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# CONTENTS

## TEXTS ADOPTED

### **P6\_TA-PROV(2007)0360**

#### **NUTS – amending Regulation (EC) No 1059/2003 by reason of the accession of Bulgaria and Romania to the EU \*\*\*I**

*(A6-0285/2007 - Rapporteur: Gerardo Galeote)*

European Parliament legislative resolution of 4 September 2007 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of Bulgaria and Romania to the European Union (COM(2007)0095 – C6-0091/2007 – 2007/0038(COD)) ..... 1

### **P6\_TA-PROV(2007)0361**

#### **Europol analysis files \***

*(A6-0288/2007 - Rapporteur: Agustín Díaz de Mera García Consuegra)*

European Parliament legislative resolution of 4 September 2007 on the initiative of the Republic of Finland with a view to adopting a Council decision amending the Council Act adopting rules applicable to Europol analysis files (16336/2006 – C6-0048/2007 – 2007/0802(CNS)) ..... 12

### **P6\_TA-PROV(2007)0362**

#### **Natural disasters**

*(RC B6-0323, 0324, 0325, 0327/2007)*

European Parliament resolution of 4 September 2007 on this summer's natural disasters ..... 14

### **P6\_TA-PROV(2007)0363**

#### **Better Regulation**

*(A6-0273/2007 - Rapporteur: Katalin Lévai)*

European Parliament resolution of 4 September 2007 on Better Regulation in the European Union (2007/2095(INI)) ..... 21

### **P6\_TA-PROV(2007)0364**

#### **Better law-making 2005: subsidiarity and proportionality**

*(A6-0280/2007 - Rapporteur: Bert Doorn)*

European Parliament resolution of 4 September 2007 on Better law-making 2005: application of the principles of subsidiarity and proportionality – 13th annual report (2006/2279(INI)) ..... 31

### **P6\_TA-PROV(2007)0365**

#### **Simplification of the regulatory environment**

*(A6-0271/2007 - Rapporteur: Giuseppe Gargani)*

European Parliament resolution of 4 September 2007 on the strategy for the simplification of the regulatory environment (2007/2096(INI))..... 37

**P6\_TA-PROV(2007)0366**

**Use of “soft law”**

*(A6-0259/2007 - Rapporteur: Manuel Medina Ortega)*

European Parliament resolution of 4 September 2007 on institutional and legal implications of the use of “soft law” instruments (2007/2028(INI)) ..... 42

**P6\_TA-PROV(2007)0367**

**The Single Market Review**

*(A6-0295/2007 - Rapporteur: Jacques Toubon)*

European Parliament resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement (2007/2024(INI))..... 48

## **P6\_TA-PROV(2007)0360**

### **NUTS – amending Regulation (EC) No 1059/2003 by reason of the accession of Bulgaria and Romania to the EU \*\*\*I**

**European Parliament legislative resolution of 4 September 2007 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of Bulgaria and Romania to the European Union (COM(2007)0095 – C6-0091/2007 – 2007/0038(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0095)<sup>1</sup>,
  - having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0091/2007),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A6-0285/2007),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it by another text;
  3. Instructs its President to forward this resolution to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

**Position of the European Parliament adopted at first reading on 4 September 2007 with a view to the adoption of Regulation (EC) No .../2007 of the European Parliament and of the Council amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of Bulgaria and Romania to the European Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 (1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,

Whereas:

- (1) Regulation (EC) No 1059/2003<sup>4</sup> constitutes the legal framework for the regional classification in order to enable the collection, compilation and dissemination of harmonised regional statistics in the Community.
- (2) All Member States' statistics transmitted to the Commission, which are broken down by territorial units, should use the NUTS classification, where applicable.
- (3) It is necessary to adapt the Annexes to Regulation (EC) No 1059/2003 to take into account the accession of Bulgaria and Romania to the European Union.

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<sup>1</sup> OJ C 175, 27.7.2007, p. 13.

<sup>2</sup> OJ C , , p. .

<sup>3</sup> *Position of the European Parliament of 4 September 2007.*

<sup>4</sup> OJ L 154, 21.6.2003, p. 1. Regulation as *last* amended by *Commission Regulation (EC) No 105/2007 (OJ L 39, 10.2.2007, p. 1).*

(4) Regulation (EC) No 1059/2003 should therefore be amended accordingly.

(5) *Since the objectives of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data, cannot be sufficiently achieved by the Member States acting alone and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives,*

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1059/2003 is amended as follows:

1. Annex I is amended in accordance with the text shown in Annex I to this Regulation.
2. Annex II is amended in accordance with the text shown in Annex II to this Regulation.
3. Annex III is amended in accordance with the text shown in Annex III to this Regulation.

Article 2

This Regulation shall enter into force the day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ||,

For the European Parliament  
The President

For the Council  
The President

## ANNEX I

Annex I to Regulation (EC) No 1059/2003 is amended as follows:

1. The following table is inserted between BE – BELGIQUE/BELGIË and CZ – ČESKÁ REPUBLIKA:

“  
БЪЛГАРИЯ

CODE	NUTS 1	NUTS 2	NUTS 3
BG			
BG3	СЕВЕРНА И ЮГОИЗТОЧНА БЪЛГАРИЯ		
BG31		Северозападен	
BG311			Видин
BG312			Монтана
BG313			Враца
BG314			Плевен
BG315			Ловеч
BG32		Северен централен	
BG321			Велико Търново
BG322			Габрово



BG323			Русе
BG324			Разград
BG325			Силистра
BG33		Североизточен	
BG331			Варна
BG332			Добрич
BG333			Шумен
BG334			Търговище
BG34		Югоизточен	
BG341			Бургас
BG342			Сливен
BG343			Ямбол
BG344			Стара Загора
BG4	ЮГОЗАПАДНА И ЮЖНА ЦЕНТРАЛНА БЪЛГАРИЯ		
BG41		Югозападен	
BG411			София (столица)

BG412			София
BG413			Благоевград
BG414			Перник
BG415			Кюстендил
BG42		Южен централен	
BG421			Пловдив
BG422			Хасково
BG423			Пазарджик
BG424			Смолян
BG425			Кърджали
BGZ	EXTRA-REGIO		
BGZZ		Extra-Regio	
BGZZZ			Extra-Regio

”

2. The following table is inserted between PT – PORTUGAL and SI – SLOVENIJA:

“  
ROMÂNIA

CODE	NUTS 1	NUTS 2	NUTS 3
RO			
RO1	MACROREGIUNEA UNU		
RO11		Nord-Vest	
RO111			Bihor
RO112			Bistrița-Năsăud
RO113			Cluj
RO114			Maramureș
RO115			Satu Mare
RO116			Sălaj
RO12		Centru	
RO121			Alba
RO122			Brașov
RO123			Covasna
RO124			Harghita
RO125			Mureș
RO126			Sibiu

RO2	MACROREGIUNEA DOI		
RO21		Nord-Est	
RO211			Bacău
RO212			Botoșani
RO213			Iași
RO214			Neamț
RO215			Suceava
RO216			Vaslui
RO22		Sud-Est	
RO221			Brăila
RO222			Buzău
RO223			Constanța
RO224			Galați
RO225			Tulcea
RO226			Vrancea
RO3	MACROREGIUNEA TREI		
RO31		Sud - Muntenia	
RO311			Argeș
RO312			Călărași

RO313			Dâmbovița
RO314			Giurgiu
RO315			Ialomița
RO316			Prahova
RO317			Teleorman
RO32		București - Ilfov	
RO321			București
RO322			Ilfov
RO4	MACROREGIUNEA PATRU		
RO41		Sud-Vest Oltenia	
RO411			Dolj
RO412			Gorj
RO413			Mehedinți
RO414			Olt
RO415			Vâlcea
RO42		Vest	
RO421			Arad
RO422			Caraș-Severin
RO423			Hunedoara
RO424			Timiș
ROZ	EXTRA-REGIO		
ROZZ		Extra-Regio	
ROZZZ			Extra-Regio

## ANNEX II

Annex II to Regulation (EC) No 1059/2003 is amended as follows:

1. The following is inserted in the paragraph referring to NUTS level 3 between Belgium and the Czech Republic:

“for Bulgaria ‘Области (Oblasti)’ ,”

2. The following is inserted in the paragraph referring to NUTS level 3 between Hungary and the Slovak Republic:

“for Romania ‘Județe’ ,”

### ANNEX III

Annex III to Regulation (EC) No 1059/2003 is amended as follows:

1. The following is inserted between Belgium and the Czech Republic:

“for Bulgaria ‘*Община (Obshtini)*’,”

2. The following is inserted between Portugal and Slovenia:

“for Romania ‘Municipii, Orașe, Comune’,”

## P6\_TA-PROV(2007)0361

### Europol analysis files \*

**European Parliament legislative resolution of 4 September 2007 on the initiative of the Republic of Finland with a view to adopting a Council decision amending the Council Act adopting rules applicable to Europol analysis files (16336/2006 – C6-0048/2007 – 2007/0802(CNS))**

#### (Consultation procedure)

*The European Parliament,*

- having regard to the initiative by the Republic of Finland (16336/2006)<sup>1</sup>,
  - having regard to Article 10(1) of the Convention, based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention<sup>2</sup>), signed in Brussels on 26 July 1995,
  - having regard to Articles 30(1)(b), 30(2) and 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0048/2007),
  - having regard to the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files<sup>3</sup>,
  - having regard to the Council Act of 27 November 2003 drawing up on the basis of Article 43(1) of the Europol Convention, a Protocol amending that Convention<sup>4</sup>,
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0288/2007),
1. Approves the initiative by the Republic of Finland as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Republic of Finland substantially;

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<sup>1</sup> OJ C 41, 24.2.2007, p. 5.

<sup>2</sup> OJ C 316, 27.11.1995, p. 2.

<sup>3</sup> OJ C 26, 30.1.1999, p. 1

<sup>4</sup> OJ C 2, 6.1.2004, p. 1



5. Instructs its President to forward its position to the Council and the Commission and the Government of the Republic of Finland.

Text proposed by the Republic of  
Finland/the Council

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Amendments by Parliament

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Amendment 1

ARTICLE 1, POINT 4, POINT (B)

Article 12, paragraph 3 (Council Act 1999/C 26/01)

(b) *in* paragraph 3 shall be replaced by the following:

"3. Analysis activities *and the dissemination of analysis results* may begin immediately after the analysis file has been opened in accordance with Article 12(1) of the Europol Convention. Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately.";

(b) paragraph 3 shall be replaced by the following:

"3. Analysis activities may begin immediately after the analysis file has been opened in accordance with Article 12(1) of the Europol Convention. *The Management Board shall only authorize the transmission of the analysis results once the Joint Supervisory Body has communicated its comments concerning the opening of such a file.* Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately.";

Amendment 2

ARTICLE 1, POINT 6

Article 15, paragraphs 4 and 5 (Council Act 1999/C 26/01)

**6) Article 15(4) and (5) shall be deleted.**

**deleted**

## P6\_TA-PROV(2007)0362

### Natural disasters

#### European Parliament resolution of 4 September 2007 on this summer's natural disasters

*The European Parliament,*

- having regard to Articles 2, 6 and 174 of the EC Treaty,
- having regard to its resolutions of 7 September 2006 on forest fires and floods<sup>1</sup>, 5 September 2002 on floods in Europe<sup>2</sup>, 14 April 2005 on the drought in Portugal<sup>3</sup>, 12 May 2005 on the drought in Spain<sup>4</sup> and 8 September 2005 on natural disasters (fires and floods) in Europe<sup>5</sup>, and its resolutions of 18 May 2006 on natural disasters (forest fires, droughts and floods) – agricultural aspects<sup>6</sup>, regional development aspects<sup>7</sup> and environmental aspects<sup>8</sup>,
- having regard to the two joint public hearings organised by its Committee on Regional Development, its Committee on the Environment, Public Health and Food Safety and its Committee on Agriculture and Rural Development on a 'European Strategy for Natural Disasters' (20 March 2006), and on the 'European civil protection force: Europe aid' (5 October 2006),
- having regard to the Council Decision of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (2001/792/EC, Euratom)<sup>9</sup>, to the anticipated adoption of the recast Council Decision establishing a Community civil protection mechanism and to Parliament's position of 24 October 2006 thereon<sup>10</sup>,
- having regard to the Commission proposal for a regulation of the European Parliament and the Council establishing a European Union Solidarity Fund (COM(2005)0108), and to Parliament's position of 18 May 2006 thereon<sup>11</sup>,
- having regard to Michel Barnier's report of 9 May 2006, entitled 'For a European civil protection force: Europe aid',
- having regard to its legislative resolution of 25 April 2007 on the Council common position with a view to the adoption of a directive on the assessment and management of

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<sup>1</sup> OJ C 305 E, 14.12.2006. p. 240.

<sup>2</sup> OJ C 272 E, 13.11.2003, p. 471.

<sup>3</sup> OJ C 33 E, 9.2.2006, p. 599.

<sup>4</sup> OJ C 92 E, 20.4.2006, p. 414.

<sup>5</sup> OJ C 193 E, 17.8.2006, p. 322.

<sup>6</sup> OJ C 297 E, 7.12.2006, p. 363.

<sup>7</sup> OJ C 297 E, 7.12.2006., 369.

<sup>8</sup> OJ C 297 E, 7.12.2006., p. 375.

<sup>9</sup> OJ L 297, 15.11.2001, p. 7.

<sup>10</sup> OJ C 313 E, 20.12.2006, p. 100.

<sup>11</sup> OJ C 297 E, 7.12.2006, p. 331.

- floods<sup>1</sup>,
- having regard to the Council Decision of 5 March 2007 establishing a Civil Protection Financial Instrument (2007/162/EC, Euratom)<sup>2</sup>,
  - having regard to the conclusions of the Justice and Home Affairs Council of 12 and 13 June 2007 on enhancing the coordination capacity of the Monitoring and Information Centre (MIC) within the Community civil protection mechanism,
  - having regard to the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) of December 1997 and the Community's ratification of the Kyoto Protocol on 4 March 2002,
  - having regard to Regulation (EC) No 2152/2003 of 17 November 2003 (the 'Forest Focus' regulation),
  - having regard to point 12 of the Presidency Conclusions of the Brussels European Council of 15 and 16 June 2006 concerning the Union's responsiveness to emergencies, crises and disasters,
  - having regard to the Commission Communication addressing the challenge of water scarcity and droughts in the European Union (COM(2007)0414),
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. having regard to the devastating fires and the violent floods which have caused death and destruction throughout Europe, in particular in Greece and the United Kingdom, during the summer of 2007, affecting EU Member States, and also outermost regions, in particular Martinique and Guadeloupe, which were hit by Hurricane Dean, applicant countries and the EU's immediate neighbours; whereas the area burned in July alone was as large as the total area burned during the whole of last year; whereas, in the month of August, Greece experienced a severe national tragedy as a result of one of the most lethal fires to have occurred in the world since 1871,
- B. whereas the total area of vegetation and woodland, including Sites of Community Importance (SCIs) forming part of the Natura 2000 network and other areas of major ecological value, with ecological connectivity between the whole region, that was affected by the fires in Europe this summer is more than 700 000 hectares, and the most severely affected countries are Greece, Italy, Bulgaria, Cyprus, Croatia, the Former Yugoslav Republic of Macedonia, Spain (and in particular the Canary Islands and the province of Castellón), Ukraine, Turkey and Albania,
- C. whereas the recent devastating forest fires in Greece resulted in the loss of more than 60 human lives and injuries to many people, the burning of more than 250 000 hectares, including thousands of hectares of forest and brush land, the loss of animals, the destruction of many houses and properties and the obliteration of villages,
- D. whereas, at the same time, other parts of Europe experienced severe floods, in particular

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<sup>1</sup> Texts adopted, P6\_TA(2007)0143.

<sup>2</sup> OJ L 71, 10.03.2007 p. 9.

the United Kingdom, resulting in the loss of at least 10 lives and causing damage estimated at EUR 5 billion to homes, schools, infrastructure and agriculture and the failure of supplies of clean water to over 420 000 people, leading to the displacement of large numbers of people and significant losses for businesses, agriculture and the tourist industry; whereas Italy has experienced the critical situation of floods in the Centre-North and droughts and fires in the South while extreme droughts occurred in Eastern Europe, particularly in Romania,

- E. whereas the Community Civil Protection Mechanism was activated twelve times for the same kind of emergency in a two-month period, and seven of the emergencies were simultaneous; whereas Member State assistance was not sufficient to ensure a rapid and adequate civil protection response to all of the emergencies,
- F. whereas, with increasingly hot and dry summer seasons in Southern Europe, forest fires and other wild fires are a recurrent phenomenon, but still vary dramatically from year to year in intensity and in geographical location; whereas the trend of these disastrous events is also influenced by climate change and is linked to the increasing occurrence of heat waves and droughts, as was noted in the abovementioned Commission Communication; whereas investment in combating climate change is therefore an investment in preventing drought and forest fire disasters; whereas, in periods of drought, which are becoming increasingly long, it will always be more difficult to restore forests after a fire, and this brings an attendant risk of desertification,
- G. having regard to the damaging economic and social consequences of the natural disasters for regional economies, productive activity and tourism,
- H. whereas the high number of fires in southern Europe in 2007, as well as their extent, is the result of a number of factors, including climate change, an inadequate definition and inadequate care of forests and a combination of natural causes and human negligence, but also of criminal activities, together with the inadequate implementation of laws prohibiting illegal building on burnt land,
- I. whereas the European Union needs to acknowledge the specific nature of natural disasters occurring in the form of Mediterranean droughts and fires and to adapt its prevention, research, risk management, civil defence and solidarity tools accordingly,
  - 1. Expresses its condolences to and strong solidarity with the relatives of those who lost their lives and with residents in the affected areas;
  - 2. Pays tribute to the fire-fighters, other professionals and volunteers who have worked tirelessly and risked their lives to extinguish fires, rescue people and limit damage from this summer's natural disasters, as well as to the many individuals who fought to save their livelihoods and their surrounding environment;
  - 3. Calls on the Commission to mobilise the current EU Solidarity Fund (EUSF) in the most flexible manner possible and without delay, avoiding time-consuming procedures and administrative obstacles; considers, in this respect, that the necessary resources need to be made available immediately for the purpose of relieving the suffering and satisfying the needs of victims and their immediate families by means of the EUSF, any other Community instrument (e.g. Structural Funds or the EARDF), or any other possible financial means based on the implementation conditions of the Community funds, such as

- the partnership principle and sustainable development;
4. Urges the Commission to introduce extraordinary Community aid arrangements, especially of a financial nature, so as to support the rehabilitation of the regions which have suffered heavy damage, restore the productive potential in affected areas, seek to re-launch job creation and take appropriate measures to compensate the social costs inherent in the loss of jobs and other income sources;
  5. Emphasises the need to speed up the procedure to access EU funds for the recovery of agricultural land following floods and fires and for more financial aid to be made available for the development of flood defences; calls on the Commission and the Member States to review and share best practices in the light of the latest research into the increased risks of flooding and forest fires caused by the way in which land, habitats and drainage are managed; urges the Member States to facilitate natural drainage and water retention in the environment as far as possible while increasing the capacity of flood control and drainage infrastructure in order to limit the damage that might arise from extreme rainfall;
  6. Acknowledges the solidarity of the European Union, its Member States and other countries in assisting the affected regions during forest fire emergencies, with the supply of aircraft, fire-fighting equipment and expertise, as well as the commendable help provided to the relevant authorities and rescue teams; considers that the scale and impact of these phenomena frequently go beyond the regional and national level and capabilities and call for an effective European commitment as a matter of urgency;
  7. Recognises the contribution of the MIC in supporting and facilitating the mobilisation and coordination of civil protection assistance during emergencies; notes, however, that Member State resources to combat forest fires, especially by aerial means, are limited and that it is not always possible for Member States to offer support when the resources are needed on their national territory; notes, as a result, that some Member States received less assistance than others and had to rely on bilateral agreements with non-EU states for assistance; regrets, therefore, that in some cases the EU as a whole failed to display sufficient solidarity;
  8. Strongly urges the Council to reach a decision, without further delay, on the proposed EU Solidarity Fund regulation, bearing in mind that Parliament adopted its position in May 2006; considers the Council's delay in this respect unacceptable; believes that the new regulation, which - along with other measures - lowers the thresholds for the mobilisation of the EUSF, will make it possible to address damage in a more effective, flexible and timely manner; calls on the Portuguese Presidency-in-Office, as well as the EU Ministers for Finance, the Environment, Agriculture and Regional Development, to take swift and firm action immediately; suggests to this end that an extraordinary joint Council meeting of responsible EU Ministers be called, at which Parliament and the Commission would be present as observers;
  9. Calls for the creation of a European force that could immediately react in emergencies, as proposed in Commissioner Barnier's report, and regrets the lack of response and follow-up in this regard; also emphasises, in this context, the need to continue the development of a rapid reaction capability based on the civil protection mechanisms of the Member States, as was called for by the Brussels European Council of 16 and 17 June 2006; calls

on the Commission to draw up a proposal to this end; emphasises the role of the Member States and their local authorities in effectively preventing and combating fires;

- 10 Urges the Commission to request from the Member States information on the operational programmes that are in place to deal with natural disasters and to solicit their experiences in the application thereof and, furthermore, to examine the adequacy of the prevention, preparedness and response measures utilised, with a view to the exchange of experiences and the drawing of conclusions on immediate measures, the coordination of administrative and operational bodies and the availability of necessary human resources and material; invites the Commission to explore the potential for cooperation with the EU's neighbouring countries and other third countries in fighting disastrous fires, exchanging best practices and sharing capabilities during the hazardous summer months in order to be better prepared for the summer of 2008;
11. Considers that the previous years' experience and other recent experience emphasises the need to strengthen the Community civil protection prevention preparedness and response capability in relation to forest and other wild fires, and strongly urges the Commission to take action to this end;
12. Invites the Commission to examine the possibility of having prearranged access to a complementary capability to ensure a rapid response to major emergencies, which may be available from other sources, including the commercial market; suggests that the cost of the stand-by force could be covered using the Civil Protection Financial Instrument;
13. Welcomes the recent Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument and believes that the actions funded under this instrument should ensure the visible expression of European solidarity and provide further European added value to the effective management of natural disasters; is concerned, however, that the amount allocated to this new instrument will not be sufficient for its ambitious tasks to be carried out effectively;
14. Emphasises the need for stronger measures aimed at the prevention of natural disasters and, in this connection, eagerly awaits the publication in 2008 of two Commission studies aimed at the creation of an integrated strategy for the prevention of natural disasters; suggests furthermore that the Commission look into potential uses of open coordination for the purpose of preventing natural disasters, through comprehensive care for the land in order to increase the retention capacity of bodies of water and comprehensive forest care to reduce as far as possible the fire load of forests and the spread and velocity of fires; points out that the recovered biomass could contribute to the economic feasibility of operations;
15. Calls on the Commission to carry out more research geared to improving forest fire prevention and forest fire-fighting methods and materials and to review planning and land use; urges the Member States, therefore, to take strong action to improve and implement their forest protection legislative framework and to abstain from commercialisation, reclassification and privatisation activities, thus limiting intrusion and speculation; considers that all available EU know-how, including satellite systems, should be used to this end;
- 16 Deplores the fact that so many of these forest fires appear to have been started by acts of

- arson, and is particularly concerned that criminal acts of arson are increasingly to blame for forest fires in Europe; calls on the Member States, therefore, to strengthen penal sanctions for criminal acts that damage the environment and, in particular, for those causing forest fires, and believes that prompt and effective investigation in order to establish liability, followed by proportionate punishment, would discourage negligent and deliberate behaviour;
17. Voices its concern at the growing number of disasters caused by extreme climatic events which, according to experts, may be attributed largely to climate change attributable to global warming; calls, accordingly, on the Member States to take the necessary steps to comply with the Kyoto goals, and calls on the Commission to take action to ensure respect for the Kyoto commitments and ensure their follow-up; calls on the Commission and all relevant public authorities to take into account climate change and the increased likelihood of disasters such as flooding and forest fires when setting budgets and contingency reserves for the emergency services;
  18. Calls on the Commission to continue collaboration with national authorities in order to develop policies that minimise the environmental impact of fires; calls for a reforestation policy based on respect for bio-climatic and environmental characteristics; emphasises the need to collect and register data relating to the natural resources of each Member State, through the creation of 'Green National Accounts' in the form of a database open to all citizens;
  19. Stresses the need to take special care in cases of natural disasters of the specific needs of people with disabilities in all actions undertaken using the Civil Protection Mechanisms;
  20. Considers that Volunteer Civil Protection Action should be promoted and supported without delay, with basic training activities and equipment that might harness advanced technologies, since this is one of the major resources available to the Member States when dealing with states of emergency arising from natural disasters; calls on the European Union and its Member States to make society aware of the value of our forests and their resources and the benefits of their conservation, promoting the involvement of civil society through organised volunteering or by other methods;
  21. Believes that a precondition of the long-term protection and territorial care of forests is sustainable programming and implementation of regional and rural development plans that aim to reduce the depopulation of rural areas, create new diversified rural income, especially for the younger generation, and establish the necessary modernised infrastructure to attract sustainable tourism and services to rural areas;
  22. Stresses that natural disasters, and in particular forest fires, have this year placed in considerable danger monuments and archaeological sites that are of major importance to the European cultural heritage; draws attention, in this connection, to the threat to Ancient Olympia, birthplace of the Olympic Games and, in particular, its museum, as a World Heritage Site; requests that resources be made available immediately for the purposes of restoration should sites forming part of European cultural heritage be damaged by continuing forest fires;
  23. Urges the Member States to ensure that all burned forest areas remain forests and be covered by reforestation programmes, including compulsory conditions, and that no land

use change be allowed, to implement adequate legislation on conservation and appropriate land use, including sustainable farm and forestry practices, water management and efficient risk management and to immediately plan extended reconstruction policies for tourism and the local economy where it is affected;

24. Calls on the Commission to monitor the proper, efficient and effective use of all emergency funds made available to Member States to tackle the consequences of natural disasters and calls on the Member States to ensure the repayment of improperly used Community aid, for example in the case of the non-fulfilment of reforestation plans, and to ensure cadastral updating;
25. Condemns the practice of legalisation of illegal construction on protected and generally non-authorised areas, and urges that all attempts at reducing forest protection via changes to the Greek Constitution (Article 24) be stopped immediately;
26. Suggests sending a Parliamentary delegation to the countries most affected by recent natural disasters in order to express Parliament's solidarity with the people, to monitor the level of destruction to lives, properties, social networks, the environment and the economy, and to draw useful conclusions with a view to improving prevention and responses in the future to similar extreme situations in the EU;
27. Instructs its President to forward this resolution to the Council, the Commission, and the parliaments and governments of the Member States.



## **P6\_TA-PROV(2007)0363**

### **Better Regulation**

#### **European Parliament resolution of 4 September 2007 on Better Regulation in the European Union (2007/2095(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”<sup>1</sup>,
- having regard to its resolution of 29 November 2001 on the Commission White Paper on European governance<sup>2</sup>,
- 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”<sup>3</sup>,
- having regard to its resolution of 26 February 2004 on the Commission report entitled “Better Lawmaking 2002”<sup>4</sup>,
- having regard to its resolution of 9 March 2004 on the Commission communication on simplifying and improving the Community’s regulatory activity<sup>5</sup>,
- having regard to its resolution of 20 April 2004 on assessment of the impact of Community legislation and the consultation procedures<sup>6</sup>,
- having regard to its resolution of 16 May 2006 on a strategy for the simplification of the regulatory environment<sup>7</sup>,
- having regard to its resolution of 16 May 2006 on Better lawmaking 2004: application of the principle of subsidiarity – 12th annual report<sup>8</sup>,
- having regard to its resolution of 16 May 2006 on the outcome of the screening of legislative proposals pending before the Legislator<sup>9</sup>,

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<sup>1</sup> OJ C 197, 12.7.2001, p. 433.

<sup>2</sup> OJ C 153 E, 27.6.2002, p. 314.

<sup>3</sup> OJ C 64 E, 12.3.2004, p. 135.

<sup>4</sup> OJ C 98 E, 23.4.2004, p. 155.

<sup>5</sup> OJ C 102 E, 28.4.2004, p. 512.

<sup>6</sup> OJ C 104 E, 30.4.2004, p. 146.

<sup>7</sup> OJ C 297 E, 7.12.2006, p. 136.

<sup>8</sup> OJ C 297 E, 7.12.2006, p. 128.

<sup>9</sup> OJ C 297 E, 7.12.2006, p. 140.

- 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 of 14 November 2006 entitled "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 and the opinions of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development (A6-0273/2007),
- A. whereas succeeding in attaining the objective of "Better Regulation" 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, acceptance and, ultimately, employment throughout Europe,
- B. whereas the Commission, in its above-mentioned communication of 14 November 2006, analyses progress achieved in the area of better regulation and maps out the main challenges ahead, pointing out the progress to be made both at European level and at the level of the Member States and thus developing an overall approach aimed at making Community and national legislation easier to apply and hence less costly,
- C. whereas this approach, constituting for the Commission, the Council and the European Parliament a useful tool for achieving the aims of the Lisbon strategy, requires a close partnership in this area, first between the European institutions and then between the latter and the national authorities,
- D. whereas, in the above-mentioned communication, the Commission proposes to reinforce the scrutiny of impact assessments through the creation of an independent Impact Assessment Board under the authority of the Commission's President, and commits itself to taking more preventive action, following up with Member States at an early stage so as to facilitate the correct transposition of key directives,
- E. whereas, in the Commission's view, the European Parliament and the Council should provide more systematic impact assessments of major amendments to its proposals and give higher priority to pending simplification proposals, to codification and to the repeal of obsolete legislation,
- F. whereas the Commission proposes that Member States should in turn develop and enforce consultation mechanisms and simplification programmes, where these are missing, and should foster a more systematic assessment of economic, social and environmental impacts, along with an improved application of Community law,
- G. whereas better regulation is not exclusively about cutting red tape, reducing the administrative burden, simplifying existing legislation or deregulation but also involves ensuring that the legislative process is engaged with by all relevant governmental and non-governmental actors at all levels and that a close partnership is established between

- the European institutions and the national, regional and local authorities in order to deliver high-quality regulation,
- H. whereas every level of governance must be committed to better regulation in order to achieve any reduction in the administrative burden,
- I. whereas local and regional authorities often face the task of implementing and enforcing EU law,
- J. whereas, finally, the Commission proposes that both the European Union and Member States should embark on an ambitious strategy for reducing administrative burdens originating in European and national legislation, and that the joint reduction target in this regard should be achieved by 2012,
1. Strongly supports the process of Better Regulation with a view to strengthening the effectiveness, efficiency, coherence, accountability and transparency of EU law; stresses, however, that such a process needs to be based on a number of preconditions:
- (i) full and joint involvement of the Council, the Commission and the European Parliament;
  - (ii) wide and transparent consultation of all relevant stakeholders, including non-governmental organisations;
  - (iii) strengthening of the accountability of Community bodies for the regulatory process, and of the general transparency of that process, in particular by opening Council meetings to public scrutiny when the Council is acting in its legislative capacity;
  - (iv) any assessment aimed at simplification must consider economic, social, environmental and health aspects on an equal footing and should not be limited to short-term considerations;
  - (v) the simplification process must under no circumstance entail lowering the standards contained in current legislation;
2. Supports the Commission's aim of improving the quality of legislation and reducing the administrative burden; believes that the measures outlined in the Commission communication demonstrate a clear and ongoing commitment to that aim, but considers that still greater efforts are required in a number of areas to ensure that the maximum economic benefit is derived from internal market legislation;
3. Urges the Commission to make all necessary efforts to streamline and modernise the stock of existing Community legislation through an adequate simplification strategy which should properly involve the Member States and interested parties; nevertheless, reaffirms that, although the goal of better regulation is to be shared among all European institutions, the Commission plays a crucial role in preparing high-quality legislative proposals, which constitute the best starting-point for the whole simplification process;

4. Urges the Commission to place greater emphasis on the implementation, enforcement and evaluation of Community legislation, as an essential part of the Better Regulation process;
5. Agrees with the Commission that better lawmaking cannot be achieved without an overall picture of the economic, social, environmental, health and international impact of each legislative proposal; fully supports, therefore, the setting-up within the Commission of an Impact Assessment Board under the authority of the Commission's President in order to monitor the application of these principles in the drafting of impact assessments by the responsible staff of the Commission;
6. Stresses, nevertheless, that, in order to guarantee a minimum level of independent scrutiny in the drafting of impact assessments, an independent panel of experts should be set up to monitor, by means of spot checks, the quality of opinions delivered by the Impact Assessment Board, and that representatives of interested parties should also be allowed to assist in conducting them;
7. Considers it necessary that the Impact Assessment Board should guarantee the application of a common methodology for all impact assessments, so as to avoid contradictory approaches and to facilitate comparability;
8. Insists that Parliament be informed periodically of the decisions adopted by the Impact Assessment Board under the supervision of the President of the Commission, with a view to ensuring transparent dialogue between the two institutions.
9. Calls on the Commission to provide impact assessments presenting a sufficient number of scenarios and policy options (including 'do-nothing' options as necessary) as a basis for cost-effective, sustainable and socially acceptable solutions;
10. Considers it a general rule that any impact assessment must take into due account all possible significant effects of a policy proposal on society, the environment and the economy, and furthermore that, whenever possible and consistent with the relevant area of legislation, impact assessments must also take into due account all possible significant effects on vulnerable or minority groups as well as gender mainstreaming aspects and other sensitive target groups, for example ethnic minorities, parents bringing up children, the aged and permanently ill and disabled people ("social benchmarking");
11. Requests the Commission to consult all relevant stakeholders, and in particular national, regional and local authorities, when preparing an impact assessment so that the local or regional variations can be properly taken into account, and to notify the results of the impact assessment in good time to Parliament, to the Committee of Regions and to all relevant regional and local governmental bodies;
12. Considers that, to this end, all relevant stakeholders must be consulted, at all stages, possibly by having greater recourse to the Commission's website for the purposes of public hearings, the outcome of which might otherwise be aleatory, and through new and more structured ways of consultation, as envisaged in the Commission's Communication entitled "Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission" (COM(2002)0704); takes the view that, in this connection, the Commission must provide maximum transparency by publishing the reactions of interested parties;

13. Stresses that Parliament and the Council should provide more systematic impact assessments of major amendments to Commission proposals;
14. Urges the Commission to specify the stage reached by impact assessments which have not yet been published, making it clear whether those assessments are still pending or have been withdrawn, postponed or restarted on different grounds, etc., and to consult interested parties on those still pending;
15. Insists that Member States provide an impact assessment for their initiatives in the area of police and judicial cooperation in criminal matters, pursuant to Article 34(2) of the EU Treaty; considers that Member States should commit themselves to recognising a real obligation in this respect;
16. Supports the Commission's exercise of periodical screening and withdrawal of pending proposals; maintains, however, that this exercise must be viewed in the light of the prerogatives of the various Community institutions in the legislative process, as defined in the Treaties, and in compliance with the principle of loyal cooperation among the institutions;
17. Is in favour of promoting principles-based legislation and focusing on quality rather than quantity; sees the better regulation debate as an occasion to reflect on legislation as a process designed to achieve clearly defined policy goals by committing all stakeholders to all phases of the process, from preparation to enforcement, and involving them therein;
18. Regards the experience of the Lamfalussy procedure in financial markets regulation, and the regulator-market participants dialogue in particular, as a valuable case for a dynamic legislative process;
19. Is of the opinion that the Lamfalussy procedure is a useful mechanism; considers the convergence of supervisory practices to be crucial; welcomes the work of the Level 3 committees in this respect and supports their call for an adequate toolbox; believes that giving supervisors room for manoeuvre can remove much of the burden of technical detail in legislation and produce adequate rules for a dynamic market; stresses, however, that this can never take away the political responsibility as regards the final objectives; insists that legislators should carefully monitor the process and reiterates that Parliament's rights in the legislative procedure should be fully respected;
20. Believes that the Commission should review the relevance of pending legislation on an ongoing basis and not only upon taking office, and that it should withdraw proposals which are no longer pertinent, paying particular attention to those which have been outstanding for some time;
21. Underlines that simplification is also required in the Commission's interaction with citizens, e.g. in the areas of procurement, financial services, research programmes, State aid rules and grant applications;

22. Supports in principle the quicker adoption of pending simplification proposals, but considers it necessary to assess on a case-by-case basis whether a proposal has broader implications, in which case more time will be required;
23. Is conscious of the fact that the legislative work within the Union could be undertaken in a more systemic way; therefore calls on the Commission to reconsider its working methods and the way it is organised so as to be able to address various issues in a more horizontal manner, the main purpose being to ensure greater coherence, to build on possible synergies and to avoid inconsistencies;
24. Considers that the Commission should take the views of Parliament into consideration when withdrawing pending proposals, in order to maintain the essential element of trust between the Commission and Parliament;
25. Welcomes the Commission communication withdrawing 68 proposals that it considered inconsistent with the objectives of the Lisbon Strategy and the principles of better regulation, but regrets that the Commission has withdrawn the proposal for a directive on the Statute for a European mutual society despite the fact that it is one of the key elements of the Lisbon Strategy, and therefore calls on the Commission to adopt an initiative before the end of 2007 to enable a Statute for a European mutual society and a European association to be drafted;
26. Accepts that the Council, like Parliament, must consider the impact of its major amendments upon the Commission's impact assessment; stresses the need for cost-benefit analyses that better reflect the complex regulatory cost structures when directives are implemented by way of national legislation and change the regulatory framework within which companies and individuals operate; strongly advocates transparency and independent scrutiny of the carrying-out of impact assessments under the full responsibility of the legislators in the context of their political priorities;
27. Fully supports any efforts on the part of the Commission aimed at the general strengthening of the enforcement of Community law through more preventive action, coupled with a process of following matters up with Member States at an early stage so as to facilitate the correct transposition of key directives, and recommends that Parliament be duly associated with such initiatives;
28. Considers that, when monitoring the application of Community law by Member States, the Commission should oblige, and not merely invite, Member States to produce correlation tables and transposition notes, especially with a view to checking each national process of transposition of directives; to that end, is of the opinion that the Commission should call on Member States to adopt a common reference methodology;
29. Considers that the emphasis placed on the importance of impact assessments should not lead to a situation within the Commission whereby resources intended for monitoring the correct transposition of Community law and for processing cases of infringement are re-allocated to impact assessments; stresses the need to increase resources aimed at ensuring that the application of Community law is effectively monitored;
30. Deplores Member States' practice of 'gold plating', and calls upon the Commission to investigate what further measures might be taken to prevent it, including the introduction

- of a right of direct action for citizens; calls for 'follow-up impact assessments' analysing how decisions are in fact implemented in Member States and at local level; supports the increased use, where appropriate, of regulations;
31. Recalls the importance of the judicious use of 'sunset clauses' in ensuring that legislation remains pertinent;
  32. Insists that, when presenting a legislative proposal, the Commission must avoid unclear and redundant expressions and preferably use plain and comprehensible language, whilst retaining terminological precision and legal certainty; considers, in particular, that the practice of using incomprehensible acronyms and the over-abundance of needless recitals must be abandoned; encourages all levels of government to use, whenever possible, clear language that is easily understandable by citizens;
  33. Calls upon the Commission to ensure, while developing better regulation, that new regulations and their enforcement are consistent, justifiable, transparent and comprehensible for stakeholders and for beneficiaries;
  34. Calls on the Commission, in the case of regulations, to produce in advance guidance notes on implementation for the benefit of the Member States, regional and local authorities and specialised agencies;
  35. Strongly reaffirms that better regulation must always imply the full involvement of Parliament both in the inter-institutional debate and, as a co-legislator, in the adoption of legislation subject to such a process; also stresses that it is always open to Parliament to consider the appropriateness of the choice of legal instrument to be adopted (regulation, directive or decision) and/or to assess whether it may be preferable to use alternative regulatory methods;
  36. Encourages the Commission to investigate alternatives to legislation with a view to improving the functioning of the internal market, including self-regulation and the mutual recognition of national rules, while stressing that this should not impede democratic scrutiny by the European Parliament and by Member States' parliaments; underlines that Community regulation must be seen in the context of international competition and global markets;
  37. Considers that the new rules on comitology, which reinforce the scrutiny by Parliament and the Council of the implementing powers conferred on the Commission, constitute a further way of simplifying Community legislation, inasmuch as they allow wide-ranging regulatory powers to be transferred to the Commission as regards non-essential and technical details and thus permit Parliament and the Council to concentrate their legislative activity on more essential provisions;
  38. Welcomes the conclusions of the European Council of Spring 2007 on better regulation and, in particular, the decision to reduce administrative burdens arising from Community legislation by 25 % for small and medium-sized enterprises (SMEs) by 2012; considers that this target should result in more intelligent, more effective and more user-oriented legislation, reducing unnecessary burdens on SMEs without lowering the standards contained in the current legislation; supports, in particular, the decision of the Council to

invite Member States to set national targets by 2008, and asks that the Commission and the Member States establish homogeneous monitoring mechanisms enabling this process to be effectively pursued in Member States at national, regional and local levels;

39. Calls upon the Commission to present annually its achievements and its plans for the attainment of promised goals of reducing the administrative burden;
40. Calls on the Commission to develop, in cooperation with the Council and the European Parliament, institutional reforms within the Community that will help to secure greater financial savings and will facilitate cooperation in ensuring better or more intelligent regulation;
41. Calls on the Commission to take into account, in its further work on better regulation, the results of the study requested by Parliament's Committee on the Environment, Public Health and Food Safety on the simplification process, "Simplifying EU Environmental Policy"<sup>1</sup>;
42. Is concerned by the findings of various independent studies<sup>2</sup> that the Commission guidelines on impact assessments are not fully respected by Commission DGs, that the assessment and quantification of economic impacts have been emphasised at the expense of environmental, social and international impacts, that the costs of legislation are assessed far more than the benefits, and that short-term considerations overshadow long-term ones; welcomes the Commission's plans to set up an Impact Assessment Board and to establish external evaluation of the Commission's impact assessment system, both of which should contribute to ensuring that the persistent deficiencies listed above are finally overcome;
43. Supports the conclusion resulting from the study entitled "Simplifying EU Environmental Policy" that impact assessments can play an essential role in ensuring better regulation and that the quality of some assessments needs to be improved; urges the Commission to ensure:
  - that adequate time and financial resources are allocated for these assessments;
  - that impact assessments consider economic, social, environmental and health aspects on an equal footing, in both the short term and the longer term;
  - that impact assessments consider not only the costs of measures but also the costs of not addressing the environmental, public health or food issues;
  - transparency and input of all relevant stakeholders;

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<sup>1</sup> 1P/A/ENVI/ST/2006-45.

<sup>2</sup> Institute for European Environment Policy (2004): Sustainable Development in the European Commission's Integrated Impact Assessments for 2003.

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Institute for European Environment Policy (2005): For better or for worse - The EU's 'Better Regulation' Agenda and the environment.

European Environment and Sustainable Development Advisory Council (2006): Impact Assessments of European Commission Policies: Achievements and Prospects.



- that the impact assessments are broad enough in scope and that they take into account the different national circumstances in the Member States;

recognises that impact assessments could also play an essential role in the case of amendments proposed by the European Parliament or the Council having potentially significant impacts;

44. Calls on the Commission to further promote exchanges of information on best practices regarding simplification of EU environmental policy in the Member States, such as:
  - the use of information technology to reduce the administrative burden;
  - the simplification and integration of permit schemes and licensing, while safeguarding environmental and health standards;
  - the simplification and integration of the monitoring and reporting requirements, including the risk-based approach, while safeguarding transparency and effective implementation and enforcement;
45. Calls upon the Member States to develop and to implement consultation mechanisms with the regional and local authorities during the legislative process, to take into account their concerns during ministerial negotiations and to reinforce their role during the process of transposition and implementation of EU legislation;
46. Calls upon the Commission to work closely with all authorities in the Member States that are responsible for the transposition of EU legislation, and at the same time advises the Commission to organise seminars at local level too on the subject of the transposition of EU legislation into domestic law, so as to ensure that, by simple, comprehensible means, relevant information reaches stakeholders directly;
47. Calls upon the Member States to develop and to enforce necessary, efficient and clear procedures for better cooperation between the regional and central governments in order to facilitate the transposition process, and to recognise the increasing role of regions having legislative powers;
48. Encourages authorities in the Member States to draw up formal transposition strategies, in order to clearly define the roles and responsibilities of the regional and national governments for better and faster transposition;
49. Encourages the Commission to publish, where possible, the transposition guidelines for directives at the same time as the directives themselves, in order to allow national and regional governments to take them into account before starting the transposition process and to permit correct and timely transposition in the Member States;
50. Calls upon the Commission to speed up the completion of a comprehensive, freely accessible public database of national implementing laws, including regional variations where appropriate;
51. Takes the view that better regulation should not lead to a reduction in environmental, social and quality standards;

52. Calls upon the Member States to ensure that, when transposing EU legislation, they do not impose upon natural and legal persons obligations which go beyond what is required under the transposed legislation and which place an unnecessary administrative burden upon, in particular, SMEs, which are the driving force behind the sustainable development of Europe's regions;
53. Requests the Commission to improve the provision of information about transposition and infringement proceedings, and to make this information public and easily accessible on the Commission's website.
54. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

**Better law-making 2005: subsidiarity and proportionality**

**European Parliament resolution of 4 September 2007 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”<sup>1</sup>,
- having regard to its resolution of 29 November 2001 on the Commission White Paper on European governance<sup>2</sup>,
- 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”<sup>3</sup>,
- having regard to its resolution of 26 February 2004 on the Commission report entitled “Better Lawmaking 2002”<sup>4</sup>,
- having regard to its resolution of 9 March 2004 on the Commission communication on simplifying and improving the Community’s regulatory activity<sup>5</sup>,
- having regard to its resolution of 20 April 2004 on assessment of the impact of Community legislation and the consultation procedures<sup>6</sup>,
- 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 environment<sup>7</sup>,
- having regard to its resolution of 16 May 2006 on Better lawmaking 2004: application of the principle of subsidiarity – 12th annual report<sup>8</sup>,

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<sup>1</sup> OJ C 197, 12.7.2001, p. 433.

<sup>2</sup> OJ C 153 E, 27.6.2002, p. 314.

<sup>3</sup> OJ C 64 E, 12.3.2004, p. 135.

<sup>4</sup> OJ C 98 E, 23.4.2004, p. 155.

<sup>5</sup> OJ C 102 E, 28.4.2004, p. 512.

<sup>6</sup> OJ C 104 E, 30.4.2004, p. 146.

<sup>7</sup> OJ C 297 E, 7.12.2006, p. 136.

<sup>8</sup> OJ C 297 E, 7.12.2006, p. 128.

- having regard to its resolution of 16 May 2006 on the outcome of the screening of legislative proposals pending before the Legislator<sup>1</sup>,
  - 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 and the opinion of the Committee on Employment and Social Affairs (A6-0280/2007),
- A. whereas succeeding in attaining the objective of "Better Lawmaking" constitutes one of the main priorities for the EU, 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 EU 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 unnecessary and disproportionate administrative burdens often imposed on citizens and businesses by EU rules,

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<sup>1</sup> OJ C 297 E, 7.12.2006, p. 140.

- G. whereas a 25% reduction in the unnecessary administrative burden could constitute a significant growth stimulus for European GDP and thus a valuable contribution to the attainment of the Lisbon objectives,
  - H. whereas unnecessary 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 simplification and a reduction in unnecessary administrative burdens should not be at the expense of the legal certainty and protection provided by European legislation,
1. Agrees that the regulatory environment in which businesses operate is a determinant of their competitiveness, of sustainable growth and of employment performance, and that ensuring that the regulatory environment is and remains transparent, clear, effective and generally of high quality should be an important objective of EU policy;
  2. Considers that poor regulatory quality in the Member States and at Community level weakens the rule of law and alienates citizens from their institutions;
  3. Fully supports all efforts by the Commission to promote the general strengthening of the effectiveness and enforcement of Community law through any relevant initiative;
  4. Welcomes the success of the web portal 'Your Voice in Europe' and invites the Commission to develop further (Or.: IT) effective ways of consulting interested parties about every aspect of a legislative proposal, including impact assessment, before launching the proposal;
  5. Stresses the importance of adequate and independent impact assessments, based on wide-ranging consultation of stakeholders, 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;
  6. Welcomes the Commission's commitment 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;
  7. 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;
  8. Welcomes the Commission action programme to measure the administrative cost for undertakings in Europe and to reduce unnecessary and disproportionate administrative burdens by 25% by 2012;

9. Notes that the strategy for a 25% reduction refers to unnecessary administrative burdens for undertakings and cannot, therefore, be equated to a deregulation, nor lead to a change in the policy objectives and level of ambition contained in Community legislation; calls on the Commission to ensure that the reduction in unnecessary administrative burdens arising from regulations should not be at the expense of the original objectives of the regulations concerned;
10. Supports the conclusion that this must be a joint objective which can be attained only on the basis of a common endeavour by the Member States and the European institutions;
11. Emphasises, in particular, that an effective strategy for the reduction of unnecessary European administrative burdens must be implemented both by the Commission, as regards unnecessary administrative burdens arising from European regulations and directives, and by the Member States, as regards such 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 such unnecessary burdens arising from national legislation;
12. Welcomes the identification by the Commission of 13 priority areas where the administrative costs are to be measured and unnecessary administrative burdens 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;
13. Is greatly concerned by the fact that the Commission Communication (COM(2007)0023) proposes (in Annex I) to limit the scope of the action programme to obligations of businesses; considers, however, that the strategy for development and employment requires the action programme to cover all administrative burdens;
14. 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 burdens; calls on the Commission to establish within each of its Directorates-General a dialogue with European stakeholders, with regard both to the 13 priority areas and to the identification of new priority areas;
15. 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 EU have been reduced by a quarter.
16. Supports the Commission proposal for the introduction of thresholds for all information requirements, limiting them for SMEs wherever possible;
17. 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 must be established on the basis of that baseline measurement for each Directorate-General;

18. Calls on the Commission to publish each year the measures adopted and the measures planned to reduce unnecessary administrative burdens in the EU, the increase in administrative burdens in the EU arising from new regulations and the envisaged net contribution of those measures, expressed as a percentage, to the attainment of the target reduction of 25% by 2012;
19. Welcomes the Commission's intention, pending completion of the assessment of unnecessary administrative burdens in 2008, to contribute significantly to the reduction in such 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;
20. Supports the Commission's efforts 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; considers it essential that stakeholders help to gather the information required for the use of the SCM; emphasises that the quality of the impact assessment must be controlled by the Impact Assessment Board (IAB) by means of publicly accessible opinions;
21. Emphasises that Parliament should not take into consideration any legislative proposals from the Commission that are not accompanied by an independently scrutinised impact assessment that includes an evaluation of the existence of any unnecessary administrative burden through the SCM;
22. Is of the opinion that the added value of the IAB impact assessment procedures should be evaluated before the end of 2008; calls on the Commission to develop indicators to that end, building on the existing experience of international organisations and Member States;
23. Proposes that appropriations recently released in the EU Budget for a pilot project minimising 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, and to supervise the implementation of the European action programme to reduce administrative burdens;
24. Stresses the importance of a clear distinction between cases of obsolete, redundant or over-prescriptive information obligations and cases where, for reasons relating to the protection of public health, health, safety, quality of work and workers' rights, the environment or the Community's financial interests, information obligations remain necessary;
25. 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 2003<sup>1</sup> 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;

26. Proposes that, in parallel to the action programme to reduce unnecessary administrative burdens, the Commission carry out a study in order to:
  - (a) develop a methodology to quantitatively chart and assess, in addition to the administrative burden, all other burdens relating to compliance (the costs arising from the substantive obligations imposed by legislation) arising from new legislation and regulations and from amendments to existing legislation and regulations;
  - (b) subsequently launch a pilot project involving stakeholders to apply a measurement methodology similar to that used with regard to compliance burdens to impact assessment;
  - (c) have this methodology tested and evaluated by the IAB;
  - (d) apply it as standard and incorporate it in all impact assessments;
27. Urges the Commission and the Member States to consider cases where different parties are often required to provide the same information, and to put an end to duplication of information;
28. Calls on the Member States to extend their efforts to reduce the burden resulting from purely national legislation;
29. Also calls on the Member States to replace the production of printed information with information produced electronically and on the Internet, using smart Internet portals where possible;
30. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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<sup>1</sup> OJ C 321, 31.12.2003, p. 1.



## **P6\_TA-PROV(2007)0365**

### **Simplification of the regulatory environment**

#### **European Parliament resolution of 4 September 2007 on the strategy for the simplification of the regulatory environment (2007/2096(INI))**

*The European Parliament,*

- having regard to the Interinstitutional Agreement on better lawmaking, signed on 16 December 2003<sup>1</sup>,
- 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”<sup>2</sup>,
- having regard to its resolution of 29 November 2001 on the Commission White Paper on European governance<sup>3</sup>,
- 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”<sup>4</sup>,
- having regard to its resolution of 26 February 2004 on the Commission report entitled “Better Lawmaking 2002”<sup>5</sup>,
- having regard to its resolution of 9 March 2004 on the Commission communication on simplifying and improving the Community's regulatory activity<sup>6</sup>,
- having regard to its resolution of 20 April 2004 on assessment of the impact of Community legislation and the consultation procedures<sup>7</sup>,
- having regard to its resolution of 16 May 2006 on a strategy for the simplification of the regulatory environment<sup>8</sup>,
- having regard to its resolution of 16 May 2006 on “Better lawmaking 2004: application of the principle of subsidiarity – 12th annual report”<sup>9</sup>,
- having regard to its resolution of 16 May 2006 on the outcome of the screening of

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<sup>1</sup> OJ C 321, 31.12.2003, p. 1.

<sup>2</sup> OJ C 197, 12.7.2001, p. 433.

<sup>3</sup> OJ C 153 E, 27.6.2002, p. 314.

<sup>4</sup> OJ C 64 E, 12.3.2004, p. 135.

<sup>5</sup> OJ C 98 E, 23.4.2004, p. 155.

<sup>6</sup> OJ C 102 E, 28.4.2004, p. 512.

<sup>7</sup> OJ C 104 E, 30.4.2004, p. 146.

<sup>8</sup> OJ C 297 E, 7.12.2006, p. 136.

<sup>9</sup> OJ C 297 E, 7.12.2006, p. 128.

legislative proposals pending before the Legislator<sup>1</sup>,

- having regard to the Commission working document of 14 November 2006 entitled “First progress report on the strategy for the simplification of the regulatory environment” (COM(2006)0690),
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0271/2007),
- A. having regard to the current unstinting and systematic commitment by the Commission, the Council and Parliament to bring about, define and improve the application of legislative simplification tools,
- B. whereas simplifying the legislative environment to ensure the clarity, efficacy and quality of legislation is an essential prerequisite for attaining the objective of “better lawmaking”, which, in turn, is a priority for the Union with a view to securing high levels of growth and employment,
- C. whereas one of the main results of simplification is its progressive coverage of all EC regulatory areas,
- D. having regard to the obligations and aims laid down in the Interinstitutional Agreement on better law-making, especially those intended to simplify and reduce the volume of Community legislation and those relating to the impact of that legislation in the Member States,
- E. whereas the above-mentioned Commission working document is a follow-up to, and implements, the Commission communication of 25 October 2005 entitled “Implementing the Community Lisbon programme: a strategy for the simplification of the regulatory environment” (COM(2005)0535),
- F. whereas the above-mentioned working document sets out a new “simplification rolling programme” covering the period 2006-2009, in which measures are announced to simplify form, based on 43 recasts, 12 codifications and 8 repeals, in addition to 46 other measures to simplify substance, generally defined as cases of “revision”,
- G. whereas in addition to the above simplification measures, some 500 new legislative initiatives (some 200 of which in 2007 alone) have been included in a separate rolling programme specifically dedicated to codifications,
- H. whereas the Commission points out that the codification programme remains indicative, since it depends on the availability in all languages of the acts to be codified and whereas, according to the Commission, codification should be postponed when new amendments of those acts are envisaged, with the result that, in the Commission’s view, the order of acts in the rolling programme might change in the light of these two factors,
- I. whereas, in the above-mentioned working document, the Commission proposes

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<sup>1</sup> OJ C 297 E, 7.12.2006, p. 140.

increasing the practice of including in its proposals an initial explanatory memorandum in order better to explain the simplification objectives pursued,

- J. whereas the success factors for achieving the simplification goals include a solid set of methodologies, which has improved thanks to consultation with all interested parties and to the development of sector-specific analyses, close cooperation between the Commission, the European Parliament and the Council and an increasing use of self-regulation and co-regulation,
- K. whereas the simplification being promoted at European level should be accompanied by appropriate simplification at national level to ensure that the advantages of Community simplification are not undermined by national rules or technical barriers,
1. Urges the Commission to place greater emphasis on implementation, enforcement and evaluation of Community legislation, as an essential part of the “better regulation” process;
  2. Welcomes the fact that, for the first time, the simplification initiatives have been included in the Commission’s legislative and work programme for 2007, in confirmation of the political priority to be given to the simplification strategy;
  3. Calls on the Commission systematically to include from now on the simplification initiatives in a specific part of the legislative and work programme, to indicate therein what priority it intends to give to each individual simplification initiative and, to that end, to set out its simplification proposals already in its annual policy strategy at the start of the annual legislative programming process; calls on the Commission, lastly, to avoid the proliferation of documents containing lists of simplification initiatives, in order to have as clear a reference framework as possible;
  4. Suggests that, just as they have done for the purpose of codifying the *acquis communautaire*<sup>1</sup>, Parliament, the Commission and the Council should conclude an interinstitutional agreement on an accelerated working method for simplification measures as a whole;
  5. Welcomes the efforts made by the Commission to step up the activity of codifying the Community *acquis* as a primary and fundamental way of simplifying the regulatory environment;
  6. Calls on the Commission to address, as soon as possible, the difficulties relating to translation and to prevent the submission of new legislative proposals from having a negative impact on the codification initiatives, thereby undermining the entire simplification process; stresses that the Commission should be consistent and thus refrain from setting out in its legislative and work programme plans for codification on the same topics as those in relation to which it intends to submit substantive legislative proposals;
  7. Proposes that the Commission once and for all adopt recasting as a standard legislative technique so that, for each initiative, the text can be available in its entirety, also where

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<sup>1</sup> Interinstitutional Agreement of 20 December 1994, “Accelerated working method for official codification of legislative texts”, OJ C 102, 4.4.1996, p. 2.

there are specific amendments, providing a clear indication of the new parts and those which are unchanged, thereby increasing the legibility and transparency of Community legislation;

8. Calls on the Commission, furthermore, to bear in mind that where recasting is impossible, the codification of the legislative area concerned should be the standard legislative technique to be carried out within a six-month time-frame; takes the view that, in accordance with the above-mentioned interinstitutional agreement, Parliament, together with the Council and the Commission and providing for the necessary involvement of those parties concerned, could set up special ad hoc structures with the precise aim of promoting simplification;
9. Welcomes the commitment taken on by the Commission to develop a solid set of methodologies for the work of simplification; to that end, calls on the Commission to persist in consulting the interested parties, for instance by extending to other sectors the initiatives already announced in October 2005 concerning agriculture and fisheries and by strengthening the measures it intends to adopt in this regard in the field of company law and copyright; encourages the Commission to further develop sector-specific analyses and the measurement of the administrative burdens generated by existing Community legislation;
10. Stresses the vital importance of cooperation between the Community institutions as a prerequisite for the success of any simplification strategy; highlights in this respect the strong signal of goodwill emitted by the European Parliament thanks to the amendments to its Rules of Procedure designed, respectively, to facilitate the adoption procedure for codifications and to introduce an ad hoc legislative procedure for recasts;
11. Reiterates that the traditional legislative instruments should continue to be used as a general rule in order to attain the objectives laid down in the Treaty; considers that co-regulation and self-regulation could usefully supplement or replace legislative measures where those methods make improvements of equivalent or broader scope than legislation can provide; stresses that any use of alternative regulatory arrangements should be in compliance with the Interinstitutional Agreement on better law-making; points out that the Commission has to lay down the conditions and limits which the parties must observe when employing such methods, and that these should in any event be used under Commission supervision and without prejudice to Parliament's right to object to their use;
12. Calls on the Commission to make every effort to ensure that the process being promoted at European level to simplify regulation and generally to improve its quality is not undermined at national level by internal rules or technical barriers; calls on the Commission to guide and monitor this process also at national level, for instance by acting as a centre for collecting and disseminating the best practices developed within the European Union and its Member States and, not least, responding to indications from stakeholders;
13. Stresses that regular and thorough impact assessments play a key role in the simplification process and that such assessments should be considered by the Council and Parliament when amendments are made to a proposal during the legislative process;

14. Instructs its President to forward this resolution to the Council and Commission, and to the governments and parliaments of the Member States.

**Use of “soft law”**

**European Parliament resolution of 4 September 2007 on institutional and legal implications of the use of “soft law” instruments (2007/2028(INI))**

*The European Parliament,*

- having regard to the EC Treaty, and in particular Articles 211, 230 and 249 thereof,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education (A6-0259/2007),
- A. whereas the notion of soft law, based on common practice, is ambiguous and pernicious and should not be used in any documents of the Community institutions,
- B. whereas the distinction between *dura lex/mollis lex*, being conceptually aberrant, should not be accepted or recognised,
- C. whereas so-called soft law instruments, such as recommendations, green and white papers or Council conclusions, do not have any legal value or binding force,
- D. whereas “soft law” does not provide full judicial protection,
- E. whereas extensive recourse to “soft law” instruments would signify a shift from the unique Community model to that of a traditional international organisation,
- F. whereas there is currently a dispute as to how to make the regulatory function of the European Union more efficient with regard to both “soft law” and “hard law”,
- G. whereas in *Van Gend en Loos* the Court of Justice of the European Communities held that the Treaty “is more than an agreement which merely creates mutual obligations between the Contracting States. ... [T]he Community constitutes a new legal order of international law for the benefit of which the States have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals. ... Community law therefore not only imposes obligations on individuals but is also intended to confer upon them rights which become part of their legal heritage. These rights arise not only where they are expressly granted by the Treaty, but also by reason of obligations which the Treaty imposes in a clearly defined way upon individuals as well as upon the Member States and upon the institutions of the Community”<sup>1</sup>,
- H. whereas, consequently, Community law may be distinguished from public international law by reason of the fact that it is binding, not only on States but on individuals, who derive legally enforceable rights from it, and involves a set of institutions, including the

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<sup>1</sup> Case 26/62 *Van Gend & Loos* [1963] ECR 1.

European Parliament, which is directly elected by Union citizens; whereas, moreover, the European legal order is based on democracy and the rule of law, as Article 6 of and the preamble to the EU Treaty make clear,

- I. whereas this means that the EU institutions may only act in accordance with the principle of legality, that is to say, where a legal basis confers competence and within the limits of their powers, and whereas there is a European Court to ensure that they do so,
- J. whereas where the Community has legislative competence, the proper way to act is through the adoption of legislation by the democratic institutions of the Union, Parliament and the Council, in so far as this still appears necessary having due regard to the principles of subsidiarity and proportionality; whereas it is only by means of the adoption of legislation through the institutional procedures laid down in the Treaty that legal certainty, the rule of law, justiciability and enforceability may be secured, and whereas this also entails respect for the institutional balance enshrined in the Treaty and allows for openness of decision-making,
- K. whereas, in general, where the Community has competence to legislate, this precludes the use of “soft law” or “[r]ules of conduct that are laid down in instruments which have not been attributed legally binding force as such, but nevertheless may have certain – indirect – legal effects, and that are aimed at and may produce practical effects”<sup>1</sup>, which have been used historically to alleviate a lack of formal law-making capacity and/or means of enforcement and as such are typical of public international law,
- L. whereas, where the Treaty expressly provides for them, soft law instruments are legitimate, provided that they are not used as a surrogate for legislation where the Community has legislative power and where Community-wide regulation still appears necessary having due regard to the principles of subsidiarity and proportionality, since this would also constitute a breach of the principle of conferred specific powers, and whereas this applies a fortiori to Commission communications purporting to interpret Community legislation; whereas preparatory instruments, such as green and white papers, also constitute a legitimate use of soft law, in common with notices and guidelines published by the Commission in order to explain how it applies competition and state-aid policy,
- M. whereas such instruments, which can be used as interpretative or preparatory tools for binding legislative acts, should neither be treated as legislation nor be given any norm-setting effectiveness,
- N. whereas such a situation would bring confusion and insecurity to a field in which clarity and legal certainty should prevail, in the interests of the Member States and of the citizens,
- O. whereas, as well as respecting the right of initiative of the Commission, Parliament also upholds its own right to invite the Commission to make a legislative proposal (Article 192 of the EC Treaty),
- P. whereas the open method of coordination can be of service in promoting the achievement

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<sup>1</sup> Linda Senden, “Soft Law, Self-Regulation and Co-Regulation in European Law: Where do they meet?”, EJCL, Vol. 9, 1.1.2005.

of the internal market but it is regrettable that the involvement of Parliament and the Court of Justice therein is very weak; whereas, because of this democratic deficit in the so-called open method of coordination, it should not be misused to replace the Community's lack of legislative competence and in this way to impose de facto obligations on the Member States that are tantamount to legislation but arise outside the legislative procedures laid down in the Treaty,

- Q. whereas Article 211 of the EC Treaty provides that “[i]n order to ensure the proper functioning and development of the common market, the Commission shall formulate recommendations ... on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary”, but, according to Article 249, fifth paragraph, recommendations have no binding force and, according to the Court, are “measures which, even as regards persons to whom they are addressed, are not intended to produce binding effects”<sup>1</sup> and do not create rights upon which individuals may rely before a national court<sup>2</sup>, and whereas Article 230 of the EC Treaty precludes the annulment of recommendations, since they are not binding,
- R. whereas, none the less, the Court has held that such acts “cannot ... be regarded as having no legal effect. The national courts are bound to take recommendations into consideration in order to decide disputes submitted to them, in particular where they cast light on the interpretation of national measures adopted in order to implement them or where they are designed to supplement binding Community provisions”<sup>3</sup>,
- S. whereas it is possible that the recommendations, if used without sufficient care, may result in certain acts of the Commission being *ultra vires*,
- T. whereas Article I-33 of the Treaty establishing a Constitution for Europe contains a similar provision to Article 211 of the EC Treaty, but adds that “When considering draft legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question”,
- U. whereas in 2005 the Commission adopted a recommendation on the cross-border management of copyright for legitimate online music services on the basis of Article 211 of the EC Treaty, described as “a soft-law instrument ... designed to give the market a chance to move in the right direction” and ostensibly designed to flesh out the existing directives on copyright in the information society<sup>4</sup> and on rental right and lending right and on certain rights relating to copyright<sup>5</sup>, and whereas, since its main aim is to encourage multi-territorial licensing and recommend how it should be regulated, the Commission is putting particular policy options into effect by soft-law means,
- V. whereas the Commission has contemplated or seems to be considering acting by recommendation in other areas in which the Community has legislative competence, including the regulation of copyright levies and caps on auditors' liability,
- W. whereas, in addition, the European contract law project remains still in the nature of soft

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<sup>1</sup> Case C-322/88 *Grimaldi* [1989] ECR 4407, paragraph 16.

<sup>2</sup> *Grimaldi*, paragraph 16.

<sup>3</sup> *Grimaldi*, paragraph 18.

<sup>4</sup> Directive 2001/29/EC (OJ L 167, 22.6.2001, p. 10).

<sup>5</sup> Directive 2006/115/EC (OJ L 376, 27.12.2006, p. 28).



law,

- X. whereas, where the Community has legislative competence but there seems to be a lack of political will to introduce legislation, the use of soft law is liable to circumvent the properly competent legislative bodies, may flout the principles of democracy and the rule of law under Article 6 of the EU Treaty, and also those of subsidiarity and proportionality under Article 5 of the EC Treaty, and may result in the Commission's acting *ultra vires*,
- Y. whereas soft law also tends to create a public perception of a "superbureaucracy" without democratic legitimacy, not just remote from citizens but actually hostile to them, and willing to reach accommodations with powerful lobbies in which the negotiations are neither transparent nor comprehensible to citizens, and whereas this may raise legitimate expectations on the part of third parties affected (e.g. consumers) who then have no way of defending them at law in the face of acts having adverse legal effects for them,
- Z. whereas the better-legislation agenda should not be subverted in order to allow the Community executive effectively to legislate by means of soft-law instruments, thereby potentially undermining the Community legal order, avoiding the involvement of the democratically-elected Parliament and legal review by the Court of Justice and depriving citizens of legal remedies,
- AA. whereas no procedure is laid down for consulting Parliament on the proposed use of soft-law instruments, such as recommendations and interpretative communications,
  - 1. Considers that, in the context of the Community, soft law all too often constitutes an ambiguous and ineffective instrument which is liable to have a detrimental effect on Community legislation and institutional balance and should be used with caution, even where it is provided for in the Treaty;
  - 2. Recalls that so-called soft law cannot be a substitute for legal acts and instruments, which are available to ensure the continuity of the legislative process, especially in the field of culture and education;
  - 3. Stresses that each EU institution, including the European Council, must consider both legislative and non-legislative options when deciding, on a case-by-case basis, what action, if any, to take;
  - 4. Considers the open method of coordination to be legally dubious, as it operates without sufficient parliamentary participation and judicial review; believes that it should therefore be employed only in exceptional cases and that it would be desirable to consider how Parliament might become involved in the procedure;
  - 5. Deplores the use of soft law by the Commission where it is a surrogate for EU legislation that is still necessary per se, having due regard to the principles of subsidiarity and proportionality, or where it extrapolates the case-law of the Court of Justice into uncharted territory;
  - 6. Urges the institutions to act by analogy with Article I-33 of the Constitutional Treaty by refraining from adopting soft-law instruments when draft legislative acts are under consideration; considers that, even under existing law, the requirement arises from the

principle of the rule of law under Article 6 of the EU Treaty;

7. Urges the Commission to make a particular effort to guarantee transparency, visibility and public accountability in the process of adopting non-binding Community acts, as well as to increase the use of impact assessment in the decision-making process;
8. Calls on the Commission to give special consideration to the effect of soft law on consumers and their possible means of redress before proposing any measure involving soft-law instruments;
9. Is of the opinion, as regards Commission communications, that green and white papers do not give rise to any direct legal obligations; takes the view, however, that the adoption of consultation papers and political declarations of intent should not be seen as implying any legal obligation to enact the corresponding regulations;
10. Is of the opinion that Commission interpretative communications serve the legitimate purpose of providing legal certainty but that their role should not extend beyond that point; considers that, when they serve to impose new obligations, interpretative communications constitute an inadmissible extension of law-making by soft law; maintains that, when a communication lays down detailed arrangements not directly provided for by the freedoms established under the Treaty, it is departing from its proper purpose and is thus null and void<sup>1</sup>;
11. Is of the opinion that communications satisfying the criteria referred to above should consequently be issued only in those cases where Parliament and the Council, in other words the legislature, have instructed the Commission to draw up the necessary interpretative communications; considers that translating the Treaty into reality is the responsibility of the legislature and that its interpretation is the responsibility of the Court of Justice;
12. Is of the opinion that standardisation and codes of conduct are important elements of self-regulation; considers, however, that standardisation must not lead to overregulation and hence constitute an additional burden for small and medium-sized enterprises in particular; believes, therefore, that the legal bases concerned should incorporate built-in safeguards against overregulation;
13. Points out that, whereas it is legitimate for the Commission to make use of pre-legislative instruments, the pre-legislative process should not be abused nor unduly protracted; considers that, in areas such as the contract-law project, a point must come where the Commission decides whether or not to use its right of initiative and on what legal basis;
14. Emphasises that Parliament, as the only democratically elected Community institution, is not currently consulted about the use of so-called soft-law instruments, such as Commission recommendations, based on Article 211 of the EC Treaty, and interpretative communications and other documents of a similar nature;
15. Considers that interinstitutional agreements can produce legal effects only on relationships between EU institutions and that they therefore do not constitute soft law defined in terms of a legal effect in relation to third parties;

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<sup>1</sup> Case C-57/95 *France v Commission* [1997] ECR I-1627, paragraphs 23 to 26.

16. Calls on the Commission to develop, in cooperation with Parliament, a modus operandi that guarantees the participation of the democratically elected bodies including, possibly, by means of an interinstitutional agreement, and thus more effective monitoring of the need for the adoption of “soft-law” instruments;
17. Calls on the Commission to discuss with Parliament how Parliament may be consulted before the Commission adopts soft-law instruments, in order to enable proposed soft-law measures to be scrutinised and to avoid any misuse of powers on the part of the executive; accordingly proposes opening talks on concluding an interinstitutional agreement on this subject; considers that such an agreement should in particular aim to resolve the contradiction that has arisen between the provisions of Articles 211, 249(5) and 230 of the EC Treaty and the case-law of the Court of Justice of the European Communities, when the Court requires the national courts to take due account in current legal disputes of recommendations which are per se non-binding under the Treaty;
18. Reiterates the importance of Parliament's participating, as the main representative of the interests of EU citizens, in all decision-making processes, in order to help reduce their current mistrust in European integration and values;
19. Stresses that the expression of soft law, as well as its invocation, should be avoided at all times in any official documents of the European institutions;
20. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

## **The Single Market Review**

### **European Parliament resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement (2007/2024(INI))**

*The European Parliament,*

- 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 entitled 'A Single Market for citizens – Interim report to the 2007 Spring European Council' (COM(2007)0060),
- having regard to the Communication from the Commission to the Council entitled 'A citizen's agenda – delivering results for Europe' (COM(2006)0211),
- having regard to the Communication from the Commission to the Spring European Council entitled 'Implementing the renewed Lisbon Strategy for Growth and Jobs – "A year of delivery"' (COM(2006)0816),
- 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 entitled 'Annual Policy Strategy for 2008' (COM(2007)0065),
- having regard to the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee entitled 'The Internal Market for Goods: a cornerstone of Europe's competitiveness' (COM(2007)0035),
- having regard to the Green Paper on the Review of the Consumer Acquis presented by the Commission (COM(2006)0744),
- 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 entitled 'A strategic review of Better Regulation in the European Union' (COM(2006)0689),
- having regard to the Presidency Conclusions of the Brussels European Council, held on 8 and 9 March 2007,
- having regard to its resolution of 14 March 2007 on social services of general interest in the European Union<sup>1</sup>,
- having regard to its resolution of 23 May 2007 on the impact and consequences of the exclusion of health services from the Directive on services in the internal market<sup>2</sup>,

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<sup>1</sup> Texts adopted, P6\_TA(2007)0070.

<sup>2</sup> Texts adopted, P6\_TA(2007)0201.

- having regard to the final declaration of the 4th European Conference on Craft and Small Enterprises, held in Stuttgart on 16 and 17 April 2007,
  - having regard to the Berlin declaration of 25 March 2007,
  - having regard to the Commission's Economic Paper No 271 'Steps towards a deeper economic integration: the Internal Market in the 21st century – A contribution to the Single Market Review',
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Economic and Monetary Affairs (A6-0295/2007),
- A. whereas the Single Market has been a major achievement without precedent in the European context, delivering wider choice and lower prices to consumers, creating a competitive and dynamic environment for business and enabling ideas and experience to be exchanged among European cultures,
- B. whereas the Lisbon Strategy has highlighted the objective of social cohesion and given a greater role to the social dimension in the EU's sector-specific policies,
- C. whereas the Single Market and its four building blocks – the free movement of goods, services, people and capital – have been a decisive step forward in European integration,
- D. whereas the establishment of the Single Market in 1992 was based on the following three principles:
- competition: enabling the Single Market to be completed on the basis of social market economy rules, backed up by a right to benefit from competition, which is an essential democratic right designed to curb the abuse of economic power and not just to limit the powers of public authorities;
  - cooperation: enabling cross-border and EU-wide ambitions set out in the Treaties and in Community programmes to be realised; and
  - solidarity: uniting the different parties and pursuing the objectives of social, economic and territorial cohesion,
- E. whereas the Lisbon Strategy will lead to structural reforms in Member States and to the opening of markets, but will also increase the need for rules on fair competition,
- F. whereas the adoption of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market<sup>1</sup> has made possible significant progress towards completing the Single Market in services,
- G. whereas the euro has brought transparency, efficiency and ease of access to the Single Market,

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<sup>1</sup> OJ L 376, 27.12.2006, p. 36.

- H. whereas there are still overt and hidden protectionist attitudes in Member States' administrations,
- I. whereas there are still many barriers to the implementation of the four fundamental freedoms; whereas it is essential to improve the functioning of the Single Market and to concentrate efforts on the achievement of a barrier-free Single Market,
- J. whereas there is a need to work towards implementing a dynamic, global and flexible approach to the Single Market in order to gain the support of fellow-citizens,
- K. whereas there is a need to complete the opening of network industries, such as transport, telecommunications, postal services and energy transmission, which are, by definition, intended to connect businesses and private individuals and whereas, in terms of their development and opening, they are therefore the best means of completing the Single Market as part of a responsible market economy facilitated by effective regulatory mechanisms,
- L. whereas the European Union has in recent years adopted various legislative measures aimed at enhancing the Single Market in financial services, such as bank services, asset management, insurance, pension funds, and accounting, which have brought benefits both for business and consumers, and made the EU a global leader, trend-setter and standard-setter in the financial services industry,
- M. whereas although good progress has been made towards completing the Single Market in wholesale financial services, there is as yet very little evidence of this translating to any significant extent at the retail level, often due to the cultural and traditional preferences of citizens, but also due to legal and tax barriers,
- N. whereas the Commission has an important responsibility in enforcing compliance with the competition rules in order to ensure a fair and level playing field for EU enterprises and the full achievement of Single Market benefits for EU consumers,
- O. whereas, although the Member States will maintain their exclusive rights in tax issues, the Commission can still play a useful role in certain aspects of tax policy, which will further the achievement of a real Single Market,
- P. whereas there is a need to reduce the administrative burden on businesses, in particular on small and medium-sized enterprises (SMEs),
- Q. whereas the EU suffers from a lack of innovation in comparison to its main competitors,
- R. whereas the Single Market is the most efficient tool to address the challenges of globalisation by enabling the European economy to be more competitive and dynamic,
- S. whereas the Commission must take full account of EU enlargement when implementing its policies, in particular the Internal Market policy, and of their impact in the new Member States, as well as of new developments such as social and technological developments,
- T. whereas enlargement, which has increased the opportunities to be gained from the Single Market, has also presented a challenge to its proper functioning by increasing

heterogeneity among its members; whereas heterogeneity in the field of corporate taxation constitutes a possible source of tension between Member States,

1. Welcomes the Commission's active role and forward-looking vision for the Single Market and its work on the review of the Single Market, and highlights the importance of including all stakeholders in that process;
2. Wishes the Single Market review to be the occasion for demonstrating to the European public all the benefits that they can gain from the completion of the Single Market; calls on the Commission and the Member States to close the gap between the potential and the reality of the Single Market;
3. Stresses the importance of ensuring that all members of the public benefit from the Single Market; takes the view that some vulnerable groups do not have full access to it, and points out that Declaration No 22 annexed to the final act of the Treaty of Amsterdam provides that the institutions of the Community shall take account of the needs of persons with a disability in drawing up measures under Article 95 of the Treaty;
4. Hopes that working relations with national parliaments may be strengthened so that the issues and benefits of the Single Market become clearer to the representatives of citizens in the Member States; highlights in this regard the constructive dialogue between the national parliaments and the European Parliament through annual meetings on the Lisbon Agenda as a good example of cooperation which could be built upon in the future;
5. Stresses the overriding need to put into effect the content of the final declaration of the 4th European Conference on Craft and Small Enterprises, given the essential role of such businesses in the European economy; calls, therefore, for these conclusions to be taken into account in the framing and implementation of Community policies, in particular in the context of the Single Market review and the review of policy on SMEs;
6. Regrets that Member States do not feel enough ownership of the Single Market on a practical level;
7. Recognises that in a Single Market delivering quality of life, environmental and consumer protection concerns need to be taken into account;

***Increasing stakeholders' confidence in the Single Market***

8. Holds the view that new policy initiatives should be more driven by an analysis of the impact they have on various markets, economic sectors and the environment, and in the social sphere;
9. Reiterates – given that social and territorial cohesion is one of the essential components of the Single Market – the importance of boosting citizens' confidence by promoting social and environmental objectives common to the Member States, such as quality jobs, equality of opportunity, and protection of health and the environment, while respecting European cultural diversity; calls on the Commission to ensure that the EU performs its protective function in these areas and to avoid regulatory competition between the Member States;

10. Stresses that social cohesion, combined with consistent consumer protection, can lead to an improved perception on the part of the public of the benefits of the Single Market;
11. Stresses the importance of encouraging the free movement of workers within the Single Market; points out that the mobility of workers inside the Union's borders is a major element promoting the competitiveness of businesses, and that it stimulates innovation by means of exchanges of expertise and increased competition;
12. Stresses that a good Single Market policy is fundamental to the stimulation of innovation through increased competition and to a business-friendly environment, which is of particular importance to SMEs; calls on the Commission and the Member States, in particular, to put in place practical measures designed to support the innovative potential of craft and small enterprises, and in particular tools for financing innovation which are adapted to the specific characteristics of such enterprises;
13. Urges the Commission to adopt a global strategy concerning intellectual property rights and to strengthen the protection of those rights as a tool to support innovation, promote Europe's industrial capacity and encourage its growth; highlights the importance of establishing a Community Patent and a high-quality, cost-effective, innovation-friendly judicial system for European patents which respects the competence of the Court of Justice of the European Communities; notes the Communication from the Commission to the European Parliament and the Council on enhancing the patent system in Europe (COM(2007)0165);
14. Considers that effective competition policy will help build consumer confidence, ensuring citizens benefit from greater choice, lower prices and higher quality; calls on the Commission to explore how better to integrate competition policy measures into wider Single Market policy;
15. Stresses the importance of combating fraud and piracy within the Single Market;
16. Holds the view that tackling climate change and ensuring sustainable development are of paramount importance, and can be achieved only with a balanced energy mix, and that a Single Market policy promoting sustainable and competitive energy is vital to those ends; welcomes the abovementioned Presidency Conclusions of the Brussels European Council; regrets, however, that insufficient emphasis was placed on the potential contribution of nuclear power;
17. In accordance with section III, paragraph 19, point (i) of the IGC 2007 Mandate<sup>1</sup> relating to a Protocol on services of general interest which will be annexed to the Treaties, invites the Commission to take initiatives to overcome the legal uncertainty regarding the status of services of general interest, notably the state aid and public procurement rules; welcomes the initiatives of the Commission which aim to clarify ambiguities in the fields of health services and social services of general interest in the Single Market; considers that strong and modern services of general interest are necessary in order to achieve public interest objectives, such as social and territorial cohesion, environmental protection and cultural diversity;

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<sup>1</sup> Presidency Conclusions, Brussels European Council of 21 and 22 June 2007.



18. Stresses the need to make consumer law more effective for the Single Market; welcomes, therefore, the Commission's Green Paper on the review of the consumer acquis; notes that the current minimum harmonisation clauses in the eight directives covered by the review are a source of legal uncertainty for businesses and consumers; considers, therefore, without wishing to predict the result of the consultation, that the mixed option approach, with a horizontal instrument, is the most appropriate with a view to strengthening consumer confidence;
19. Points out that only 6% of consumers make use of cross-border electronic commerce in goods; stresses, therefore, the importance of increasing consumer confidence in cross-border purchases by putting an end to the fragmentation of the Single Market in the digital environment; to that end, encourages the Commission to provide support for an appropriate framework for the development of electronic commerce, to create a more favourable economic environment therefor, to improve the quality of legislation and to strengthen consumer rights and the situation of SMEs in the marketplace;
20. Stresses that neither consumers nor service providers are always able to determine which legal regime is applicable to each aspect of their activities; calls, therefore, on the Commission to propose a clarification of the interaction between private international law instruments and Single Market instruments with a view to leaving no doubt as to when home or host country legislation or regulation applies and to leave no gaps in the liability regime applicable to service providers;
21. Calls for the continuing development of design standards, with the aim of further improving accessibility for disabled people, the elderly and children; stresses the importance that this process has had in areas such as urban buses, lifts, electrical appliances and information and communications technologies (ICT) in extending the benefits of the Single Market to vulnerable citizens and in creating greater certainty and preventing the creation of barriers to industry in the Union;
22. Stresses that public contracts must be awarded in a fair and transparent manner, observing public procurement rules, and that they may also help promote innovation and technological development and help respond to environmental and social concerns, including accessibility for disabled people; calls on the Commission to encourage Member States to improve access for SMEs to public procurement contracts and to apply pre-commercial procurement to improve the innovative capacity of the Single Market;
23. Holds the view that the free movement of goods is vital for the efficiency of the Single Market; points out that 25% of the goods manufactured in the European Union are still not subject to harmonisation measures; welcomes, therefore, the Commission initiative to improve the functioning of the Single Market in that field; calls on the Member States to make full use of mutual recognition to ensure the exercise of this fundamental freedom in the interests of consumers and businesses;
24. Stresses the importance of removing obstacles to the creation of a single payments area, as well as further liberalisation of postal markets, while ensuring the financing of an efficient universal service;

25. Takes the view that further financial integration in the European Union is necessary to contribute to sustainable growth, notably via lower transaction costs, wider opportunities for risk sharing and a more efficient allocation of resources;
26. Believes that the present VAT and excise duty systems are a barrier to the completion of the Single Market, in particular in relation to cross-border trade; calls on the Commission to investigate tax problems related to personal mail order and Internet shopping, and to come forward with proposals for facilitating EU citizens' full benefit from the free movement of goods;
27. Calls for particular attention to be paid to the Single Market concerns of SMEs, in particular through improvements to the cost and speed of start-up processes, the availability of risk capital/venture capital, the cost and speed of payment services and the mobility of people, goods and services; calls on the Commission to ensure that risk capital from the European Investment Fund usefully reaches SMEs and innovative enterprises;
28. Holds the view that informal networks, such as Solvit and the European Consumer Centres Network (ECC-Net), are an important complement to the formal and legal tools available to citizens and enterprises; welcomes the initiative to establish the Internal Market information network (IMI - Internal Market Information system); calls on the Commission to increase its staff resources and improve its information strategy so that the public and businesses know that these networks exist and so as to make them fully effective;
29. Believes that increased consultation and use of appropriate mechanisms to achieve a faster resolution of disputes need to be investigated; calls, therefore, for an effective fast-track arbitration redress mechanism to be established at EU level to promote the prompt resolution of disputes concerning Single Market rules;

#### ***Reducing administrative burdens***

30. Welcomes the Commission's initiatives to reduce the administrative burdens for businesses and urges that further efforts of this kind be made to improve access to the Single Market without reducing the necessary protection for citizens, consumers and employees;
31. Stresses that mutual recognition is an important aspect of the Single Market which does not prevent the approximation of legislation where appropriate;
32. Stresses, however, that the Single Market of the 21st century must operate within a set of necessary and proportionate rules; believes that greater harmonisation may be necessary in certain areas, in particular in retail financial services (including means of payment) and in the functioning of the tax system; welcomes the Commission Green Paper on Retail Financial Services in the Single Market (COM(2007)0226) and, while recognising the local nature of retail financial services, urges the Commission to promote the steps already taken and being taken to create the conditions for a Single Market in which consumers and suppliers can choose to participate; is of the opinion that to this end greater consumer testing of possible initiatives should always be undertaken; urges the Commission to push ahead with its proposals concerning a common consolidated corporate tax base;

33. Emphasises that 'better' is not necessarily 'less' regulation; urges the Commission to consider new initiatives in order to improve the functioning and integration of the Single Market and to consolidate and simplify legislation;
34. Considers that the Commission's consultation procedures must be more transparent and targeted in order to encourage all stakeholders, and in particular SMEs, to participate;
35. Believes that boosting competition through regulatory reform is the stimulus that Europe needs to improve productivity; reiterates that Parliament's rights in the context of regulatory reform should be fully respected;
36. Holds the view that Commission impact studies need to be more consistent and take account of all stakeholder views; welcomes, therefore, the establishment of the Commission's impact assessment board and asks the Commission for the board's opinions to be made public; calls for more impact assessments to be carried out by the European Parliament in support of its proposals;
37. Calls on the Commission to incorporate an 'Internal Market Test' into the better regulation mechanisms, as advocated by Parliament, to ensure that regulators always take into account the implications of their actions on the four freedoms of the Single Market, alongside the other aspects that they are required to consider, notably sustainability and employment;
38. Points out that ex-post evaluation of legislation should also be undertaken to ensure that rules are working as intended and to highlight any unforeseen negative effects;
39. Shares the Commission's view that co-regulation and self-regulation can be tools which may complement legislative initiatives in some areas, while respecting the legislator's prerogatives; also stresses the effectiveness of closer cooperation in some areas, making it possible to move towards harmonisation on a voluntary basis;
40. Is of the opinion that inadequate transposition is one of the major barriers to the completion of the Single Market and that Member States are responsible for improving transposition and implementation of EU legislation; welcomes the improvement in national transposition and the aim of the above mentioned Brussels European Council gradually to reduce the target transposition deficit to 1%; calls on Member States to avoid the pitfall of national over-regulation ('gold-plating');
41. Stresses the importance of strengthening and improving administrative cooperation between the authorities in the Member States which are responsible for the Single Market;

### ***The international dimension***

42. Regrets the fact that some Member States are taking measures to protect their national markets; emphasises the importance of achieving a level playing field across the Single Market; stresses that a well-functioning Single Market constitutes a competitive advantage for Europe in the face of globalisation;
43. Calls on the Commission, when framing internal policies, systematically to evaluate and take into consideration similar policies implemented by the EU's major partners, such as

the USA, Russia, China, India, Brazil, Japan and so on, with a view to improving the European Union's competitiveness and removing barriers to global trade;

44. Stresses that policy initiatives to increase competitiveness must not lower European standards; recalls the importance of developing a constructive and balanced dialogue with external partners in order to influence the development of international standards;
45. Takes note of the Commission's initiative to engage in a comprehensive review of the Union's trade defence instruments; stresses that effective trade defence instruments are vital to competitiveness, growth and jobs in a fast-changing world economy; recalls that the European Union should maintain the leadership it has shown in the past in improving and strengthening discipline at WTO level;
46. Holds the view that the European Union will only be able to thrive in a global economy if it matches and even improves on the innovative capacity of its trading partners; insists on the fact that the European Union needs specific measures to make the Single Market more innovative; furthermore, calls on the institutions of the European Union to position the Union as an entity with regard to future trends in the global economy so as to ensure both the efficiency of the Union's trade defence and its sustainable competitiveness; is of the opinion that the Transatlantic Internal Market could be an appropriate instrument to these ends;

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47. Instructs its President to forward this resolution to the Council and Commission and to the governments and parliaments of the Member States.