commission to continue to pursue a results-based trade policy that reduces administrative and regulatory burdens for businesses, while respecting human rights obligations and commitments, in line with the UN's Guiding Principles and the Commission's Guidelines;
8. Calls on the Commission and the Council to fully respect the distribution of competences between the EU and its Member States, as can be deduced from the CJEU Opinion 2/15 of 16 May 2017, for the adoption of negotiating directives, negotiations and the legal basis of proposals to sign and conclude, and in particular for the Council's signature and the conclusion of international trade agreements;

9. Welcomes the improvements in how delegated acts and implementing acts are employed, but believes that further convergence in line with Parliament's views is needed; encourages use of the Interinstitutional Register of Delegated Acts and participation in experts' meetings.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.2.2018
Result of final vote	+: 35 -: 0 0: 0
Members present for the final vote	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, David Campbell Bannerman, Daniel Caspary, Salvatore Cicu, Santiago Fisas Ayxelà, Christofer Fjellner, Karoline Graswander-Hainz, Heidi Hautala, Nadja Hirsch, Patricia Lalonde, Bernd Lange, David Martin, Anne-Marie Mineur, Sorin Moisă, Alessia Maria Mosca, Godelieve Quisthoudt-Rowohl, Viviane Reding, Tokia Saïfi, Marietje Schaake, Helmut Scholz, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Hannu Takkula, Iuliu Winkler, Jan Zahradil
Substitutes present for the final vote	Bendt Bendtsen, Klaus Buchner, Nicola Danti, Agnes Jongerius, Sajjad Karim, Jarosław Wałęsa
Substitutes under Rule 200(2) present for the final vote	Mario Borghezio, Jacques Colombier

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ALDE	Nadja Hirsch, Patricia Lalonde, Marietje Schaake, Hannu Takkula
ECR	David Campbell Bannerman, Sajjad Karim, Joachim Starbatty, Jan Zahradil
EFDD	William (The Earl of) Dartmouth
ENF	Mario Borghezio, Jacques Colombier
GUE/NGL	Anne-Marie Mineur, Helmut Scholz
PPE	Laima Liucija Andrikienė, Bendt Bendtsen, Daniel Caspary, Salvatore Cicu, Santiago Fisas Ayxelà, Christofer Fjellner, Sorin Moisă, Godelieve Quisthoudt-Rowohl, Viviane Reding, Tokia Saïfi, Adam Szejnfeld, Jarosław Wałęsa, Iuliu Winkler
S&D	Nicola Danti, Karoline Graswander-Hainz, Agnes Jongerius, Bernd Lange, David Martin, Alessia Maria Mosca, Joachim Schuster
VERTS/ALE	Klaus Buchner, Heidi Hautala
0	-
0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

24.11.2017

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

on interpretation and implementation of the interinstitutional agreement on better law-making (2016/2018(INI))

Rapporteur: Roberto Gualtieri

SUGGESTIONS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Regrets that not all translations of legislative proposals are made available at the same time, which delays the legislative process;
2. Believes that Council presidencies should provide more detailed information to Parliament on the negotiations in Council in order for Parliament to better understand Member States' positions and the nature of their problems, and to facilitate the successful and timely conclusion of Trilogue negotiations; recalls that according to point 34 of the interinstitutional agreement on better law-making (IIA), the co-legislators agree on 'the importance of maintaining close contacts already in advance of interinstitutional negotiations, so as to achieve a better mutual understanding of their respective positions' and, to that end, that they will furthermore 'facilitate mutual exchange of views and information, including by inviting representatives of the other institutions to informal exchanges of views on a regular basis'; points out that this point of the IIA has so far not been implemented sufficiently and that there continues to be asymmetry in the provision of information, since Parliament's committee meetings are public, while Council working groups are not; regrets the persistent opacity of Eurogroup meetings and stresses the need for Parliament and its Members to have access to programme-country-related documents ahead of decisions, as well as notes presented to the Eurogroup after the meetings, including its minutes; suggests that the attendance of Parliament representatives at Council working group meetings would facilitate mutual understanding, in the same way as attendance at expert group meetings facilitates it;
3. Recalls that point 32 of the IIA provides that 'the Commission shall carry out its role as facilitator by treating the two branches of the legislative authority equally, in full respect

of the roles assigned by the Treaties to the three Institutions'; requests, therefore, that the Commission make available and, when feasible, public, all relevant documents relating to legislative proposals, including non-papers, to both legislators at the same time;

4. Stresses that impact assessment of new legislative proposals should take due account of citizens' fundamental rights, high levels of social inclusion, the cost of non-Europe and enhanced environmental protection, as well as aim to fully involve the public and civil society organisations in the light of the objective of ensuring full transparency in the decision-making process and the highest levels of social justice;
5. Emphasises the need to improve informal cooperation during the preparatory phase of delegated acts and implementing acts; warns against losing sight of the intention of the co-legislators, as expressed in a legislative act and as a part of its aim, when preparing delegated and implementing acts; emphasises the importance of the Delegated Act Register, which will soon be operational; requests that the Commission notify the co-legislators simultaneously of all draft implementing measures adopted, including implementing acts and implementing technical standards;
6. Regrets the fact that on many occasions the Commission considers level 2 measures proposed by the three financial services authorities (ESAME, EBA and EIOPA) as adopted without changes, which reduces the amount of scrutiny time available to Parliament when important or a substantial number of changes are introduced;
7. Proposes that the Council meets Parliament at least once during the consultation procedure to allow Parliament to present and explain the reasons for the approved amendments, and the Council to state its position on each of them; proposes, in any case, that the Council provide a written reply;
8. Suggests that Parliament conduct a quantitative study on the effectiveness of the consultation procedure;
9. Urges the Commission to respect the timeframe set in the European Supervisory Authorities Regulation for deciding whether to endorse, amend or not to endorse draft technical standards, and, as a minimum, to officially inform the co-legislators well in advance if it, on an exceptional basis, is unable to respect such a timeframe, as well as stating its reasons for this; underlines the fact that the Commission recently omitted to do so in numerous cases; reminds the Commission that procedures through which Parliament declares it has no objections to an act are not intended to compensate for delays originating from the Commission's side and that these procedures significantly impact the time available for Parliament to exercise its scrutiny rights;
10. Urges the Commission to respect the mandatory deadlines set for implementation reports and reviews of directives and regulations;
11. Calls for Parliament's role in the European Semester to be enhanced by means of an interinstitutional agreement;
12. Calls on European representatives to pay particular attention to consistency between international standards/requirements and adopted binding EU legislation;

13. Calls on the Commission to disclose documents outlining its stance in the international organisations which set standards in the financial, monetary and regulatory fields, in particular the Basel Committee on Banking Supervision; requests that Parliament be fully informed at all stages of the development of international standards that may have an impact on EU law;
14. Calls for the establishment and formalisation of a financial dialogue on the adoption and coherence of European positions in the run-up to major international negotiations, in accordance with the resolution adopted by Parliament on the EU role in the framework of international financial, monetary and regulatory institutions and bodies¹; emphasises that on the basis of detailed guidelines, which could be supplemented by proactive guidance resolutions, these positions should be discussed and known *ex ante* and a follow-up should be ensured, with the Commission reporting back regularly on the application of these guidelines.

¹ Texts adopted, P8_TA(2016)0108.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	21.11.2017						
Result of final vote	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">+:</td> <td style="text-align: right;">47</td> </tr> <tr> <td>–:</td> <td style="text-align: right;">0</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">6</td> </tr> </table>	+:	47	–:	0	0:	6
+:	47						
–:	0						
0:	6						
Members present for the final vote	Gerolf Annemans, Hugues Bayet, Pervenche Berès, Udo Bullmann, Thierry Cornillet, Markus Ferber, Jonás Fernández, Sven Giegold, Neena Gill, Roberto Gualtieri, Brian Hayes, Gunnar Hökmark, Cătălin Sorin Ivan, Barbara Kappel, Wajid Khan, Georgios Kyrtos, Philippe Lamberts, Sander Loones, Olle Ludvigsson, Ivana Maletić, Gabriel Mato, Costas Mavrides, Bernard Monot, Caroline Nagtegaal, Luděk Niedermayer, Stanisław Ożóg, Dimitrios Papadimoulis, Pirkko Ruohonen-Lerner, Anne Sander, Alfred Sant, Molly Scott Cato, Pedro Silva Pereira, Peter Simon, Theodor Dumitru Stolojan, Kay Swinburne, Ramon Tremosa i Balcells, Ernest Urtasun, Marco Valli, Tom Vandenkendelaere, Miguel Viegas, Jakob von Weizsäcker, Marco Zanni, Sotirios Zarianopoulos						
Substitutes present for the final vote	Andrea Cozzolino, Herbert Dorfmann, Frank Engel, Ashley Fox, Paloma López Bermejo, Thomas Mann, Siegfried Mureşan						
Substitutes under Rule 200(2) present for the final vote	Bogdan Brunon Wenta, Wim van de Camp						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

47	+
ALDE	Thierry Cornillet
ECR	Ashley Fox, Sander Loones, Stanisław Ożóg, Pirkko Ruohonen-Lerner, Kay Swinburne
EFDD	Marco Valli
ENF	Gerolf Annemans, Barbara Kappel, Bernard Monot
GUE/NGL	Dimitrios Papadimoulis
PPE	Herbert Dorfmann, Frank Engel, Markus Ferber, Brian Hayes, Gunnar Hökmark, Georgios Kyrtos, Ivana Maletić, Thomas Mann, Gabriel Mato, Siegfried Mureşan, Luděk Niedermayer, Anne Sander, Theodor Dumitru Stolojan, Tom Vandenkendelaere, Bogdan Brunon Wenta, Wim van de Camp
S&D	Hugues Bayet, Pervenche Berès, Udo Bullmann, Andrea Cozzolino, Jonás Fernández, Neena Gill, Roberto Gualtieri, Cătălin Sorin Ivan, Ramón Jáuregui Atondo, Wajid Khan, Olle Ludvigsson, Costas Mavrides, Alfred Sant, Pedro Silva Pereira, Peter Simon, Jakob von Weizsäcker
Verts/ALE	Sven Giegold, Philippe Lamberts, Molly Scott Cato, Ernest Urtasun

0	-

6	0
ALDE	Caroline Nagtegaal, Ramon Tremosa i Balcells
ENF	Marco Zanni
GUE/NGL	Paloma López Bermejo, Miguel Viegas
NI	Sotirios Zarianopoulos

Key to symbols:

+ : in favour

- : against

0 : abstention

28.3.2018

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

on interpretation and implementation of the interinstitutional agreement on better law-making (2016/2018(INI))

Rapporteur: Anthea McIntyre

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Takes note of the interinstitutional agreement (IIA) on better law-making and the inclusion of new, innovative elements seeking to improve the quality of regulation, which can help to provide real added value in terms of competitiveness, growth and jobs, in particular by introducing an annual burden survey, burden reduction targets, SME and competitiveness tests, which should be the common thread running through every impact assessment, and involving the Regulatory Scrutiny Board (RSB) in checking the quality of impact assessments, as well as by improving legislative procedures, requiring the European institutions to cooperate in good faith, and enhancing the transparency of law-making while observing the core principles of Union law, democratic legitimacy, subsidiarity and proportionality;
2. Considers the better law-making agreement as an interinstitutional exercise which seeks to improve the quality of Union legislation; recalls that, in many instances, EU legislation harmonises or replaces different rules in 28 Member States, making national markets mutually and equally accessible and reducing administrative costs overall to establish a fully functional internal market;
3. Underlines the importance of transparent cooperation in good faith between Parliament, the Council and the Commission, which should be translated into practice by a genuine commitment on the part of the Commission to involving Parliament and the Council, at the same level, in the implementation of its programming arrangements and reminds the Commission of its obligation to respond promptly to legislative and non-legislative own initiative reports; deplores that several own-initiative reports have remain unanswered, and calls on the Commission to provide the co-legislators, within three months, with

reasons for the withdrawal of a text and also with a reasoned reply to requests for legislative or non-legislative proposals;

4. Points out that there is at present an information disparity between Parliament and the Council, since parliamentary committee meetings are held in public, whereas Council meetings are not; stresses the importance, therefore, of giving effect without delay to point 34 of the agreement, which stipulates that Parliament and the Council, in their capacity as co-legislators, have to maintain close contacts all through interinstitutional negotiations, one means to that end being to exchange views and information;
5. Takes note, as a co-legislator tasked with scrutinising the Commission, of the establishment of the Commission Taskforce on Subsidiarity, Proportionality and 'Doing less more efficiently', which should work hand in hand with the IIA to help increase the trust of citizens who consider the principle of subsidiarity to be a key aspect of the democratic process, and who are looking to the EU to act where it has genuine added value and involve them to a greater degree in the decision-making process at EU level;
6. Believes that the 'Think Small First' principle should play an important role in job creation and growth by reducing the unjustified cost of legislation to SMEs; points out that legislation can have a different impact on large enterprises and SMEs, which should be kept in mind during the whole legislative process; encourages the Commission to consider how the needs of SMEs can be further taken into account when drafting legislation and to perform an 'SME test' in order to assess how SMEs might be affected by its proposals while continuing to ensure high standards of consumer, employee, health and environmental protection regardless of the size of the enterprise; points out that cooperation with the social partners can help to ensure that measures are implemented without unnecessary red tape, including in small and medium-sized companies;
7. Urges the Commission, in the context of better law making, to better assess the social and environmental consequences of its policies and their impact on the fundamental rights of citizens, by keeping in mind also the cost of non-legislation at European level and the fact that cost-benefit analyses are only one of many criteria;
8. Highlights the Impact Assessment (IA) Handbook, and in particular the guidelines on the provision of impact assessments on substantive amendments; firmly believes that impact assessments on Parliament's amendments will help to reinforce Parliament's position; points out that while impact assessments may help improve the quality of EU legislation the IIA nevertheless states that it must not result in undue delays in the law-making process or prejudice the co-legislators capacity to propose amendments or replace the political decision-making process;
9. Notes that, as specified in the IIA on better law-making, 'each of the three Institutions is responsible for determining how to organise its impact assessment work, including internal organisational resources and quality control';
10. Maintains that it is essential that, to quote the IIA, 'the Commission's initial impact assessment and any additional impact assessment work conducted during the legislative process by the Institutions' be made public by the end of the legislative process in order to ensure transparency in relation to citizens and stakeholders;

11. Stresses the importance of timely, public and transparent stakeholder involvement and consultation, with sufficient time for meaningful replies; maintains that it is essential for public consultations to be carried out by the Commission in all official languages during the preparatory phase;
12. Stresses the importance of the agreed Annual Burden Survey as a tool which could help identify and monitor the results of EU efforts to avoid unnecessary burdens, and improve the quality of EU legislation, which must be ambitious;
13. Urges the Commission to establish without delay all the measures proposed in the IIA, especially those relating to sincere cooperation among the institutions and in particular the Annual Burden Survey, as it can play a key role in the implementation and proper application of EU legislation, notably the scrutiny of Member States' transposition and enforcement of directives, and of all national measures that go beyond the provisions of EU legislation ('gold-plating'), while bearing in mind that Member States are always free to apply higher standards if only minimum standards are defined by Union law; believes, in this regard, that the Annual Burden Survey provides an additional opportunity to further demonstrate the added value of EU legislation and to provide transparency to citizens;
14. Notes that the RSB is a welcome first step towards achieving an independent scrutiny board; believes that the new RSB must show more ambition; calls for regular evaluation and follow-up on the work of the RSB in fulfilling its role of supervising and providing objective advice on the quality of impact assessments; considers it useful for RSB opinions to be published at the same time as the findings of the impact assessments where possible;
15. Welcomes the fact that the IIA stipulates that the 'European added value' of any proposed Union action, as well as the 'cost of non-Europe' in the absence of action at Union level, should be taken into account when setting the legislative agenda; highlights the fact that the cost of non-Europe can be estimated at EUR 1.75 trillion per year, equivalent to 12 % EU GDP (2016)¹; honours the work of the Directorate for Impact Assessment and European Added Value of the European Parliamentary Research Service (EPRS) in this context;
16. Highlights the fact that the choice of legal basis for a Commission proposal should be made on objective grounds which are subject to judicial review; stresses, however, Parliament's right, as co-legislator, to propose modifications to the legal basis, on the basis of its interpretation of the Treaties;
17. Stresses that better law-making should focus less on reducing regulation and more on quality legislation and its ability to protect and promote the interests of EU citizens; highlights the importance of giving fundamental rights, as well as employment and health and safety considerations, the same weight as financial considerations when legislative fitness checks are carried out; points out that, where these clash, fundamental

¹

http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603239/EPRS_STU%282017%29603239_EN.pdf

rights should always take precedence;

18. Notes that, as stated in the IIA, ‘the Commission [... is to] assess the feasibility of establishing, in REFIT [the regulatory fitness and performance programme], objectives for the reduction of burdens in specific sectors’ to help reduce the regulatory and administrative burden overall; calls on the Commission to clarify, and where appropriate establish targets for the reduction of, unjustified burdens in key sectors without making it more difficult to achieve the EU’s ambitious strategic goals;
19. Recalls that, in its decision of 9 March 2016 on the new IIA, Parliament stated that the wording contained in the IIA does not sufficiently commit the three Institutions to include SME and competitiveness tests in their impact assessments; firmly believes that further steps should be taken to commit all three Institutions to include such tests in their impact assessments;
20. Calls on its Committee on Employment and Social Affairs to set aside committee time on a regular basis to undertake an analysis of the implementation of legislation; believes that the committee should invite the Commission on a regular basis to present its impact assessments at a full committee meeting;
21. Calls on all its committees to systematically review Commission impact assessments and to review Parliament’s ex-ante impact assessment analysis as early as possible in the legislative process.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	27.3.2018
Result of final vote	+: 26 -: 18 0: 3
Members present for the final vote	Guillaume Balas, Tiziana Beghin, Brando Benifei, Mara Bizzotto, Enrique Calvet Chambon, David Casa, Michael Detjen, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Agnes Jongerius, Adam Kósa, Agnieszka Kozłowska-Rajewicz, Patrick Le Hyaric, Jeroen Lenaers, Thomas Mann, Dominique Martin, Miroslavs Mitrofanovs, Emilian Pavel, João Pimenta Lopes, Georgi Pirinski, Marek Plura, Sofia Ribeiro, Robert Rochefort, Claude Rolin, Siôn Simon, Romana Tomc, Ulrike Trebesius, Marita Ulvskog, Renate Weber
Substitutes present for the final vote	Georges Bach, Amjad Bashir, Heinz K. Becker, Tania González Peñas, Ivári Padar, Anne Sander, Sven Schulze, Jasenko Selimovic, Csaba Sógor, Neoklis Sylikiotis, Ivo Vajgl
Substitutes under Rule 200(2) present for the final vote	Jude Kirton-Darling, Ana Miranda, James Nicholson, Massimo Paolucci

21.3.2018

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

on the interpretation and implementation of the Interinstitutional Agreement on Better Law-Making
(2016/2018(INI))

Rapporteur: Adina-Ioana Vălean

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into its motion for a resolution:

International agreements

1. Regrets the fact that it is not usually possible to access certain Council documents relating to international agreements, particularly negotiating mandates;
2. Calls for a more harmonised and structured approach, with guaranteed access for Parliament, to all negotiating texts and related documents, even those of a confidential or classified nature, including negotiating mandates, and to other relevant documents used during the preparatory stages and actual negotiations; considers, moreover, that the Commission and the Council should provide the Parliament with regularly updated lists of the documents at their disposal relating to the negotiations;
3. Welcomes the written briefings provided by the Commission ahead of international conferences and the daily oral briefings provided by the Council Presidency and the Commission during those conferences;
4. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences;
5. Calls on the three EU institutions to conclude – in a timely manner – the negotiations on improved practical arrangements for cooperation and information-sharing that were initiated in November 2016 in accordance with paragraph 40 of the Interinstitutional

Agreement on Better Law-Making;

Delegated and implementing acts

6. Notes that the delegation of power to the Commission is not merely a technical issue but can also involve questions of political sensitivity which are of considerable importance to EU citizens, consumers and businesses;
7. Recalls the fact that, as laid down in its recital 7, the new Interinstitutional Agreement should facilitate negotiations in the framework of the ordinary legislative procedure and improve the application of Articles 290 and 291 TFEU, but deplores the fact that this has not yet occurred; expresses strong dissatisfaction at the fact that the Council is still very reluctant to accept delegated acts when the criteria under Article 290 TFEU are met; stresses that this puts a substantial strain on negotiations;
8. Is very concerned that the Council is trying almost systematically to replace delegated acts with implementing acts; finds it particularly unacceptable that the Council is trying to use the post-Lisbon alignment to replace the regulatory procedure with scrutiny with implementing acts, rather than delegated acts;
9. Expresses disappointment at the fact that the Commission has not always defended its own original proposals with regard to the use of delegated acts;
10. Recalls that politically significant elements, such as Union lists or registers of products or substances, should remain an integral part of a basic act – where appropriate in the form of annexes – and should therefore only be amended by means of delegated acts; stresses that the creation of self-standing lists should be avoided in the interests of legal certainty;
11. Looks forward to making use of a well-structured and user-friendly functional register of delegated acts, which was published on 12 December 2017 and had been requested by Parliament;
12. Reminds the three EU institutions that further progress is needed in establishing a dedicated joint database on the state of play of legislative files;

Impact assessments

13. Reiterates its call for the compulsory inclusion in all impact assessments of a balanced analysis of the medium- to long-term economic, social, environmental and health impacts;
14. Stresses that impact assessments should only serve as a guide for better law-making, and as an aid for making political decisions, and should in no event replace political decisions within the democratic decision-making process, nor should they hinder the role of politically accountable decision-makers;
15. Considers that impact assessments should not cause undue delays to legislative procedures, nor should they be utilised as procedural obstacles in an attempt to delay unwanted legislation;

16. Calls on the Commission to use impact assessments and ex-post evaluations to examine the compatibility of initiatives, proposals or pieces of existing legislation with the Sustainable Development Goals, as well as their impact, respectively, on the progress and implementation of these Goals;

Simplification

17. Believes that certain administrative burdens are necessary for ensuring proper compliance with legislative objectives and the required level of protection, in particular with regard to the environment and the protection of public health – sectors in which information requirements must be maintained;
18. Stresses the importance of avoiding unnecessary bureaucracy and taking into account the correlation between company size and the resources required to implement obligations;
19. Believes that, as quality is of the utmost importance, the work of regulatory simplification should not serve as a pretext for showing less ambition on issues of vital importance to the protection of the environment, public health or food safety;
20. While stressing the need to consider and improve the efficiency of existing interventions by reducing unnecessary regulatory costs, considers that the setting of a net target for reducing regulatory costs is not appropriate, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation;
21. Welcomes the Commission's announcement that, in reviewing existing and planned legislation, it will take account of the particular interests of micro-enterprises and SMEs and apply lighter regimes to such companies in the form of exemptions and simplifications; encourages the Commission to explore how the needs of SMEs and micro-enterprises can be further taken into account when drafting legislation, while continuing to ensure high standards of consumer, employee, public health and environmental protection;
22. Welcomes the establishment of the Commission Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', which must work hand in hand with the Interinstitutional Agreement to increase the trust of citizens who consider the principle of subsidiarity to be a key aspect of the democratic process;
23. Underlines the new provisions for public and stakeholder consultations, which should serve as an important tool both in the preparatory phase and throughout the entire legislative process;

Implementation and application of EU law

24. Is of the opinion that in the implementation and transposition of EU acts, a clear distinction must be made between cases of 'gold plating', in which Member States introduce additional administrative requirements unrelated to EU legislation, and the setting of higher standards that go beyond EU-wide minimum standards for environmental and consumer protection, healthcare and food safety;

25. Calls on the Member States to refrain as much as possible from creating additional administrative requirements when transposing EU legislation, and in accordance with paragraph 43 of the Interinstitutional Agreement, to make such additions identifiable in the transposing act or associated documents;

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26. Underlines that in the implementation of EU legislation and where EU legislation sets only minimum standards, Member States are free to introduce higher standards for environmental and consumer protection, healthcare and food safety.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.3.2018
Result of final vote	+: 54 -: 5 0: 3
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Ivo Belet, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaecker, Stefan Eck, Bas Eickhout, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Lukas Mandl, Valentinas Mazuronis, Susanne Melior, Rory Palmer, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Julia Reid, Frédérique Ries, Michèle Rivasi, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Adina-Ioana Vălean, Damiano Zoffoli
Substitutes present for the final vote	Christofer Fjellner, Elena Gentile, Merja Kyllönen, Norbert Lins, Gesine Meissner, Ulrike Müller, Mihai Țurcanu
Substitutes under Rule 200(2) present for the final vote	Fernando Ruas, Ruža Tomašić, Jadwiga Wiśniewska

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

54	+
ALDE	Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Valentinas Mazuronis, Gesine Meissner, Ulrike Müller, Frédérique Ries
EFDD:	Piernicola Pedicini
GUE/NGL:	Stefan Eck, Kateřina Konečná, Merja Kyllönen
PPE:	Pilar Ayuso, Ivo Belet, Birgit Collin-Langen, Angélique Delahaye, Christofer Fjellner, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Giovanni La Via, Peter Liese, Norbert Lins, Lukas Mandl, Fernando Ruas, Annie Schreijer-Pierik, Renate Sommer, Ivica Tolić, Mihai Țurcanu, Adina-Ioana Vălean
S&D:	Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Miriam Dalli, Seb Dance, Elena Gentile, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Rory Palmer, Massimo Paolucci, Pavel Poc, Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
VERTS/ALE:	Marco Affronte, Margrete Auken, Bas Eickhout, Michèle Rivasi, Davor Škrlec

5	-
ECR	Arne Gericke, Urszula Krupa, Bolesław G. Piecha, Ruža Tomašić, Jadwiga Wiśniewska

3	0
ECR:	Mark Demesmaeker
EFDD:	Julia Reid
ENF:	Sylvie Goddyn

Key to symbols:

+ : in favour

- : against

0 : abstention

25.1.2017

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

on the interpretation and implementation of the interinstitutional agreement on Better Law-Making
(2016/2018(INI))

Rapporteur: Notis Marias

SUGGESTIONS

The Committee on Petitions calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Notes the Commission goal of better regulation as a priority for this term and affirms the need to create clear, simple, effective and balanced EU legislation that seeks to ensure high levels of social, environmental and occupational protection, which will be easy to transpose and implement;
2. Notes that improved legislative procedures at EU level, with timely and deeper inter-institutional cooperation, can lead to a more consistent and harmonised application of EU-law;
3. Considers that further development of the transparency of the negotiations process, especially as regards the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA), as well as of the legislative process and enhanced scrutiny of existing legislation must be the guiding principles of the implementation of the Interinstitutional Agreement on Better Regulation;
4. Stresses that the negotiations regarding a withdrawal agreement in accordance with Article 50 of the Treaty on European Union are conducted on an interinstitutional basis; recalls that Article 50 only clarifies the participation of Members of the European Council or of the Council; highlights that Members of the European Parliament of a withdrawing Member State are not prevented from participating in Parliament and committee debates and voting; calls on the need to enhance transparency with regard to withdrawal negotiations both on a Parliament and an interinstitutional basis;
5. Emphasises the importance of developing and further advancing Parliament's role as co-

legislator and of ensuring equality with respect to the Council, as well as enhancing its role as a supervisory body of all EU institutions;

6. Stresses that when it comes to its application, effective EU legislation must aim to ensure that the procedures established therein match the underlying purpose of the piece of legislation itself, and particularly the ultimate goal of protecting the environment when it comes to ensuring a high degree of environmental protection;
7. Recalls the numerous petitions received on the economic and social crisis in the European Union and believes that priority should be given to legislative initiatives in order to revive the economy, fight unemployment and precarious employment, and to combat social inequalities and poverty;
8. Acknowledges the importance of the work being done in the Committee on Petitions in assessing the quality of EU law-making with regard to its actual implementation, and as a basis for improving legislative texts and procedures; notes in this regard the importance of genuine inter-institutional cooperation with the Commission when it comes to ensuring that the petitions are properly examined;
9. Encourages developing efficient legislation geared to developing employment protection and European competitiveness with a particular focus on small and medium-sized enterprises, across all sectors of the economy;
10. Opposes any legislative initiative or legal framework put in place with the participation of any EU institution that can lead to an actual precarisation of the labour market, risks putting a greater amount of people effectively under the poverty threshold or undermines fundamental rights enshrined in the Charter of Fundamental Rights of the EU;
11. States that impact assessments of new legislative proposals should systematically take account of the actual effects, including in the short term, on objectives such as the safeguarding of citizens' fundamental rights, higher levels of social inclusion, the cost of non-Europe and forms of employment that fully protect the social and wage entitlements of the public and proper environmental protection; considers that an SME test case should also be included; is firmly convinced that the EU must adopt legislation that seeks to ensure the highest levels of social justice; regards it as essential, therefore, that all measures and instruments employed at EU level must be designed and implemented in such a way as to combat inequality, precarious employment and social exclusion consistently and effectively;
12. Calls for greater consultation with social partners at an early stage, and a greater involvement of the European Economic and Social Committee and the Committee of the Regions, and due account to be taken of their concerns;
13. Notes that the adoption of systematic impact assessments must not lead to a de-politicisation of the legislative process, thereby affecting Parliament's core role in the democratic functioning of the Union, as the true representative of the direct will and diversity of EU citizens, nor weaken its legislative power, watering down its debates or rendering them meaningless, and replacing the political decisions made therein;
14. Stresses that, in the light of the objective of ensuring full transparency in the decision-

making process and the highest levels of social justice, consultations and impact assessments should principally aim to involve the public and civil society organisations fully and as prime movers, and must promote the adoption of legislation which guarantees full protection for citizens' fundamental rights and the environment; considers that consultations and impact assessments must form part of a wider process of democratisation which leads to the direct participation of the public at all stages in the EU decision-making process;

15. Believes that the independence of the Commission's Regulatory Scrutiny Board (RSB) should be strengthened and that its role should be more clearly defined and suggests the establishment of a common body for the three institutions, for example a Better Regulation Advisory Body;
16. Welcomes the participation of EP experts at the Commission's Regulatory Scrutiny Board meetings and the systematic publication of draft delegated or implementing measures and the creation of a register of delegated acts;
17. Requests that Parliament be invited to attend the Council's working party and Coreper meetings and insists that the agendas are transmitted to Parliament in a structured way.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	24.1.2017
Result of final vote	+: 15 -: 1 0: 3
Members present for the final vote	Marina Albiol Guzmán, Margrete Auken, Beatriz Becerra Basterrechea, Pál Csáky, Rosa Estaràs Ferragut, Eleonora Evi, Peter Jahr, Notis Marias, Roberta Metsola, Julia Pitera, Virginie Rozière, Josep-Maria Terricabras, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka
Substitutes present for the final vote	Kostadinka Kuneva, Ángela Vallina, Rainer Wieland
Substitutes under Rule 200(2) present for the final vote	Edouard Martin

LETTER OF THE COMMITTEE ON TRANSPORT AND TOURISM

TRAN/D/2018/LR/sf - 5251

Mr Pavel Svoboda
Chair of the Committee on Legal Affairs
European Parliament
ASP 06F365

Ms Danuta Maria Hübner
Chair of the Committee on Constitutional Affairs
European Parliament
ASP 12E157

Subject: Better Regulation and the interpretation and implementation of the Interinstitutional Agreement on Better Law-Making (2016/2018(INI))

Dear Chairman,
Dear Chairwoman,

The Committee on Transport and Tourism calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Reaffirms its support to the main priority of Interinstitutional Agreement, which is to deliver high-quality Union legislation which focuses on areas with the greatest added-value for the European citizens; believes that the Union Law should be adopted with the view to achieve its objectives at minimum cost and administrative burden, while taking into account democratic legitimacy, subsidiarity, proportionality and legal certainty;
2. Stresses the importance of the interinstitutional dialogue in respect of the multiannual programming, as well as the annual Commission work programme, in order to jointly identify issues of major importance for the Union; insists that when defining its priorities, the Commission takes better account of the political cycles linked to the European elections; urges the Commission to submit major files no later than the mid-term of a legislature;
3. Asks the Commission to submit annual work programmes that encompasses all legislative initiatives, including proposals to amend or repeal existing legislation, with a realistic timing regarding its submissions;
4. Stresses the importance to deliver impact assessments not only for legislative files, but also in relation to delegated and implementing acts, which are expected to have economic, environmental or social impacts;
5. Welcomes the Commission practice to make public consultation for important initiatives available in all official EU languages, following the concerns expressed by

the European Parliament, to reach the widest possible audience and to facilitate feedback;

6. Considers that transparency is the cornerstone of democratic processes, including law-making; stresses therefore that transparency should be a pivotal principle of the implementation of the Inter-Institutional Agreement on Better Regulation; calls therefore on the Commission to respect its obligation to fully inform Parliament at all stages of the negotiations of agreements with third countries and international organisations;
7. Welcomes the fact that experts from the European Parliament have access to Commission Expert Group meetings as well as the prompt communication of draft delegated and the creation of a register of delegated acts; emphasises the need to improve access to documents during the preparation of delegated acts when this preparation involves Expert Groups meeting outside the Commission framework, in particular for the preparation of standards;
8. Regrets the practice of the Commission to exclude experts from the Parliament during the preparation of implementing acts within the framework of Comitology committees' meeting; further regrets that this practice also extends to the preparation and implementation of Union legislation; suggests that the Commission drafts clearer agenda of Comitology committees' meeting, making a distinction, on one side, between the session where votes take place, and on the other side, points related to implementing acts within the meaning of Article 291 TFEU and points related to the preparation and implementation of Union legislation, to which experts from the European Parliament should be invited;
9. Requests that the Commission provides sufficient time to the Parliament between the vote in the Comitology Committees and the adoption of an implementing act, leaving enough time for the Parliament to adequately scrutinize implementing acts, especially when substantial number of changes are introduced.

Yours sincerely,

Karima Delli

CC: Antonio Tajani, President
Cecilia Wikström, CCC Chair
Richard Corbett, AFCO Rapporteur
Legislative Coordination

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	25.4.2018
Result of final vote	+: 32 -: 3 0: 4
Members present for the final vote	Gerolf Annemans, Joëlle Bergeron, Marie-Christine Boutonnet, Elmar Brok, Jean-Marie Cavada, Richard Corbett, Mady Delvaux, Pascal Durand, Enrico Gasbarra, Esteban González Pons, Heidi Hautala, Ramón Jáuregui Atondo, Sylvia-Yvonne Kaufmann, Alain Lamassoure, Gilles Lebreton, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Markus Pieper, Paulo Rangel, Evelyn Regner, Helmut Scholz, György Schöpflin, Pedro Silva Pereira, Pavel Svoboda, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
Substitutes present for the final vote	Max Andersson, Charles Goerens, Jérôme Lavrilleux, Cristian Dan Preda, Virginie Rozière, Rainer Wieland, Tiemo Wölken, Kosma Złotowski
Substitutes under Rule 200(2) present for the final vote	Manolis Kefalogiannis, Flavio Zanonato

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

32	+
ALDE	Jean-Marie Cavada, Maite Pagazaurtundúa Ruiz
EFDD	Joëlle Bergeron
PPE	Elmar Brok, Esteban González Pons, Manolis Kefalogiannis, Alain Lamassoure, Jérôme Lavrilleux, Markus Pieper, Cristian Dan Preda, Paulo Rangel, György Schöpflin, Pavel Svoboda, Axel Voss, Rainer Wieland, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Richard Corbett, Mady Delvaux, Enrico Gasbarra, Ramón Jáuregui Atondo, Sylvia-Yvonne Kaufmann, Jo Leinen, Evelyn Regner, Virginie Rozière, Pedro Silva Pereira, Tiemo Wölken, Flavio Zanonato
VERTS/ALE	Max Andersson, Pascal Durand, Heidi Hautala, Josep-Maria Terricabras

3	-
ENF	Gerolf Annemans, Marie-Christine Boutonnet, Gilles Lebreton

4	0
ECR	Morten Messerschmidt, Kosma Złotowski
GUE/NGL	Helmut Scholz
NI	Kazimierz Michał Ujazdowski

Key to symbols:

+ : in favour

- : against

0 : abstention