



**2016/2018(INI)**

6.2.2018

# **AMENDMENTS**

## **1 - 44**

**Draft opinion**  
**Adina-Ioana Vălean**  
(PE615.308v01-00)

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



**Amendment 1**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Regrets the fact that it is not usually possible to access certain Council documents relating to international agreements, particularly negotiating mandates;

*Amendment*

1. Regrets the fact that it is not usually possible to access certain Council documents relating to international agreements, particularly negotiating mandates; ***regards this state of affairs as a lack of transparency and an obstacle to democracy;***

Or. fr

**Amendment 2**  
**Luke Ming Flanagan**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

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;

*Amendment*

2. Calls for a more harmonised and structured approach, with guaranteed access for Parliament ***and for all Parliamentarians whether in opposition or in government*** 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;

Or. en

**Amendment 3**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

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;

*Amendment*

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, ***so that minimum transparency and democracy requirements can be met***; 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;

Or. fr

**Amendment 4**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

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;

*Amendment*

3. ***Notes*** 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;

Or. fr

**Amendment 5**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences;

*Amendment*

4. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences, ***even though, as the EU institution representing the peoples of Europe, it should have the right to do so;***

Or. fr

**Amendment 6**  
**Luke Ming Flanagan**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences;

*Amendment*

4. Regrets the fact that Parliament is not allowed to attend, ***even*** as an observer, EU coordination meetings during international conferences;

Or. en

**Amendment 7**  
**Jo Leinen**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Calls on the three 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***

**Amendment 8**  
**Luke Ming Flanagan**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. 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;

*Amendment*

5. 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, ***and in that vein, suggests that where this occurs, such delegation of power to the Commission should be revised to include trilogue-type consultation with the European Parliament and with the Council;***

**Amendment 9**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. 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;

*Amendment*

5. 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; ***emphasises the need, therefore, for strict compliance with the requirement not to modify key elements of the legislative act and the requirement to define the objectives, substance, scope and duration of the***

*delegation of powers, and the possibility for the delegation of power to be revoked or objections to be raised to the delegated acts that have been adopted;*

Or. fr

**Amendment 10**  
**Jo Leinen**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Believes that further progress is needed in setting up non-binding criteria for the application of Articles 290 and 291 of the Treaty on the Functioning of the European Union, in order to ensure the accurate definition and application of implemented and delegated acts;*

Or. en

**Amendment 11**  
**Bas Eickhout**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Recalls that, as laid down in its recital 7, the new inter-institutional agreement should facilitate the negotiations in the framework of the ordinary legislative procedure and improve the application of Articles 290 and 291 TFEU, but deplores that this has not yet materialised; 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;*

Or. en

**Amendment 12**  
**Bas Eickhout**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

***5b. Is very concerned that the Council is trying almost systematically to replace delegated acts with either implementing acts or with the ordinary legislative procedure; finds it particularly unacceptable when Council is trying to use the post-Lisbon alignment to replace the regulatory procedure with scrutiny with implementing acts or with the ordinary legislative procedure instead of delegated acts;***

Or. en

**Amendment 13**  
**Bas Eickhout**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

***5c. Stresses that the conferral of implementing powers under Article 291 TFEU for decisions that fall under Article 290 TFEU violates the Treaty and as a result unduly deprives Parliament of its control rights; points out that using the ordinary legislative procedure for amendments of non-essential elements of general scope in the basic act instead of delegated acts establishes a far higher threshold for such amendments;***

*considers that such a higher threshold as well as full control by both sides of the co-legislator may indeed be politically desirable in certain sensitive matters, that it is however counter-productive in other matters (e.g. of more technical nature), insofar as it makes it far more difficult if not unlikely that necessary adaptations are made;*

Or. en

**Amendment 14**  
**Bas Eickhout**

**Draft opinion**  
**Paragraph 5 d (new)**

*Draft opinion*

*Amendment*

**5d.** *Expresses disappointment at the fact that the Commission did not always defend its own original proposals with regard to the use of delegated acts;*

Or. en

**Amendment 15**  
**Julie Girling**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

6. 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;

6. Recalls that *in the case of* Union lists or registers of products or substances, *a careful analysis should be undertaken by the co-legislators regarding whether it is more appropriate to amend such lists and registers by* delegated *or implementing* acts; stresses that the creation of self-standing lists should be avoided in the interests of legal certainty;

**Amendment 16**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. 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;

*Amendment*

6. Recalls that politically significant elements, such as Union lists or registers of products or substances, **must** 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;

Or. fr

**Amendment 17**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. 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;

*Amendment*

7. Looks forward to making use of a well-structured and user-friendly functional register of delegated acts, **translated into all 24 official languages of the EU**, which was published on 12 December 2017 and had been requested by Parliament;

Or. fr

**Amendment 18**  
**Jo Leinen**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

**7a. Reminds the three Institutions that further progress is needed in establishing a dedicated joint database on the state of play of legislative files;**

Or. en

**Amendment 19**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 8**

*Draft opinion*

*Amendment*

8. 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;

8. 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, **as is standard practice in the legislative process of most Member States;**

Or. fr

**Amendment 20**  
**Nicola Caputo**

**Draft opinion**  
**Paragraph 8 a (new)**

*Draft opinion*

*Amendment*

**8a. Takes the view that the Commission should determine the cost to producers, consumers and the environment of not having harmonised legislation at EU level and of the fact that differing national rules generate additional costs and make policies less**

*effective;*

Or. it

**Amendment 21**  
**Luke Ming Flanagan**

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

9. 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;

*Amendment*

9. Stresses that ***while*** impact assessments should serve as ***an important*** guide for better law-making and as an aid for making political decisions, ***they are not meant to*** replace political decisions within the democratic decision-making process, nor should they hinder the role of ***political*** decision-makers, ***who are ultimately accountable to the people they serve;***

Or. en

**Amendment 22**  
**Julie Girling**

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

9. 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;***

*Amendment*

9. Stresses that impact assessments should serve as a guide for better law-making, and as an aid for making political decisions, and ***may indeed help to reinforce Parliament's position without replacing*** the democratic decision-making process;

Or. en

**Amendment 23**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

9. 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;

*Amendment*

9. Stresses that impact assessments, ***in spite of their importance and the need to make them more forward-looking***, 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;

Or. fr

**Amendment 24**  
**Julie Girling**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. 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***;

*Amendment*

10. Considers that impact assessments ***provide clear added value in terms of assisting the development of legislation with a strong evidential base***;

Or. en

**Amendment 25**  
**Luke Ming Flanagan**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. 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;

*Amendment*

10. Considers that **while** impact assessments should not cause undue delays to legislative procedures, nor should they be **utilized purely** as procedural obstacles in an attempt to delay unwanted legislation, ***the emphasis here should be on the word 'undue', that it is better and less damaging in the long term to pause and reflect rather than proceed in ignorance;***

Or. en

**Amendment 26**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. 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;

*Amendment*

10. Considers that impact assessments, ***in spite of their importance and the need to make them more forward-looking,*** should not cause undue delays to legislative procedures, nor should they be utilised as procedural obstacles in an attempt to delay unwanted legislation;

Or. fr

**Amendment 27**  
**Jo Leinen**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

***10a. Calls on the Commission to use the impact assessments as well as ex-post evaluations to examine the compatibility of an initiative, proposal or piece of***

*existing legislation in line with the Sustainable Development Goals 2030, as well as the respective impact on their progress and implementation;*

Or. en

**Amendment 28**  
**Julie Girling**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

**10a. Calls for the Impact Assessment Handbook, and if necessary, its Rules of Procedure, to provide that an Impact Assessment on substantive amendments can be requested by a Committee where it is supported by political groups representing at least 40% of the members of the Committee;**

Or. en

**Amendment 29**  
**Julie Girling**

**Draft opinion**  
**Paragraph 11**

*Draft opinion*

*Amendment*

11. 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;***

11. Believes that certain administrative burdens are necessary for ensuring proper compliance with legislative objectives and the required level of protection, ***whilst taking the view that the new Annual Burden Survey (ABS) provides scope to identify and monitor over-regulation and to reduce unnecessary administrative burdens;***

Or. en

**Amendment 30**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 11**

*Draft opinion*

11. 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;

*Amendment*

11. Believes that *rules* 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;

Or. fr

**Amendment 31**  
**Daciana Octavia Sârbu**

**Draft opinion**  
**Paragraph 11**

*Draft opinion*

11. 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;

*Amendment*

11. 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; *regrets the blanket criticism of 'red tape', which is used to resist necessary regulation and compliance mechanisms;*

Or. en

**Amendment 32**  
**Jan Huitema**

**Draft opinion**  
**Paragraph 11 a (new)**

*Draft opinion*

*Amendment*

**11a.** *Stresses the importance to avoid unnecessary bureaucracy and takes into account the correlation between company size and resources to implement the obligations required;*

Or. en

**Amendment 33**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 12**

*Draft opinion*

*Amendment*

12. 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;

12. 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 **Member State citizens, such as** the protection of the environment, public health or food safety;

Or. fr

**Amendment 34**  
**Julie Girling**

**Draft opinion**  
**Paragraph 13**

*Draft opinion*

*Amendment*

13. **Opposes** the setting of a net target for reducing regulatory costs, **as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the**

13. **Believes that** the setting of a net target for reducing regulatory costs **via the ABS will play a key role in the future implementation and application of EU legislation and all national measures**

*corresponding benefits of regulation;*

*going beyond the provisions in EU legislation ("gold-plating");*

Or. en

**Amendment 35**  
**Jan Huitema**

**Draft opinion**  
**Paragraph 13**

*Draft opinion*

13. *Opposes* the setting of a net target for reducing regulatory costs, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation;

*Amendment*

13. *While stressing the need to consider and improve the efficiency of existing interventions by reducing unnecessary regulatory costs, it considers* the setting of a net target for reducing regulatory costs *as not appropriate*, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation;

Or. en

**Amendment 36**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 13**

*Draft opinion*

13. Opposes the setting of a net target for reducing regulatory costs, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation;

*Amendment*

13. Opposes the setting of a net target for reducing regulatory costs, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation; *stresses, at the same time, the need for the cost of regulation to be kept under control;*

Or. fr

**Amendment 37**  
**Julie Girling**

**Draft opinion**  
**Paragraph 14**

*Draft opinion*

14. 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; *considers, however, that proposals which permit the option of lighter regimes and exemptions for SMEs should be assessed on a case-by-case basis.*

*Amendment*

14. 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, whilst continuing to ensure high standards of consumer, employee, public health and environmental protection;*

Or. en

**Amendment 38**  
**Mireille D'Ornano**

**Draft opinion**  
**Paragraph 14**

*Draft opinion*

14. *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; considers, however, that proposals which permit the option of lighter regimes and exemptions for SMEs should be assessed on a case-by-case basis.

*Amendment*

14. *Notes* 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; considers, however, that proposals which permit the option of lighter regimes and exemptions for SMEs should be assessed on a case-by-case basis;

**Amendment 39**  
**Julie Girling**

**Draft opinion**  
**Paragraph 14 a (new)**

*Draft opinion*

*Amendment*

***14a. Welcomes the establishment of the Commission Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently", which must work hand in hand with the IIA to increase the trust of citizens who consider the principle of subsidiarity to be a key aspect of the democratic process;***

Or. en

**Amendment 40**  
**Julie Girling**

**Draft opinion**  
**Paragraph 14 b (new)**

*Draft opinion*

*Amendment*

***14b. 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;***

Or. en

**Amendment 41**  
**Jo Leinen**

**Draft opinion**  
**Subheading after paragraph 14 (new)**

*Draft opinion*

*Amendment*

***Implementation and application of EU law***

Or. en

**Amendment 42**

**Jo Leinen**

**Draft opinion**

**Paragraph 14 b (new)**

*Draft opinion*

*Amendment*

***14b. 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 as well as health care and food safety;***

Or. en

**Amendment 43**

**Jo Leinen**

**Draft opinion**

**Paragraph 14 c (new)**

*Draft opinion*

*Amendment*

***14c. Calls on the Member States to refrain as much as possible from adding additional administrative requirements when transposing EU-legislation, and in accordance with paragraph 43 of the IIA, make such additions identifiable in the transposing act or associated documents;***

**Amendment 44**

**Jo Leinen**

**Draft opinion**

**Paragraph 14 d (new)**

*Draft opinion*

*Amendment*

***14d. 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 as well as health care and food safety;***

Or. en