DRAFT OPINION

of the Committee on Constitutional Affairs

for the Committee on Legal Affairs

on better regulation: Joining forces to make better laws (2021/2166(INI))

Rapporteur for opinion: Helmut Scholz
SUGGESTIONS

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

1. Welcomes the Commission communication’s intention to make the approach to better law-making more dynamic and adaptable to further developments;

2. Welcomes the efforts to consolidate the consultation process and the commitment to report on each public consultation within eight weeks of its closure; calls for improved systematic assessments of public consultations and for the Commission to increase its outreach activities and measures to promote greater participation;

3. Reiterates that there is a need to fully engage citizens in the EU decision-making process; reiterates its call for the establishment of permanent participatory mechanisms to further facilitate and engage citizens’ participation in the EU decision-making process; supports awareness-raising activities for these mechanisms and highlights the need to establish them at the national, regional and local levels for adequate horizontal and vertical coordination among institutions at different levels;

4. Highlights the acknowledged lack of impact assessments for several key legislative files, which can only partly be attributed to the COVID-19 pandemic;

5. Acknowledges the need for the co-legislators to conduct impact assessments when substantially amending legislative proposals, in line with paragraph 15 of the Interinstitutional Agreement on Better Law-Making (IIA on BLM);

6. Recalls the commitment of all three institutions to setting up a joint legislative register; insists on the need to make this joint portal fully operational and transparent as soon as possible and to include all publicly disclosed documents under Regulation (EU) 1049/2001 automatically; deplores the persistent lack of transparency in the Council’s decision-making process and the practice of over-classifying documents and applying an excessively broad interpretation of the exceptions included under Regulation (EU) 1049/2001;

7. Warns against a mechanical application of the ‘one in’ / ‘one out’ principle, which results in an excessive focus on regulatory burdens, which may lead the consideration of benefits to be neglected;

8. Recalls the importance of maintaining close contact between the co-legislators in advance of interinstitutional negotiations, including by inviting representatives of other institutions to informal exchanges of views on a regular basis, in line with the commitment outlined in paragraph 34 of the IIA on BLM;

9. Calls on the Council and the Commission to assess jointly with Parliament the extent to

---

1 COM(2021)0219.
which the IIA on BLM should be revised to eliminate possible barriers to Parliament’s ability to exercise its power to propose legislative initiatives;

10. Calls for the need to take into full consideration the Conference on the Future of Europe’s deliberations on the participation of citizens in the EU decision-making process, in particular the recommendations of the Citizens Panel No 2, in particular sub stream 4.2, No 29, No 32, sub stream 2.1, No 10 and No 11 thereof;

11. Considers the development of new algorithms and new forms of digitalisation processes in the decision-making of all three institutions to be an essential challenge of the digital era; believes that the commitments of the three institutions on those developments should be clearly identified and included in a revised IIA on BLM.