

# EUROPEAN PARLIAMENT

2004



2009

Committee on Legal Affairs

8.3.2006

PE 370.313v01-00

## AMENDMENTS 1-20

### Draft report

(PE 357.866v03-00)

**Bert Doorn**

Better lawmaking 2004: application of the principle of subsidiarity – 12th annual report 2005/2055(INI)

Motion for a resolution

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Amendment by Marie Panayotopoulos-Cassiotou

Amendment 1

Recital A a (new)

*Aa. whereas establishing a transparently clear, effective and high-quality regulatory environment should be a priority objective of European Union policy,*

Or. fr

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 2

Recital A b (new)

*Ab. whereas the regulatory environment in which firms operate is a determining factor for their competitiveness, for sustainable growth and, consequently, for their employment performance,*

Or. fr

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Amendment by Monica Frassoni

Amendment 3

Recital B

- B. whereas impact assessment in the context of new legislation and simplification of existing legislation ***could contribute to a better evaluation of its social, economic, environmental and health effects and could*** reduce the administrative burden that undermines the competitiveness of European businesses, in particular small and medium-sized enterprises (SMEs),

Or. en

Amendment by Monica Frassoni

Amendment 4

Recital C

- C. whereas the reputation of the European legislature among citizens and businesses in the EU leaves much to be desired, ***notably because the legislation, being often a result of difficult political compromise, lacks clarity and Member States are unable or unwilling to implement it correctly,***

Or. en

Amendment by Monica Frassoni

Amendment 5

Recital D

- D. whereas, in the drafting of legislation, the Commission gives ***some*** interested parties the opportunity to react, ***through consultations and various working groups,*** but whereas there is insufficient transparency concerning the substance of these ***consultations, the participants*** and the manner in which the Commission ***takes the results thereof into account,***

Or. en

Amendment by Monica Frassoni

Amendment 6  
Recital G

- G. whereas a great deal of **implementing (or secondary)** legislation is adopted through the comitology procedure, without **proper** parliamentary control (**deletion**),

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 7  
Paragraph 1

1. **Stresses the need for any Community legislation adopted to comply fully with the principles of subsidiarity and proportionality; notes** the need for every legislative proposal to be accompanied by an impact assessment, which is defined in its above-mentioned resolution of 20 April 2004 as a straightforward mapping out of the consequences on social, economic and environmental aspects, as well as a mapping out of the policy alternatives that are available to the legislator in that scenario;

Or. fr

Amendment by Monica Frassoni

Amendment 8  
Paragraph 1

1. Notes the need for every legislative proposal to be accompanied by an impact assessment, which is defined in its above-mentioned resolution of 20 April 2004 as a straightforward mapping out of the consequences on social, economic and environmental aspects, as well as a mapping out of the policy alternatives that are available to the legislator in that scenario; **is of the opinion that when a draft proposal is presented by the Commission at the request of one or more Member States, this should be mentioned;**

Or. en

Amendment by Giuseppe Gargani, Nicola Zingaretti

Amendment 9  
Paragraph 1 a (new)

- 1a. Believes that it is also essential for impact assessments to consider the interaction and consistency with existing legislation of every new legislative proposal and the overall cost to the economic sector concerned in the light of its cumulative effects;**

Or. it

Amendment by Monica Frassoni

Amendment 10  
Paragraph 3

- 3. Stresses that the Commission *should include in the impact assessment, in a more precise way and in accordance with precise guidelines, the consequences of an absence of legislation in terms of lost benefits, notably as regards health, welfare and sustainability; insists that it* must also put into operation as quickly as possible the method it has developed for calculating administrative burdens in quantitative terms as part of the impact assessment. Notes such a method is needed in order to gain an understanding of the costs associated with applying and implementing legislation; a definitive methodology must be incorporated into the impact assessment by 2006 at the latest;**

Or. it

Amendment by Monica Frassoni

Amendment 11  
Paragraph 4

***deleted***

Or. en

Amendment by Klaus-Heiner Lehne

Amendment 12

Paragraph 4

4. Considers it essential, in the interest of *the credibility and* uniform application *(deletion)* of the impact assessment, that *it be also carried out by* an independent *body*. The European Parliament will not consider any proposals without their being accompanied by an *independent* impact assessment *(deletion)*;

Or. en

Amendment by Bert Doorn

Amendment 13

Paragraph 4

4. Considers it essential, in the interest of a uniform application by the Commission of the impact assessment, that the quality of the latter be submitted to *(deletion)* independent *scrutiny*. The European Parliament will not consider any proposals without their being accompanied by an *independently scrutinised and approved* impact assessment *(deletion)*;

Or. en

Amendment by Monica Frassoni

Amendment 14

Paragraph 6

*deleted*

Or. en

Amendment by Bert Doorn

Amendment 15

Paragraph 6

6. Notes that much secondary legislation comes into being via the 'comitology procedure'; considers that such legislation must meet the same quality requirements as

primary legislation and that it must therefore also be subject to impact assessment  
*(deletion)*;

Or. en

Amendment by Bert Doorn

Amendment 16  
Paragraph 6 a (new)

**6a. *Considers that, in the context of quality assurance for European legislation, Parliament should have a call-back right to subject comitology legislation to Parliamentary approval, if an impact assessment suggests the need for this; calls on the Council and the Commission to enshrine such a call-back right in an inter-institutional agreement before 1 April 2008;***

Or. en

Amendment by Monica Frassoni

Amendment 17  
Paragraph 7

*deleted*

Or. en

Amendment by Giuseppe Gargani, Nicola Zingaretti

Amendment 18  
Paragraph 10

10. Calls on the Commission to report to Parliament, no later than three years after the entry into force of new legislation, on the impact of the legislation in practice; is above all interested in the question of whether the legislation has fulfilled the original purpose, ***what effects it has had on the international competitiveness of the relevant sector, not least in the light of different regulations (or the absence of regulation) in competing countries***, and how the legislation is complied with in practice; also calls on the Commission to subject the quantitative results of the impact assessment to a regular critical analysis with a view to ascertaining whether the methodology used produces reliable predictions, and to report to Parliament on the results;

Amendment by Monica Frassoni

Amendment 19

Paragraph 11

11. Stresses the need for Parliament, and in particular the rapporteur responsible, to play a more active role in monitoring the implementation of European legislation in the Member States, **and** to make use of the network between the European Parliament and the national and/or regional parliaments;

Or. en

Amendment by Monica Frassoni

Amendment 20

Paragraph 13

13. ***Acknowledges that*** the "open method of coordination" ***is an important policy tool*** in the context of the Lisbon Strategy; stresses, ***however, that this method cannot be seen as a general substitute for more formal coordination and common policy measures in this context; insists that*** the European Parliament ***be*** fully informed on the development of ***OMC practices and calls on the Commission to submit an evaluation report on this method; insists*** that the open method of coordination must not evolve into a parallel, ***non-transparent*** legislative procedure which ***undermines*** the procedures laid down in the EC Treaty ***and compromises parliamentary scrutiny;***

Or. en