



2016/2018(INI)

21.3.2018

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Legal Affairs and the Committee on Constitutional Affairs

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

Rapporteur: Adina-Ioana Vălean

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into its motion for a resolution:

International agreements

1. Regrets the fact that it is not usually possible to access certain Council documents relating to international agreements, particularly negotiating mandates;
2. Calls for a more harmonised and structured approach, with guaranteed access for Parliament, to all negotiating texts and related documents, even those of a confidential or classified nature, including negotiating mandates, and to other relevant documents used during the preparatory stages and actual negotiations; considers, moreover, that the Commission and the Council should provide the Parliament with regularly updated lists of the documents at their disposal relating to the negotiations;
3. Welcomes the written briefings provided by the Commission ahead of international conferences and the daily oral briefings provided by the Council Presidency and the Commission during those conferences;
4. Regrets the fact that Parliament is not allowed to attend, as an observer, EU coordination meetings during international conferences;
5. Calls on the three EU institutions to conclude – in a timely manner – the negotiations on improved practical arrangements for cooperation and information-sharing that were initiated in November 2016 in accordance with paragraph 40 of the Interinstitutional Agreement on Better Law-Making;

Delegated and implementing acts

6. Notes that the delegation of power to the Commission is not merely a technical issue but can also involve questions of political sensitivity which are of considerable importance to EU citizens, consumers and businesses;
7. Recalls the fact that, as laid down in its recital 7, the new Interinstitutional Agreement should facilitate negotiations in the framework of the ordinary legislative procedure and improve the application of Articles 290 and 291 TFEU, but deplors the fact that this has not yet occurred; expresses strong dissatisfaction at the fact that the Council is still very reluctant to accept delegated acts when the criteria under Article 290 TFEU are met; stresses that this puts a substantial strain on negotiations;
8. Is very concerned that the Council is trying almost systematically to replace delegated acts with implementing acts; finds it particularly unacceptable that the Council is trying to use the post-Lisbon alignment to replace the regulatory procedure with scrutiny with implementing acts, rather than delegated acts;
9. Expresses disappointment at the fact that the Commission has not always defended its own original proposals with regard to the use of delegated acts;

10. Recalls that politically significant elements, such as Union lists or registers of products or substances, should remain an integral part of a basic act – where appropriate in the form of annexes – and should therefore only be amended by means of delegated acts; stresses that the creation of self-standing lists should be avoided in the interests of legal certainty;
11. Looks forward to making use of a well-structured and user-friendly functional register of delegated acts, which was published on 12 December 2017 and had been requested by Parliament;
12. Reminds the three EU institutions that further progress is needed in establishing a dedicated joint database on the state of play of legislative files;

Impact assessments

13. Reiterates its call for the compulsory inclusion in all impact assessments of a balanced analysis of the medium- to long-term economic, social, environmental and health impacts;
14. Stresses that impact assessments should only serve as a guide for better law-making, and as an aid for making political decisions, and should in no event replace political decisions within the democratic decision-making process, nor should they hinder the role of politically accountable decision-makers;
15. Considers that impact assessments should not cause undue delays to legislative procedures, nor should they be utilised as procedural obstacles in an attempt to delay unwanted legislation;
16. Calls on the Commission to use impact assessments and ex-post evaluations to examine the compatibility of initiatives, proposals or pieces of existing legislation with the Sustainable Development Goals, as well as their impact, respectively, on the progress and implementation of these Goals;

Simplification

17. Believes that certain administrative burdens are necessary for ensuring proper compliance with legislative objectives and the required level of protection, in particular with regard to the environment and the protection of public health – sectors in which information requirements must be maintained;
18. Stresses the importance of avoiding unnecessary bureaucracy and taking into account the correlation between company size and the resources required to implement obligations;
19. Believes that, as quality is of the utmost importance, the work of regulatory simplification should not serve as a pretext for showing less ambition on issues of vital importance to the protection of the environment, public health or food safety;
20. While stressing the need to consider and improve the efficiency of existing interventions by reducing unnecessary regulatory costs, considers that the setting of a

net target for reducing regulatory costs is not appropriate, as it unnecessarily reduces the range of instruments available for addressing new or unresolved issues, and ignores the corresponding benefits of regulation;

21. Welcomes the Commission's announcement that, in reviewing existing and planned legislation, it will take account of the particular interests of micro-enterprises and SMEs and apply lighter regimes to such companies in the form of exemptions and simplifications; encourages the Commission to explore how the needs of SMEs and micro-enterprises can be further taken into account when drafting legislation, while continuing to ensure high standards of consumer, employee, public health and environmental protection;
22. Welcomes the establishment of the Commission Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', which must work hand in hand with the Interinstitutional Agreement to increase the trust of citizens who consider the principle of subsidiarity to be a key aspect of the democratic process;
23. Underlines the new provisions for public and stakeholder consultations, which should serve as an important tool both in the preparatory phase and throughout the entire legislative process;

Implementation and application of EU law

24. Is of the opinion that in the implementation and transposition of EU acts, a clear distinction must be made between cases of 'gold plating', in which Member States introduce additional administrative requirements unrelated to EU legislation, and the setting of higher standards that go beyond EU-wide minimum standards for environmental and consumer protection, healthcare and food safety;
25. Calls on the Member States to refrain as much as possible from creating additional administrative requirements when transposing EU legislation, and in accordance with paragraph 43 of the Interinstitutional Agreement, to make such additions identifiable in the transposing act or associated documents;
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26. Underlines that in the implementation of EU legislation and where EU legislation sets only minimum standards, Member States are free to introduce higher standards for environmental and consumer protection, healthcare and food safety.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.3.2018
Result of final vote	+: 54 -: 5 0: 3
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Ivo Belet, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Stefan Eck, Bas Eickhout, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Lukas Mandl, Valentinas Mazuronis, Susanne Melior, Rory Palmer, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Julia Reid, Frédérique Ries, Michèle Rivasi, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Adina-Ioana Vălean, Damiano Zoffoli
Substitutes present for the final vote	Christofer Fjellner, Elena Gentile, Merja Kyllönen, Norbert Lins, Gesine Meissner, Ulrike Müller, Mihai Țurcanu
Substitutes under Rule 200(2) present for the final vote	Fernando Ruas, Ruža Tomašić, Jadwiga Wiśniewska

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

54	+
ALDE	Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Valentinas Mazuronis, Gesine Meissner, Ulrike Müller, Frédérique Ries
EFDD:	Piernicola Pedicini
GUE/NGL:	Stefan Eck, Kateřina Konečná, Merja Kyllönen
PPE:	Pilar Ayuso, Ivo Belet, Birgit Collin-Langen, Angélique Delahaye, Christofer Fjellner, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Giovanni La Via, Peter Liese, Norbert Lins, Lukas Mandl, Fernando Ruas, Annie Schreijer-Pierik, Renate Sommer, Ivica Tolić, Mihai Țurcanu, Adina-Ioana Vălean
S&D:	Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Miriam Dalli, Seb Dance, Elena Gentile, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Rory Palmer, Massimo Paolucci, Pavel Poc, Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
VERTS/ALE:	Marco Affronte, Margrete Auken, Bas Eickhout, Michèle Rivasi, Davor Škrlec

5	-
ECR	Arne Gericke, Urszula Krupa, Bolesław G. Piecha, Ruža Tomašić, Jadwiga Wiśniewska

3	0
ECR:	Mark Demesmaeker
EFDD:	Julia Reid
ENF:	Sylvie Goddyn

Key to symbols:

+ : in favour

- : against

0 : abstention