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on Better law-making 2005: application of the principles of subsidiarity and proportionality - 13th annual report
(2006/2279(INI))

Committee on Legal Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on Better law-making 2005: application of the principles of subsidiarity and proportionality - 13th annual report (2006/2279(INI))

The European Parliament,

- having regard to its resolution of 26 October 2000 on the Commission reports to the European Council entitled “Better lawmaking 1998 – A shared responsibility (1998)” and “Better lawmaking 1999”¹,
- having regard to its resolution of 29 November 2001 on the Commission White Paper on European governance²,
- having regard to its resolution of 8 April 2003 on the Commission reports to the European Council entitled “Better lawmaking 2000” and “Better lawmaking 2001”³,
- having regard to its resolution of 26 February 2004 on the Commission report entitled “Better Lawmaking 2002”⁴,
- having regard to its resolution of 9 March 2004 on the Commission communication on simplifying and improving the Community’s regulatory activity⁵,
- having regard to its resolution of 20 April 2004 on assessment of the impact of Community legislation and the consultation procedures⁶,
- having regard to the Communication from the Commission to the Council and the European Parliament entitled “Better Regulation for Growth and Jobs in the European Union” (COM(2005)0097),
- having regard to its resolution of 16 May 2006 on a strategy for the simplification of the regulatory environment⁷,
- having regard to its resolution of 16 May 2006 on Better lawmaking 2004: application of the principle of subsidiarity – 12th annual report⁸,
- having regard to its resolution of 16 May 2006 on the outcome of the screening of

¹ OJ C 197, 12.7.2001, p. 433.

² OJ C 153 E, 27.6.2002, p. 314.

³ OJ C 64 E, 12.3.2004, p. 135.

⁴ OJ C 98 E, 23.4.2004, p. 155.

⁵ OJ C 102 E, 28.4.2004, p. 512.

⁶ OJ C 104 E, 30.4.2004, p. 146.

⁷ OJ C 297 E, 7.12.2006, p. 136.

⁸ OJ C 297 E, 7.12.2006, p. 128.

legislative proposals pending before the Legislator¹,

- having regard to the Report from the Commission - “Better lawmaking 2005” pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (13th report) (COM(2006)0289),
 - having regard to the Commission working document - Measuring administrative costs and reducing administrative burdens in the European Union (COM(2006)0691),
 - having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Action Programme for Reducing Administrative Burdens in the European Union (COM(2007)0023),
 - having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A strategic review of Better Regulation in the European Union (COM(2006)0689),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0000/2007),
- A. whereas succeeding in attaining the objective of "Better Lawmaking" constitutes one of the main priorities for the European Union, as maximising the benefits of modern, rational and effective legislation whilst minimising its costs would ensure the highest level of productivity, growth and, ultimately, employment throughout Europe,
- B. whereas the principle of subsidiarity plays a vital role in establishing the authority of Community legislation and in deciding whether laws should be adopted at European Union level, thus proving to be a crucial element in monitoring the separation of powers between the EU and the Member States and a useful tool for enabling Member States to assume legislative competence,
- C. whereas full respect of the principle of proportionality is a clear necessity both for European and national legislation in order to reinforce legal certainty,
- D. whereas the Court of Justice is responsible for monitoring the application of the subsidiarity and proportionality principles,
- E. whereas European legislation, being often a result of difficult political compromise, may lack clarity and Member States may be unable or unwilling to implement it correctly,
- F. whereas the reputation and the effectiveness of European legislation are affected by needless and disproportionate administrative burdens often imposed on citizens and businesses by EU rules,

¹ OJ C 297 E, 7.12.2006, p. 140.

- G. whereas a reduction in the unnecessary administrative burden of 25% could constitute a significant growth stimulus for European GDP and thus a valuable contribution to the attainment of the Lisbon objectives,
- H. whereas needless administrative burdens resulting from European legislation undermine the effectiveness and credibility of European legislation,
- I. whereas European legislation should make it easier for citizens and undertakings to benefit as much as possible from the internal market and should not burden them with high costs which could be avoided,
- J. whereas the streamlining of the *acquis communautaire* through a simplification and reduction in needless administrative burdens should not be at the expense of the legal certainty and protection provided by European legislation,
1. Considers that bad regulatory quality in the Member States and at Community level weakens the rule of law and alienates citizens from their institutions;
 2. Fully supports all efforts by the Commission to promote the general strengthening of the effectiveness and enforcement of Community law through any relevant initiative;
 3. Welcomes the success of the web portal “Your Voice in Europe” and invites the Commission to develop further ways of consulting interested parties before launching a legislative proposal;
 4. Stresses the importance of adequate and independent impact assessments and calls on the Commission to provide a sufficient number of scenarios and policy options (including ‘do-nothing’ options if necessary) as a basis for cost-effective and sustainable solutions;
 5. Welcomes the commitment of the Commission to enhance transparency and accountability in respect of its expert groups, as well as to establish an inventory of existing cases of EU self-regulation and co-regulation;
 6. Underlines the importance of Community institutions and Member States, through regional and local authorities as well as at central ministerial level, keeping a permanent watch on the application of the subsidiarity and proportionality principles;
 7. Welcomes the Commission action programme to measure the administrative cost for undertakings in Europe and to reduce needless administrative burdens by 25%;
 8. Notes that the strategy for a 25% reduction refers to *needless administrative burdens* for undertakings and cannot, therefore, be equated to a deregulation; calls on the Commission to ensure that the reduction in needless administrative burdens arising from regulations

should not be at the expense of the original objectives of the regulations concerned;

9. Emphasises that an effective strategy for the reduction of unnecessary European administrative burdens must be implemented both by the Commission, as regards European regulations and directives, and by the Member States, as regards unnecessary administrative burdens arising from national legislation; calls on the Commission to take the lead and not to make its actions to reduce the unnecessary administrative burden at EU level dependent on the actions undertaken by the Member States at national level to reduce unnecessary administrative burdens arising from national legislation;
10. Welcomes the identification by the Commission of 13 priority areas where the administrative costs are to be measured and unnecessary administrative burdens to be reduced as a pragmatic and effective approach but calls on the Commission, in the longer term, to also measure the administrative costs and reduce unnecessary administrative burdens outside these priority areas; considers that this could be done, inter alia, during the evaluation provided for in the relevant European regulations;
11. Emphasises the importance of involving stakeholders in the identification of legislative proposals which cause unnecessary administrative burdens and the definition of measures to reduce such unnecessary administrative burdens; calls on the Commission to establish a dialogue within each Directorate-General in the Commission with European stakeholders, with regard both to the 13 priority areas and to the identification of new priority areas;
12. Stresses that the 25% reduction in unnecessary administrative burdens must realistically reflect the actual reduction in burdens; emphasises, therefore, the importance of an initial baseline measurement and of the definition of the target reduction of 25% as a net target, so that account is taken of additional unnecessary administrative burdens arising from new European regulations in the final assessment, in 2012, to establish whether the unnecessary administrative burdens in the European Union have been reduced by a quarter.
13. Emphasises that each directorate-general in the Commission must be involved in the reduction of unnecessary administrative burdens; stresses that each directorate-general must be made aware of the unnecessary administrative burdens it generates through an initial baseline measurement and that a target reduction be established on the basis of this baseline measurement for each directorate-general;
14. Calls on the Commission to publish each year the measures adopted and the measures planned to reduce unnecessary administrative burdens in the European Union, the increase in administrative burdens in the European Union arising from new regulations and the envisaged net contribution of these measures, expressed as a percentage, to the attainment of the target reduction of 25% by 2012;
15. Welcomes the Commission's intention, pending the completion of the assessment of unnecessary administrative burdens in 2008, to contribute significantly to the reduction in unnecessary administrative burdens in the short term through so-called 'fast-track actions' for the most obvious unnecessary administrative burdens; calls on the Commission to identify, on the basis of the experiences of Member States which have already carried out

baseline measurements, further areas in which simple reductions in unnecessary administrative burdens can be achieved and to propose target reductions;

16. Supports the efforts of the Commission to chart the unnecessary administrative burdens arising from new European legislation through the integration of the Standard Cost Method (SCM) in the impact assessment procedure; emphasises that the quality of the impact assessment must be controlled by the Impact Assessment Board (IAB) by means of publicly accessible opinions;
17. Proposes that appropriations recently released in the EU Budget for a pilot project minimizing administrative burdens be used to set up an independent panel of experts to monitor the quality of opinions delivered by the IAB by means of spot checks, notably as regards the charting of unnecessary administrative burdens, to supervise the implementation of the European action programme to reduce administrative burdens;
18. Notes the need for the Council and Parliament to adopt simplified proposals more swiftly and, therefore, emphasises the conclusion of the Inter-Institutional Agreement on Better Lawmaking of 16 December 2003¹ to change the working methods of the Council and Parliament, for instance through the establishment of ad-hoc structures charged specifically with the simplification of legislation;
19. Proposes that, in parallel to the action plan to reduce unnecessary administrative burdens, the Commission carry out a study to
 - a) develop a methodology to quantitatively chart and assess, in addition to the administrative burden, all other burdens of compliance (the costs arising from the substantive obligations imposed by legislation) arising from new legislation and regulation and from amendments to existing legislation and regulations,
 - b) subsequently launch a pilot project to apply a measurement methodology similar to that used with regard to compliance burdens to impact assessment,
 - c) to have this methodology tested and evaluated by the Impact Assessment Board,
 - d) to apply it as standard and to incorporate it in all impact assessments;
20. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

¹ OJ C 321, 31 December 2003, p.1.