



*Committee on Foreign Affairs
The Chair*

25.4.2022

Mr Adrián Vázquez Lázara
Chair
Committee on Legal Affairs
BRUSSELS

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

Dear Mr Chair,

On 23 February 2022, the Committee on Foreign Affairs endorsed the decision by the coordinators of the Subcommittee on Human Rights to submit an opinion to the Committee on Legal Affairs on its own-initiative report on Better Regulation: Joining forces to make better laws (2021/2166(INI)) in the form of a letter.

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

Yours sincerely,

David McAllister

SUGGESTIONS

1. Welcomes that the Commission communication on Better Regulation: Joining forces to make better laws proposes several improvements to the EU law-making process, including to Better Regulation guidelines and toolbox, notably by mainstreaming the UN SDGs to ensure that all COM legislative proposals contribute to the 2030 sustainable agenda; underlines that the communication applies to all Commission policy and legislative proposals, including on external policies; call for ensuring an holistic perspective which take into account human rights as central to all dimensions of sustainable development - social, environmental and economic;
2. Recalls that protecting, promoting and facilitating the fulfilment of human rights and democracy is a key priority of EU external action as enshrined in Article 21 of the TEU, that the Charter of Fundamental Rights of the European Union also applies to its external action highlights that the EU has repeatedly reaffirmed its commitment to remain an influential player on the world stage and to keep playing a leading role as a global defender of democracy and human rights; regrets, therefore, that the proposal remains limited in translating the tool on fundamental rights in the EU's Better Regulation toolbox into the guidelines the EU's global commitment and Treaty-based obligation to human rights; underlines therefore the importance of human rights impacts of all EU external policies, including trade policy and development cooperation, particularly regarding vulnerable groups;
3. Underlines therefore that the guidelines should be revised and effectively implemented to ensure that human rights are systematically duly taken into account, obliging the EU not to take any action that would prevent or make more difficult the realisation of human rights; underlines that gender impact should be mainstreamed in all reporting and that in addition to general assessment of human rights situation, human rights impact assessments need to include gender-disaggregated data and evaluate the specific human rights impact on women;
4. Calls, therefore, on the European Commission to strengthen the horizontal obligation of mainstreaming human rights tests and impact assessment for all external policy areas without exception and ensuring an effective consistency between the different areas of its external action and between these and its other policies; underlines that the Commission should systematically design and specify options which protect fundamental rights and privilege those that have the highest positive impact on fundamental rights;
5. Reiterates its call for regular human rights impact assessments to be carried out for all EU political and trade agreements with third countries, as well as for systematic human rights impact assessments before granting GSP status to developing countries; calls on the Commission and the Member States to consider the possibility of including systematic impact assessments in Global Europe Instrument as well as in the European Peace Facility; further calls that detailed explanation should be provided when civil society inputs are disregarded in an impact assessment, to show that that all relevant options have been considered and ensuring that the public interest and human rights always prevails;

6. Underlines the importance of interlinking human rights impact assessments with the new EU's human rights due diligence policy framework by ensuring that the data generated on corporate human rights and environmental risks per sector, business activities and value chains feed into EU-level and national enforcement and monitoring bodies, providing for measurable benchmarks and substantive content;
7. Suggests that the Regulatory Scrutiny Board should include as members a human rights expert and an expert on environmental issues, should enhance its external outreach through the receipt of civil society contribution and should provide public answers to civil society inputs;
8. Reiterates the importance of policy coherence in relation to external EU policies; welcomes any initiatives to strengthen an effective and consistent approach by the EU in this regard.