



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

25.11.2014

B8-0311/2014

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on the revision of the Commission's impact assessment guidelines and the role of the SME test
(2014/2967(RSP))

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on behalf of the PPE Group

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United in diversity

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B8-0311/2014

European Parliament resolution on the revision of the Commission's impact assessment guidelines and the role of the SME test (2014/2967(RSP))

The European Parliament,

- having regard to the recent public consultation on the revision of the Commission's impact assessment (IA) guidelines and the relevant draft revised impact assessment guidelines,
- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas IAs, as an early-stage tool when legislation is being developed, play a key role in the Commission's smart regulation agenda with the purpose of providing transparent, comprehensive and balanced evidence on the nature of the problem to be addressed, the added value of EU action and the cost and benefits of alternative courses of action for all stakeholders;
- B. whereas the existing IA guidelines provide for a central role to be assigned to the Commission's Secretariat-General and the Impact Assessment Board (IAB) as regards the decision on whether or not an impact assessment is necessary for a specific initiative;
- C. whereas the IAB plays an important role as a central quality control point for impact assessments;
- D. whereas a proper and independent impact assessment is of particular relevance for SMEs which often encounter greater difficulties than large enterprises in adapting to new legal and administrative requirements and, by reason of their size, are less capable of anticipating regulatory changes at an early stage;
- E. whereas the 'Think Small First' principle is aimed at taking SMEs' interests into account at the very early stages of policy making so as to make legislation more SME-friendly; whereas a range of tools is available to ensure the effective implementation of the principle, including the application of an SME test to forthcoming legislative proposals;
- F. whereas the current impact assessment guidelines provide for specific guidance in the form of an 'SME test', including for possible mitigation measures; whereas the draft revised guidelines do not include any provisions on the SME test;

Scope

1. Welcomes the Commission's commitment to regularly reviewing the impact assessment guidelines with a view to improving the impact assessment procedures;
2. Is concerned, however, that the draft revised guidelines are much less specific than the

- existing guidelines in terms of the scope for IAs and that they leave significantly more room for interpretation by the directorate-general responsible as regards the decision whether or not an IA is required; believes that the existing practices involving the IAB and Secretariat-General in the decision-making process should be retained;
3. Believes that the Commission should maintain its existing approach of submitting an IA for all initiatives meeting at least one of the following criteria:
 - legislative proposals included in the Commission's Legislative and Work Programme (CLWP),
 - non-CLWP legislative proposals with clearly identifiable economic, social and environmental impacts,
 - non-legislative initiatives which define future policies (e.g. white papers, action plans, expenditure programmes and negotiating guidelines for international agreements),
 - delegated or implementing acts which are likely to have significant impacts;
 4. Notes that the scope of an IA may in some cases not correspond to the proposals adopted where these are altered once submitted for approval by the College of Commissioners; requests that the draft revised guidelines state that the IA should be updated to ensure continuity between matters considered in it and any proposal finally adopted by the Commission;

Impact Assessment Board (IAB)

5. Expresses serious concern at the fact that the role of the IAB in the impact assessment process is not more clearly defined in the draft revised guidelines; strongly insists that the Commission reconsider this omission and set out procedures relating to the IAB more clearly in a new set of draft revised guidelines when responding to Parliament and that any initiative which requires an IA should be subject to a positive opinion from the IAB;
6. Is of the opinion that the IAB should continue to work as an independent quality control body within the Commission and requests that the independence of the IAB be strengthened; proposes that the IAB report directly to the Commission Vice-President responsible for Better Regulation;

SME test

7. Recalls that in its 2011 review of the Small Business Act the Commission considered it regrettable that only eight Member States had integrated the SME test into their national decision-making processes; welcomes the clear commitment by the Commission in that review to further strengthening the SME test; deplures, however, that contrary to these announcements, the SME test is not even mentioned in the draft revised IA guidelines;
8. Insists that the SME test, as laid down in Annex 8 to the guidelines, should be

maintained in order to avoid SMEs being disproportionately affected or disadvantaged by Commission initiatives compared with large companies; believes that a dedicated SME test should be mandatory for business-relevant legislative proposals;

9. Stresses that in such cases the IA should include options covering alternative mechanisms and/or flexibilities in order to help SMEs comply with the initiative (as provided for in Annex 8.4); welcomes, in this connection, the a priori exclusion of micro-enterprises from the scope of a legislative proposal as a policy option stated in the draft revised guidelines;

Establishing a Better Regulation Advisory Body

10. Welcomes the work and the final report submitted by the High Level Group of Administrative Burdens as mandated by the Commission; recalls the Commission's intention, as stated in its latest communication on REFIT (June 2014), to establish a new high level group on better regulation, consisting of stakeholder representatives and national experts; suggests that the best practices and experience of existing better regulation bodies (such as those in Sweden, the Czech Republic, the Netherlands, the United Kingdom or Germany) should be taken into account when establishing such an advisory body at EU level;
11. Urges the Commission to establish such a high level advisory body on better regulation involving both stakeholder expertise and national experts as soon as possible; proposes a strong and independent advisory mandate for this body, which should include assessing the administrative burden of proposals, the cost of compliance, respect for subsidiarity and proportionality, and the choice of legal base, and suggesting better regulation initiatives and monitoring the implementation of EU legislation at national level; calls for Parliament and the Council to be involved in the expert nomination procedure;
12. Calls on the Commission to submit new draft revised IA guidelines, taking into consideration the points stressed by this resolution and the newly introduced structure of the Commission, in particular the role of the new Vice-President in charge of Better Regulation;

Impact Assessments in Parliament

13. Calls for Commission IAs to be examined systematically and as early as possible by Parliament, and in particular at committee level;
14. Recalls its resolution of 8 June 2011 on guaranteeing independent impact assessments¹, in which it called for more consistent use to be made of parliamentary impact assessments; recalls that the Impact Assessment Unit is an instrument which is already available to carry out impact assessments; considers that recourse to a parliamentary impact assessment is particularly necessary prior to the adoption of any substantive changes/amendments to an initial Commission proposal;

¹ OJ C 380 E, 11.12.2012, p. 31.

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