



EUROPEAN PARLIAMENT

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*Committee on the Internal Market and Consumer Protection*

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**2011/2029(INI)**

26.5.2011

## **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on better legislation, subsidiarity and proportionality and smart regulation  
(2011/2029(INI))

Rapporteur: Cornelis de Jong

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## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Endorses the strategic approach adopted by the Commission in its communication on Smart Regulation in the European Union, which places smart regulation at the centre of the entire process of policy formulation, from the drafting of a legal act to implementation, enforcement, assessment and revision;
2. Calls on all EU institutions to abide by Article 153(2b) of the TFEU which requires them to avoid passing laws which impose administrative, financial and legal constraints that hold back the creation and development of SMEs;
3. Calls on the Commission to continue to apply an SME test, and in particular a test based on the Think Small First principle to all new legislative proposals;
4. Calls on all Parliamentary Committees to apply the principles of the SME test on the legislative reports, once they have been voted upon by the respective Committee and are being submitted to the plenary for approval;
5. Urges the Commission and the Member States to reduce the administrative and bureaucratic burden on SMEs and to afford them easier access to credit and the services market;
6. Finds that smart regulation should be end user-oriented; calls therefore on the Commission, the Council and the European Parliament to focus more on end users when developing new legislation and to ensure that they are properly consulted throughout the process;
7. Calls on the Commission to give greater support to dialogue and communication with civil society in the form of public consultations and urges it to adapt this form of communication as much as possible to the needs of the ordinary citizen;
8. Calls on the Commission to take into consideration, in its review of the public consultation mechanism, the wholly inadequate level of participation by civil society in these consultations; requests the Commission to adopt measures to ensure that substantially more European citizens take part in future public consultations than have done hitherto, such as by using accessible and easy-to-use online translation machines to make all public consultations and internet pages and related documents available in all EU official languages;
9. Stresses that open, transparent and regular dialogue is a basic precondition for greater involvement of civil society in the process of shaping legislation and governance;
10. Welcomes the Commission's decision to extend the time limit for public consultation from eight to twelve months; considers extensive involvement of all parties concerned to

be a building block of better legislation;

11. Stresses the importance of an independent Impact Assessment for the proper implementation, application and enforcement of legislative measures and calls on all Parliamentary Committees to give full consideration to these Impact Assessments; stresses the importance of updating Impact Assessments following any substantial amendments made to initial Commission proposals;
12. Calls on the Commission to further improve the timeliness of the Impact Assessment Board, the quantification of implementation and enforcement costs and the potential administrative burden of proposed legislation, as suggested by the European Court of Auditors in its Special Report on Impact Assessments<sup>1</sup>;
13. Reiterates the views expressed in the resolution of 20 May 2010 on ‘Delivering a Single Market to consumers and citizens’ and in the Commission Communication of 8 October 2010 on ‘Smart Regulation in the European Union’ that ex-ante and ex-post evaluation of EU legislation must become an integral part of policy making; calls on the Commission to utilise fully this form of assessment to verify the quality, effectiveness and efficiency of any given piece of EU legislation, as well as to review how the particular legislation is applied in practice at the different levels within each Member State and the effect of such on consumers, citizens and SMEs;
14. Encourages the adoption of the proposal made by the Court of Auditors stipulating that national impact assessments could usefully complement those carried out by the Commission; calls for the simplification of legislation and minimization of administrative burdens, particularly for SMEs, for the exchange of best practices between Member States, and for collective action to be taken by Member States to reduce ‘gold plating’ of EU legislation;
15. Calls on the Commission to make certain that the potential effects of the proposed legislation on the internal market and consumers are examined, as well as their economic, social and environmental impact; stresses that, to this end, all parties concerned, including SMEs, consumer organisations and – if legal provisions have an impact on the labour market – the social partners must be systematically consulted;
16. Encourages the Commission to regularly review EU legislation, ensuring in close collaboration with the European Parliament that existing legislation is updated correctly and, when appropriate and on a case-by-case basis, that texts that have become obsolete are withdrawn in order to avoid ineffective over-regulation;
17. Requests the Commission to review, in particular, all the funding regulations in order to reduce the administrative burden for applicants for EU subsidies with a view to making the whole application procedure more efficient;
18. Believes that the enhanced role of the European Parliament and national parliaments as laid down by the Lisbon Treaty, together with the general principle of subsidiarity, have made it very important for Member States to be actively involved throughout the entire

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<sup>1</sup> Impact assessments in the EU Institutions: do they support decision-making? Special Report No 3, 2010.

policy cycle of each item of EU legislation, from its design to its implementation, enforcement, consolidation, evaluation and revision;

19. Stresses that correlation tables help to improve the implementation of internal market measures and considerably simplify their enforcement; calls on the Member States, in the interests of greater transparency, finally to accept and make publicly available correlation tables for the implementation of legal provisions and thus contribute to better legislation; calls on the Commission and the Member States to take every possible step to continue to improve the transposition, application and, where appropriate, enforcement of EU legislation;
20. Stresses that, pursuing the same approach as was adopted in the Monti report, greater use should be made of regulations in legislative proposals, as part of the move towards less and better legislation;
21. Considers that, in order for European legislation to function better, communication about the legislative process and legislative proposals should be improved, because the reports emanating from the institutions often make it unclear to businesses and the public exactly what legislation has ultimately been adopted;
22. Notes the Commission's intention to submit later in 2011 a legislative proposal on the use of alternative dispute settlement mechanisms, with a view to securing rapid and effective access to the out-of-court settlement of disputes.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	25.5.2011
<b>Result of final vote</b>	+: 34 -: 0 0: 0
<b>Members present for the final vote</b>	Pablo Arias Echeverría, Adam Bielan, Cristian Silviu Buşoi, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia De Campos, Jürgen Creutzmann, Evelyne Gebhardt, Louis Grech, Małgorzata Handzlik, Malcolm Harbour, Iliana Ivanova, Sandra Kalniete, Edvard Kožušník, Hans-Peter Mayer, Phil Prendergast, Mitro Repo, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Laurence J.A.J. Stassen, Catherine Stihler, Kyriacos Triantaphyllides, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler
<b>Substitute(s) present for the final vote</b>	Regina Bastos, Cornelis de Jong, María Irigoyen Pérez, Constance Le Grip, Morten Løkkegaard, Konstantinos Poupakis