

Is that it



**EUROPEAN PARLIAMENT**

**2009 - 2014**

---

*Committee on Legal Affairs*

---

**2010/2016(INI)**

3.3.2011

# **AMENDMENTS**

## **1 - 80**

**Draft report**  
**Angelika Niebler**  
(PE454.384v02-00)

Guaranteeing independent impact assessment  
(2010/2016(INI))

AM\859180EN.doc

PE460.656v01-00

**EN**

*United in diversity*

**EN**



**Amendment 1**  
**Pervenche Berès on behalf of the EMPL committee**

**Motion for a resolution**  
**Citation -1 (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the entering into force  
of the Lisbon Treaty,**

Or. en

**Amendment 2**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Citation 1 a (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Lisbon Treaty,  
which entered into force on 1 December  
2009,**

Or. en

**Amendment 3**  
**Arlene McCarthy**

**Motion for a resolution**  
**Citation 7 a (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Interinstitutional  
Common Approach to Impact  
Assessments concluded between  
Parliament, the Council and the  
Commission in November 2005,**

**Amendment 4**

**Arlene McCarthy, Lidia Joanna Geringer de Oedenberg**

**Motion for a resolution**

**Citation 7 b (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the resolution of 26 June 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 (2009/2142(INI)),*

Or. en

**Amendment 5**

**Arlene McCarthy**

**Motion for a resolution**

**Citation 13 a (new)**

*Motion for a resolution*

*Amendment*

*- having regard to The Charter of Fundamental Rights of the European Union as adopted by the institutions on 7 December 2000,*

Or. en

**Amendment 6**

**Jan Philipp Albrecht**

**Motion for a resolution**

**Recital A a (new)**

*Motion for a resolution*

*Amendment*

***Aa. whereas following the entry into force of the Lisbon Treaty the Charter of Fundamental Rights has the same legal value as the European Union treaties and impact assessments should always verify the compatibility of the legislation with fundamental rights,***

Or. en

**Amendment 7**

**Pervenche Berès on behalf of the EMPL committee**

**Motion for a resolution**

**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas Article 9 of the Treaty of Lisbon calling on the Union to take account of requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health in defining and implementing its policies and activities requires an in-depth analysis of the social impact of any proposed legislation,***

Or. en

**Amendment 8**

**Jan Philipp Albrecht**

**Motion for a resolution**

**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas the Lisbon Treaty contains "horizontal" social and environmental clauses (Article 9 and 11 TFEU) the Union should take into account and integrate when defining and implementing Union actions and policies,***

Or. en

### **Amendment 9**

**Pervenche Berès on behalf of the EMPL committee**

#### **Motion for a resolution**

##### **Recital E**

*Motion for a resolution*

E. whereas, when adopting new laws and simplifying and recasting existing laws, impact assessments can serve to improve the evaluation of their social, economic, environmental and health effects, and thus help reduce bureaucracy,

*Amendment*

E. whereas, when adopting new laws and simplifying and recasting existing laws, impact assessments can serve to improve the evaluation of their social, economic, environmental and health effects, and thus help reduce bureaucracy ***and ensure the consistency of the EU's policies in reaching the overarching objectives set by the European Council,***

Or. en

### **Amendment 10**

**Arlene McCarthy**

#### **Motion for a resolution**

##### **Recital E**

*Motion for a resolution*

E. whereas, when adopting new laws and simplifying and recasting existing laws, impact assessments can serve to improve the evaluation of their social, economic,

*Amendment*

E. whereas, when adopting new laws and simplifying and recasting existing laws, impact assessments can serve to improve the evaluation of their social, economic,

environmental and health effects, and thus help reduce bureaucracy,

environmental and health effects, *as well as the effects on citizens' fundamental rights*, and thus help reduce bureaucracy,

Or. en

**Amendment 11**  
**Arlene McCarthy**

**Motion for a resolution**  
**Recital H**

*Motion for a resolution*

H. whereas Parliament, the Council and the Commission in the Interinstitutional Agreement of 16 December 2003, and Parliament and the Commission in the Framework Agreement of 20 October 2010, undertook to set an agenda for better lawmaking, and whereas this resolution contains concrete proposals for improving impact assessments,

*Amendment*

H. whereas Parliament, the Council and the Commission in the Interinstitutional Agreement of 16 December 2003, *the Interinstitutional Common Approach to Impact Assessments of November 2005*, and Parliament and the Commission in the Framework Agreement of 20 October 2010, undertook to set an agenda for better lawmaking, and whereas this resolution contains concrete proposals for improving impact assessments,

Or. en

**Amendment 12**  
**Pervenche Berès**

**Motion for a resolution**  
**Recital H a (new)**

*Motion for a resolution*

*Ha. whereas the Lisbon treaty lays down obligations for the Commission to carry out impact assessments regarding employment,*

*Amendment*

Or. en

**Amendment 13**  
**Klaus-Heiner Lehne**

**Motion for a resolution**  
**Recital I**

*Motion for a resolution*

I. whereas the Commission is pursuing a new kind of approach in industrial policy, whereby all political proposals with significant effects on **industry** should be analysed in detail as to their impact on competitiveness,

*Amendment*

I. whereas the Commission is pursuing a new kind of approach in industrial policy, whereby all political proposals with significant effects on **the economy** should be analysed in detail as to their impact on competitiveness,

Or. de

**Amendment 14**  
**Pervenche Berès on behalf of the EMPL committee**

**Motion for a resolution**  
**Recital I**

*Motion for a resolution*

I. whereas the Commission is pursuing a new kind of approach in industrial policy, whereby all political proposals with significant effects on industry should be analysed in detail as to their impact on competitiveness,

*Amendment*

I. whereas the Commission is pursuing a new kind of approach in industrial policy, whereby all political proposals with significant effects on industry should be analysed in detail as to their impact on competitiveness; ***calls for this approach to focus on effects on employment as well,***

Or. en

**Amendment 15**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Stresses that impact assessments are an important aid to better lawmaking which

*Amendment*

1. Stresses that impact assessments are an important aid to better lawmaking which



the makers of European law should exploit more often in future to help them evaluate more effectively the consequences of their policy options;

the makers of European law should exploit more often in future to help them evaluate more effectively the *economic, social, environmental and health-related* consequences of their policy options, *as well as their impact on citizens' fundamental rights*;

Or. en

**Amendment 16**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 1 a (new)**

*Motion for a resolution*

*Amendment*

*1a. Welcomes the Smart Regulation Communication, and emphasises that impact assessments should play a key role throughout the whole policy cycle, from design to implementation, enforcement, evaluation and to the revision of legislation; stresses the importance of well-considered and fully informed decision-making at the design stage of legislative proposals, because this can lead to both improved quality of outcomes and a shorter legislative process;*

Or. en

**Amendment 17**  
**Lidia Joanna Geringer de Oedenberg**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

*2a. Points out that reforming the impact assessment mechanisms within EU institutions must not lead to a further*

*slowing down of the legislative process;*

Or. en

**Amendment 18**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Stresses that impact assessments need to be carried out completely ***independently*** and should always be based on an objective, reasoned analysis of potential effects;

*Amendment*

3. Stresses that impact assessments need to be carried out ***in the early stages of policy development; emphasises that they should be completely independent*** and should always be based on an objective, reasoned analysis of potential effects;

Or. en

**Amendment 19**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

***3a. Considers that the methodology used to undertake an impact assessment should be regularly reviewed, including undertaking consistency checks to ensure that all impact assessments are carried out to the same high standards and that equal consideration is given to a wide range of stakeholder groups, such as consumers, employee representatives and businesses;***

Or. en

**Amendment 20**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Considers it ***advisable and*** necessary to involve external experts in the impact assessment process in order to guarantee independence and objectivity; notes in this connection the fundamental distinction between public consultation and independent impact assessment;

*Amendment*

4. Considers it necessary to involve external experts, ***including non-corporate experts***, in the impact assessment process in order to guarantee independence and objectivity; notes in this connection the fundamental distinction between public consultation and independent impact assessment;

Or. en

**Amendment 21**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Considers ***it advisable and necessary to involve*** external ***experts*** in the impact assessment process in ***order to guarantee independence and objectivity***; notes in this connection the ***fundamental distinction between public consultation and independent*** impact assessment;

*Amendment*

4. Considers ***that if*** external ***expertise is used*** in the impact assessment process, ***it is not with the aim to reveal the objective truth, but to inform the process of the different aspects of the future policy decision; considers that the quality of the impact assessment lies in presenting the benefits and drawbacks of a sufficient number of policy options***; notes in this connection ***that the final outcome and the control of the quality of the*** impact assessment ***should remain with the European Union institutions***;

Or. en

**Amendment 22**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Considers it advisable and necessary to involve external experts in the impact assessment process in order to guarantee independence and objectivity; notes in this connection the fundamental distinction between public consultation and independent impact assessment;

*Amendment*

4. Considers it advisable and necessary to involve external experts ***from all policy areas affected*** in the impact assessment process in order to guarantee independence and objectivity; notes in this connection the fundamental distinction between public consultation and independent impact assessment;

Or. en

**Amendment 23**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Calls for the maximum of transparency when drawing up impact assessments;

*Amendment*

5. Calls for the maximum of transparency when drawing up impact assessments, ***including the early publication of comprehensive Road Maps of proposed legislation to ensure equal access to the legislative procedure for SMEs, voluntary groups, NGOs and trade unions;***

Or. en

**Amendment 24**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

**5 a. Calls for the Commission's current consultation period with stakeholders to be increased from 8 weeks to 12 weeks;**

Or. en

**Amendment 25**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 5 b (new)**

*Motion for a resolution*

*Amendment*

**5b. Considers that it is essential that impact assessments are scrutinised by Member States ex-ante, to assess the effects of proposed legislation on national laws and public policies; calls for greater ex-post evaluation to be carried out and for further consideration of the inclusion of mandatory correlation tables to ensure that EU legislation has been correctly implemented by Member States and has met its objectives;**

Or. en

**Amendment 26**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

*Amendment*

7. Considers it **necessary** for new legislative proposals **always** to be accompanied by an impact assessment; notes that this also **applies** to the simplification and recasting of EU law and

7. Considers it **important** for new legislative proposals to be accompanied by an impact assessment; notes that this **may** also **apply** to the simplification and recasting of EU law and to delegated acts

to delegated acts and implementing acts pursuant to Articles 290 and 291 of Treaty on the Functioning of the European Union;

and implementing acts pursuant to Articles 290 and 291 of Treaty on the Functioning of the European Union, *where appropriate*;

Or. en

#### **Amendment 27**

**Pervenche Berès on behalf of the EMPL committee**

#### **Motion for a resolution**

##### **Paragraph 8**

###### *Motion for a resolution*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

###### *Amendment*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation, *with the aim to ensure consistency between policies and activities of the European Union by taking all of its objectives into account and in accordance with the principle of conferral of powers as laid down in Article 7 TFEU*;

Or. en

#### **Amendment 28**

**Arlene McCarthy**

#### **Motion for a resolution**

##### **Paragraph 8**

###### *Motion for a resolution*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws

###### *Amendment*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws

attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003 **and the common approach of November 2005**, which are to be combined in a single evaluation **and to further include aspects relating to fundamental rights**;

Or. en

**Amendment 29**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

*Amendment*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; ***calls for impact assessments to always evaluate the compatibility of the legislation with fundamental rights; recalls the "horizontal" social and environmental clauses (Article 9 and 11 TFEU) of the Lisbon Treaty ; also*** draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

Or. en

**Amendment 30**  
**Lidia Joanna Geringer de Oedenberg**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Calls for impact assessments to take a large number of criteria into account in order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

*Amendment*

8. Calls for impact assessments to take a large number of criteria into account, in ***accordance with the principle of an integrated approach, in*** order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003, which are to be combined in a single evaluation;

Or. en

**Amendment 31**

**Lidia Joanna Geringer de Oedenberg**

**Motion for a resolution**

**Paragraph 8 a (new)**

*Motion for a resolution*

8. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency

*Amendment*

***8a. Stresses, in particular, the need to examine the social effects of legislative proposals, including their impact on the European labour market and living standards;***

Or. en

**Amendment 32**

**Cecilia Wikström**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency

*Amendment*

9. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency



of all programmes and measures involving expenditure – should always be carried out, and potential implications for small and medium-sized enterprises (SMEs) examined; calls in this connection for the consistent application of the ‘SME test’ proposed in the 2008 Small Business Act; recalls in this context that ***for each*** law imposing ***a burden*** on SMEs, ***an existing such law*** should be ***repealed*** (the ‘***one in, one out***’ rule);

of all programmes and measures involving expenditure – should always be carried out, and potential implications for small and medium-sized enterprises (SMEs) examined; calls in this connection for the consistent application of the ‘SME test’ proposed in the 2008 Small Business Act; recalls in this context that ***in every*** law imposing ***burdens*** on SMEs ***there*** should be ***a careful evaluation of existing regulations with the aim at reducing the overall regulatory burden on SMEs***;

Or. en

**Amendment 33**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency of all programmes and measures involving expenditure – should always be carried out, and potential implications for small and medium-sized enterprises (SMEs) examined; calls in this connection for the consistent application of the ‘SME test’ proposed in the 2008 Small Business Act; ***recalls in this context that for each law imposing a burden on SMEs, an existing such law should be repealed (the ‘one in, one out’ rule)***;

*Amendment*

9. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency of all programmes and measures involving expenditure – should always be carried out, and potential implications for small and medium-sized enterprises (SMEs) examined; calls in this connection for the consistent application of the ‘SME test’ proposed in the 2008 Small Business Act;

Or. en

**Amendment 34**  
**Klaus-Heiner Lehne**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Calls, in the context of impact assessments, for an intensive analysis to be carried out on all new policy proposals with significant effects on industrial competitiveness; further calls for an ex-post assessment of the impact of EU legislation on the competitiveness of European **industry**; notes that the Commission in fact promised such a procedure in its communication on an Integrated Industrial Policy for the Globalisation Era;

*Amendment*

10. Calls, in the context of impact assessments, for an intensive analysis to be carried out on all new policy proposals with significant effects on industrial competitiveness; further calls for an ex-post assessment of the impact of EU legislation on the competitiveness of **the** European **economy**; notes that the Commission in fact promised such a procedure in its communication on an Integrated Industrial Policy for the Globalisation Era;

Or. de

**Amendment 35**  
**Pervenche Berès**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Calls, in the context of impact assessments, for an intensive analysis to be carried out on all new policy proposals with significant effects on industrial competitiveness; further calls for an ex-post assessment of the impact of EU legislation on **the competitiveness of European industry**; notes that the Commission in fact promised such a procedure in its communication on an Integrated Industrial Policy for the Globalisation Era;

*Amendment*

10. Calls, in the context of impact assessments, for an intensive analysis to be carried out on all new policy proposals with significant effects on industrial competitiveness, **including the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion and a high level of education, training and protection of human health as requested by Article 9 TFEU**; further calls for an ex-post assessment of the impact of EU legislation on **these areas**; notes that the Commission in fact promised such a procedure in its communication on an

**Amendment 36**  
**Pervenche Berès on behalf of the EMPL committee**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Urges that impact assessments at European level should look into what savings will result from a European solution and/or what supplementary costs would arise for the Member States in the absence of a European solution;

*Amendment*

11. Urges that impact assessments at European level should look into **the European added-value in terms of** what savings will result from a European solution and/or what supplementary costs would arise for the Member States in the absence of a European solution;

Or. en

**Amendment 37**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Stresses that impact assessments must **highlight** the alternatives available to the legislator, which should always include a serious examination of the option of taking no action;

*Amendment*

12. Stresses that impact assessments must **fully consider** the alternatives available to the legislator, which should always include a serious examination of the option of taking no action;

Or. en

**Amendment 38**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Stresses that impact assessments must **not lead to more bureaucracy and unnecessary** delays in the legislative procedure; further stresses in this connection that impact assessments should not be **used** as a means of holding up unwanted legislation; urges, therefore, that the technical and administrative conditions be created to ensure that impact assessments are carried out speedily and promptly, e.g. through such instruments as framework agreements, accelerated tendering procedures and the optimal use of resources;

*Amendment*

13. Stresses that impact assessments must **be allowed sufficient time in order to produce a reliable result without causing unwarranted** delays in the legislative procedure; further stresses in this connection that impact assessments should not be **abused** as a means of holding up unwanted legislation; urges, therefore, that the technical and administrative conditions be created to ensure that impact assessments are carried out speedily and promptly, e.g. through such instruments as framework agreements, accelerated tendering procedures and the optimal use of resources;

Or. en

**Amendment 39**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

16. Stresses that impact assessments should not take place only before the adoption of a legislative text (ex-ante) but should also be carried out after its adoption (ex-post); points out that this is necessary in order to evaluate more accurately whether the objectives of a law have actually been achieved and whether a legal act should be amended or retained;

*Amendment*

16. Stresses that impact assessments should not take place only before the adoption of a legislative text (ex-ante) but should also be carried out after its adoption (ex-post); points out that this is necessary in order to evaluate more accurately whether the objectives of a law have actually been achieved and whether a legal act should be amended or retained; **stresses nevertheless that the ex-post evaluation should never replace the Commission's duty as "Guardian of the Treaties" to monitor**

*effectively and in a timely manner the application of Union law by Member States;*

Or. en

**Amendment 40**  
**Lidia Joanna Geringer de Oedenberg**

**Motion for a resolution**  
**Paragraph 16 a (new)**

*Motion for a resolution*

*Amendment*

***16 a. Underlines the Commission's primary responsibility for conducting high quality impact assessments of its proposals when exercising its right of initiative in accordance with the Treaty;***

Or. en

**Amendment 41**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

*Amendment*

19. Stresses that the members of the IAB are independent only in formal terms, since they are currently appointed by and subject to the instructions of the Commission President, and cannot therefore be said to be fully independent; calls, therefore, for the members of the IAB to be appointed by the European Parliament and the Council ***on the basis of a Commission proposal***, and no longer subject to the instructions of the Commission President;

19. Stresses that the members of the IAB are independent only in formal terms, since they are currently appointed by and subject to the instructions of the Commission President, and cannot therefore be said to be fully independent; calls, therefore, for the members of the IAB to be appointed by the European Parliament and the Council and no longer subject to the instructions of the Commission President;

Or. en

**Amendment 42**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Stresses that the members of the IAB are independent *only* in formal terms, *since they are currently appointed by and subject to the instructions of the Commission President, and cannot therefore be said to be fully independent*; calls, therefore, for the *members* of the IAB to be *appointed by the European Parliament and the Council on the basis of a Commission proposal, and no longer subject to the instructions of the Commission President*;

*Amendment*

19. Stresses that the members of the IAB are independent in formal terms; calls, therefore, for the *work* of the IAB to be *completely transparent so that their independence can be verified in practice*;

Or. en

**Amendment 43**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

*20. Calls also for the involvement in the IAB's work of experts from outside the Commission who are not subject to instructions; calls in this connection for the participation in the IAB's work of the High Level Group of Independent Stakeholders on Administrative Burdens;*

*Amendment*

*deleted*

Or. en

**Amendment 44**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

20. Calls also for the involvement in the IAB's work *of* experts from outside the Commission *who are* not subject to instructions; *calls in this connection for the participation in the IAB's work of the High Level Group of Independent Stakeholders on Administrative Burdens;*

*Amendment*

20. Calls also for the involvement *of experts from all stakeholder areas* in the IAB's work; *calls for these experts to come* from outside the Commission *and not be* subject to instructions; *stresses that* the IAB *and experts should not focus only on the administrative burdens for businesses but also on economic, social, environmental and health related impacts of legislation, as well as impacts on fundamental rights;*

Or. en

**Amendment 45**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 20 a (new)**

*Motion for a resolution*

*Amendment*

*20 a. Stresses that the IAB and experts should work in the public remit with the highest levels of transparency;*

Or. en

**Amendment 46**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

21. Calls for the early and comprehensive

*Amendment*

21. Calls for the early and comprehensive

involvement – including by means of notification and interim reports – of the European Parliament, and in particular of its relevant committees, in the whole impact assessment process and in the work of the IAB;

involvement – including by means of notification and interim reports – of the European Parliament, and in particular of its relevant committees, **and the Council** in the whole impact assessment process and in the work of the IAB; ***stresses in this context that the participation of Parliament and Council should focus on ensuring that all relevant issues are addressed by the impact assessment without jeopardizing the independence of the impact assessment by influencing the actual evaluation;***

Or. en

#### **Amendment 47**

**Arlene McCarthy, Lidia Joanna Geringer de Oedenberg**

#### **Motion for a resolution**

##### **Paragraph 21**

###### *Motion for a resolution*

21. Calls for the early and comprehensive involvement – including by means of notification and interim reports – of the European Parliament, and in particular of its relevant committees, in the whole impact assessment process and in the work of the IAB;

###### *Amendment*

21. Calls for the early and comprehensive involvement – including by means of notification and interim reports – of the European Parliament, and in particular of its relevant committees, in the whole impact assessment process and in the work of the IAB; ***invites the Commission to provide the Parliament and the Council with two-to-four-page summaries with the full impact assessment, when submitting the legislative proposal;***

Or. en

#### **Amendment 48**

**Cecilia Wikström**

#### **Motion for a resolution**

##### **Paragraph 23**



*Motion for a resolution*

*Amendment*

**23. Calls for the European Parliament and the Council to be provided in every case with a written explanation of why the Commission does not wish to carry out an impact assessment in connection with a specific legislative proposal;**

*deleted*

Or. en

**Amendment 49**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 24**

*Motion for a resolution*

*Amendment*

24. Notes the criticism by the European Court of Auditors to the effect that the Commission sometimes undertakes legislative initiatives even though the impact assessment process has not been completed;

24. Notes the criticism by the European Court of Auditors to the effect that the Commission sometimes undertakes legislative initiatives even though the impact assessment process has not been completed; ***further notes the criticism that not all policy options may receive the same level of attention; stresses that all policy options must be fully considered in the impact assessment process;***

Or. en

**Amendment 50**  
**Pervenche Berès on behalf of the EMPL committee**

**Motion for a resolution**  
**Paragraph 25**

*Motion for a resolution*

*Amendment*

25. Calls, in the interest of greater transparency, for the publication of the

25. Calls, in the interest of greater transparency, for the publication of the

names of all experts and other participants in the impact assessment process;

names of all experts and other participants in the impact assessment process *as well as of their declaration of interests*;

Or. en

**Amendment 51**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 28**

*Motion for a resolution*

28. Notes that presenting the results of an impact assessment at the same time as a legislative proposal is unhelpful, as it gives the impression that the principal aim of the impact assessment is to justify the Commission proposal; therefore advocates the early publication of *interim reports*;

*Amendment*

28. Notes that presenting the results of an impact assessment at the same time as a legislative proposal is unhelpful, as it gives the impression that the principal aim of the impact assessment is to justify the Commission proposal; therefore advocates the early publication of *documents at every stage of the legislative process, including the publication of the Commission's final impact assessment, as approved by the IAB, before inter-service consultations begins*;

Or. en

**Amendment 52**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 28 a (new)**

*Motion for a resolution*

*28 a. Suggests that all completed impact assessments by the Commission should be published in a special publication series by the Commission so that they can easily be referenced and searched by the public on a dedicated website;*

**Amendment 53**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 29**

*Motion for a resolution*

*Amendment*

**29. Calls for the systematic ex-post evaluation by the Commission of legal acts adopted;**

**deleted**

**Amendment 54**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 29**

*Motion for a resolution*

*Amendment*

29. Calls for the *systematic* ex-post evaluation by the Commission of legal acts adopted;

29. Calls for the ex-post evaluation by the Commission of legal acts adopted; ***stresses nevertheless that the ex-post evaluation should never replace the Commission's duty as "Guardian of the Treaties" to monitor effectively and in a timely manner the application of Union law by Member States;***

**Amendment 55**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 31**

*Motion for a resolution*

31. Calls on its committees to make more consistent use of the parliamentary impact assessment, an instrument which is already available; recalls that there is a specific budget line to cover the carrying out of impact assessments;

*Amendment*

31. Calls on its committees to make more consistent use of the parliamentary impact assessment, an instrument which is already available; recalls that there is a specific budget line to cover the carrying out of impact assessments; ***considers recourse to a parliamentary impact assessment particularly necessary when substantive changes to the initial proposal have been introduced;***

Or. en

**Amendment 56**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 32**

*Motion for a resolution*

32. Further recalls that impact assessments need not form part of a time-consuming study but may also take the form of workshops and expert hearings;

*Amendment*

32. Further recalls that impact assessments need not form part of a time-consuming study but may also take the form of ***limited studies***, workshops and expert hearings;

Or. en

**Amendment 57**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 33**

*Motion for a resolution*

33. Notes that Parliament and its committees already possess the machinery with which to scrutinise the Commission's impact assessments; stresses that this may take a number of forms, including

*Amendment*

33. Notes that Parliament and its committees already possess the machinery with which to scrutinise the Commission's impact assessments; stresses that this may take a number of forms, including

complementary impact assessments, more detailed analyses, the review of Commission impact assessments by external experts and the holding of special meetings with independent experts; stresses that the work of its policy departments in this area should develop in a consistent manner;

complementary impact assessments, more detailed analyses, the review of Commission impact assessments by external experts and the holding of special meetings with independent experts; stresses that the work of its policy departments in this area should develop in a consistent manner ***also supported by budgetary increases;***

Or. en

**Amendment 58**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 33**

*Motion for a resolution*

33. Notes that Parliament and its committees already possess the machinery with which to scrutinise the Commission's impact assessments; ***stresses*** that ***this*** may take a number of forms, including complementary impact assessments, more detailed analyses, the review of Commission impact assessments by external experts and the holding of special meetings with independent experts; stresses that the work of its policy departments in this area should develop in a consistent manner;

*Amendment*

33. Notes that Parliament and its committees already possess the machinery with which to scrutinise the Commission's impact assessments; ***considers*** that ***a presentation of the impact assessment by the Commission to the relevant committees would be a valuable addition to the scrutiny undertaken in the Parliament;*** ***notes that such scrutiny*** may ***also*** take a number of ***other*** forms, including complementary impact assessments, more detailed analyses, the review of Commission impact assessments by external experts and the holding of special meetings with independent experts; stresses that the work of its policy departments in this area should develop in a consistent manner;

Or. en

**Amendment 59**  
**Cecilia Wikström, Diana Wallis**

**Motion for a resolution**  
**Paragraph 37 a (new)**

*Motion for a resolution*

*Amendment*

***37a. Stresses that apart from the usual parliamentary impact assessments commissioned by committees there should be a strengthened possibility for committees to request assessment of the added-value of European legislation, as proposed by the Bureau;***

Or. en

**Amendment 60**  
**Cecilia Wikström, Diana Wallis**

**Motion for a resolution**  
**Paragraph 37 b (new)**

*Motion for a resolution*

*Amendment*

***37b. Calls in addition for individual MEPs to have the scope to request small studies to provide them with relevant facts or statistics in areas relating to their parliamentary work, and suggests that such studies may be undertaken by the European Parliament's library to complement its current functions;***

Or. en

**Amendment 61**  
**Cecilia Wikström, Diana Wallis**

**Motion for a resolution**  
**Paragraph 37 c (new)**

*Motion for a resolution*

*Amendment*

***37c. Calls therefore for the European Parliament's Bureau to adopt plans for the European Parliament's library to provide members with this service; stresses that any plans should be based on the best practices of parliamentary libraries, including those of Member States, and should be carried out, according to strict rules and in full cooperation with the research function serving committees;***

Or. en

**Amendment 62**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 40**

*Motion for a resolution*

*Amendment*

***40. Urges that this should take place under the aegis of a separate, independent body such as a foundation, which would be answerable to the European Parliament;***

***deleted***

Or. en

**Amendment 63**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 40**

*Motion for a resolution*

*Amendment*

***40. Urges that this should take place under the aegis of a separate, independent body such as a foundation, which would be***

***40. Calls for a wide-ranging investigation into the possible options for an independent **Impact Assessment** body***

*answerable to the European Parliament;*

*within the Parliament,* such as a foundation;

Or. en

**Amendment 64**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 40**

*Motion for a resolution*

40. Urges that *this* should *take place* under the aegis of *a separate, independent body such as a foundation,* which *would be answerable to* the European Parliament;

*Amendment*

40. Urges that *the integrated impact assessment process* should *be carried out, as it is now the case,* under the aegis of *the European Parliament Policy Departments,* which *are part of* the European Parliament *administration;*

Or. en

**Amendment 65**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 41**

*Motion for a resolution*

*41. Proposes that this body be headed by a board comprising Members of the European Parliament and advised by external experts;*

*Amendment*

*deleted*

Or. en

**Amendment 66**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 41**



*Motion for a resolution*

*Amendment*

**41. Proposes that this body be headed by a board comprising Members of the European Parliament and advised by external experts;** *deleted*

Or. en

**Amendment 67**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 41**

*Motion for a resolution*

*Amendment*

**41. Proposes that this body be headed by a board comprising Members of the European Parliament and advised by external experts;** *deleted*

Or. en

**Amendment 68**  
**Jan Philipp Albrecht**

**Motion for a resolution**  
**Paragraph 42**

*Motion for a resolution*

*Amendment*

**42. Calls for the appropriate budget-neutral funding to be made available for the creation of a body at this level; also calls for the necessary administrative infrastructure to be created to this end;** *deleted*

Or. en

**Amendment 69**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 42**

*Motion for a resolution*

**42. Calls for the appropriate budget-neutral funding to be made available for the creation of a body at this level; also calls for the necessary administrative infrastructure to be created to this end;**

*Amendment*

*deleted*

Or. en

**Amendment 70**  
**Cecilia Wikström**

**Motion for a resolution**  
**Paragraph 42**

*Motion for a resolution*

42. Calls for the appropriate **budget-neutral** funding to be made available for the creation of a body at this level; also calls for the necessary administrative infrastructure to be created to this end;

*Amendment*

42. Calls for the appropriate funding to be made available for the creation of a body at this level; also calls for the necessary administrative infrastructure to be created to this end;

Or. en

**Amendment 71**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 42**

*Motion for a resolution*

42. Calls **for the appropriate budget-neutral funding to be made available for the creation of a body at this level; also calls** for the necessary administrative

*Amendment*

42. Calls for **an agreement that any suitable option should be budget neutral;**

*infrastructure to be created to this end;*

Or. en

**Amendment 72**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 43**

*Motion for a resolution*

43. Stresses that long-term deliberations should take place on the prospects of a common approach to impact assessments by the European institutions; recalls that the interinstitutional agreement of **13** December 2003 already called for a common methodological approach to impact assessments in the European institutions;

*Amendment*

43. Stresses that long-term deliberations should take place on the prospects of a common approach to impact assessments by the European institutions; recalls that the interinstitutional agreement of **16** December 2003 **and the interinstitutional common approach to Impact Assessments of November 2005** already called for a common methodological approach to impact assessments in the European institutions;

Or. en

**Amendment 73**  
**Arlene McCarthy**

**Motion for a resolution**  
**Paragraph 45**

*Motion for a resolution*

45. Notes that the Council has hitherto made very little use of impact assessment as an instrument; calls therefore on the Council too to make more intensive use of impact assessments in order to improve the quality of its contribution to European legislation;

*Amendment*

45. Notes that the Council has hitherto made very little use of impact assessment as an instrument; calls therefore on the Council too to make more intensive use of impact assessments, **in line with the interinstitutional Common Approach to Impact Assessments of November 2005**, in order to improve the quality of its contribution to European legislation, **not least when the Council is making use of**

*its right to initiate legislation;*

Or. en

**Amendment 74**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 45**

*Motion for a resolution*

45. Notes that the Council has hitherto made very little use of impact assessment as an instrument; calls therefore on the Council too to make more intensive use of impact assessments in order to improve the quality of its contribution to European legislation;

*Amendment*

45. Notes that the Council has hitherto made very little use of impact assessment as an instrument; calls therefore on the Council too to make more intensive use of impact assessments in order to improve the quality of its contribution to European legislation; ***emphasises that smart regulation based on complete and objective impact assessment remains the shared responsibility of the European institutions and of the Member States;***

Or. en

**Amendment 75**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 a (new)**

*Motion for a resolution*

46a. Calls for the cost-benefit concept in impact assessments on legislative proposals to be expanded to include specific indicators on natural and cultural resources so as to prevent their possible destruction, given that these resources are not renewable, offer added richness and require a specific and different assessment;

*Amendment*

***46a. Calls for the cost-benefit concept in impact assessments on legislative proposals to be expanded to include specific indicators on natural and cultural resources so as to prevent their possible destruction, given that these resources are not renewable, offer added richness and require a specific and different assessment;***

**Amendment 76**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 b (new)**

*Motion for a resolution*

*Amendment*

***46b. Considers it necessary, given the differences in climate in the various parts of Europe, to apply the definition of biogeographical zones used in the Convention on Biological Diversity (CBD), so that the rules apply to a specific situation, avoiding distortions;***

Or. es

**Amendment 77**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 c (new)**

*Motion for a resolution*

*Amendment*

***46c. Takes the view that it should not be possible for environmental impact assessments on projects or legislation sponsored by public administrations or their dependent undertakings to be either conducted or approved by the administration concerned;***

Or. es

**Amendment 78**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 d (new)**

*Motion for a resolution*

*Amendment*

***46d. Takes the view that, with regard to land-use planning issues and the expansion of large-scale urban developments, where responsibility lies with the Member States or regional institutions, the latter will need to revise their own procedures where appropriate so that independent impact assessment is guaranteed, ensuring that institutions benefiting from projects are obliged to accept and respect the judgment reached in impact assessments;***

Or. es

**Amendment 79**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 e (new)**

*Motion for a resolution*

*Amendment*

***46e. Takes the view that impact assessments on legislative proposals should include an economic and viability assessment applying the substitution principle, while taking into account unavoidable exceptions such as historical and natural heritage considerations, as a foundation for and guarantee of European cultural tourism; takes the view that care must be taken to ensure that substitute products do not harm competitiveness, avoiding the existence of monopoly companies;***

Or. es

**Amendment 80**  
**Cristina Gutiérrez-Cortines**

**Motion for a resolution**  
**Paragraph 46 f (new)**

*Motion for a resolution*

*Amendment*

***46f. Takes the view that, when large-scale projects covered in the 'SEI' Directive 2001/42/EC on strategic environmental assessment are implemented, the Commission should ensure the full application of all aspects of Article 3 of the 'EIA' Directive 85/337/EC, which includes: 'human beings, fauna and flora; soil, water, air, climate and the landscape; material assets and the cultural heritage; the interaction between the factors mentioned in the first, second and third indents';***

Or. es