

# EUROPEAN PARLIAMENT

2004



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*Committee on Constitutional Affairs*

**2006/2006(INI)**

20.3.2006

## **OPINION**

of the Committee on Constitutional Affairs

for the Committee on Legal Affairs

on a strategy for the simplification of the regulatory environment  
(2006/2006(INI))

Draftswoman (\*): Marie-Line Reynaud

(\*): Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

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## SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas initiatives for the 'simplification of the regulatory environment' have been on the agenda of the institutions for over ten years using a variety of forms and approaches,
- B. whereas the Commission, in its communication of 25 October 2005 entitled 'Implementing the Community Lisbon programme: a strategy for the simplification of the regulatory environment' (COM(2005)0535), rightly presents simplification not as a distinct legislative technique involving codification, recasting or straightforward repeal but as an overall approach including these tools and aimed at making Community and national legislation easier to apply and hence less costly,
- C. whereas this approach is for the Commission, Parliament, and the Council a tool in the service of the Lisbon strategy,
- D. whereas such an approach requires a close partnership in this area, firstly, between the European institutions and, then, between the latter and the national authorities,
- E. whereas the experience acquired by the Commission, the Council and Parliament with the recasting of legislation has recently been assessed in a report by the legal services of the three institutions which highlights certain teething troubles along with useful lessons for the future<sup>1</sup>,
- F. whereas the simplification initiatives undertaken since the second simplification programme was launched in February 2003 (COM(2003)0071) have varied widely in nature and scope, ranging from the review of specific directives to overhauling the legislation of an entire sector, so hampering a standardised procedural approach,
  1. Points out that, although simplification is necessary and desirable, it must in no circumstances result in adopted policies being called into question; consequently, where even a minor amendment is to be made to the Community *acquis*, this cannot be done without democratic scrutiny of any kind but must be submitted to the legislator;
  2. Points out that, while there may be over-regulation in some areas, this state of affairs is due in large measure to the lawmaking activity of the Member States and that, therefore, if Community legislation is to be repealed, this must be followed by repeal of the matching national provisions;
  3. Is surprised that the issue of reforming the current system of delegating rule-making ('comitology') receives only a brief mention in passing<sup>2</sup> in the above Commission communication, even though such a reform could make a major contribution to simplifying secondary Community law by allowing the Commission to adopt

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<sup>1</sup> Assessment report of 21 September 2005 on application of the Interinstitutional Agreement on a more structured use of the recasting technique for legal acts.

<sup>2</sup> In point 3.d.

implementing provisions using faster procedures;

4. Notes that the success rate of the simplification initiatives undertaken since 2003 is not disappointing and that the average length of procedures is not excessive given the complexity of the subject matter<sup>1</sup>;
5. Records, nevertheless, that the number of simplification initiatives launched since that date has been very limited and that the targets originally set for reducing the volume of the Community '*acquis*' are far from being achieved;
6. Notes also that the procedures governing some of the instruments used for the simplification strategy, in particular, the recasting procedure, could be clarified in terms of the competences of each institution so as to avoid procedural disputes and the resulting deadlocks; in so doing, it must be ensured that the legislative powers of the European Parliament are fully upheld; however, the Committee on Constitutional Affairs should reflect on working methods that allow MEPs to deal efficiently with simplification;
7. Is ready to make a larger contribution to the work that needs to be done jointly by the three institutions to relaunch the simplification process;
8. Undertakes for its part to give thought to the improvement of its procedures and its internal legislative techniques in order to speed up the simplification dossiers, while complying with the procedures laid down in primary law, in this particular case the Treaty establishing the European Community;
9. Believes that the starting point for such an approach must be an analysis of the simplification initiatives launched since 2003 as a basis for subsequently identifying possible improvements to the techniques and procedures applied within Parliament;
10. Instructs its President to refer to the appropriate committee for consideration the question of possible changes to be made to the European Parliament's Rules of Procedure.

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<sup>1</sup> The Commission points out in its above communication in a footnote on page 3 that fifteen legislative proposals tabled under the simplification programme launched in 2003 'are still pending before the legislator'. An update by the relevant departments currently in progress will show that more than half have now been adopted or are in the process of being so.

## PROCEDURE

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|---|--|
| <b>Title</b>  | Strategy for the simplification of the regulatory environment  |
| <b>Procedure number</b>   | 2006/2006(INI)]  |
| <b>Committee responsible</b>                                      | JURI   |
| <b>Opinion by</b><br>Date announced in plenary                    | AFCO<br>19.1.2006  |
| <b>Enhanced cooperation – date announced in plenary</b>           | 19.1.2006  |
| <b>Drafts(wo)man</b><br>Date appointed                            | Marie-Line Reynaud<br>24.1.2006  |
| <b>Previous drafts(wo)man</b>                                     |  |
| <b>Discussed in committee</b>                                     | 21.2.2006  |
| <b>Date adopted</b>   | 20.3.2006  |
| <b>Result of final vote</b>                                       | +: 14<br>–: 0<br>0: 0  |
| <b>Members present for the final vote</b>                         | Carlos Carnero González, Richard Corbett, Jean-Luc Dehaene, Panayiotis Demetriou, Andrew Duff, Maria da Assunção Esteves, Ignasi Guardans Cambó, Jo Leinen, Íñigo Méndez de Vigo, Marie-Line Reynaud, Johannes Voggenhuber |
| <b>Substitute(s) present for the final vote</b>                   | Georgios Papastamkos, Jacek Protasiewicz, Jacques Toubon   |
| <b>Substitute(s) under Rule 178(2) present for the final vote</b> |  |
| <b>Comments (available in one language only)</b>                  | ...  |