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B8-0311/2014 }
B8-0312/2014 }
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B8-0315/2014 }
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JOINT MOTION FOR A RESOLUTION

pursuant to Rule 123(2) and (4) of the Rules of Procedure

replacing the motions by the following groups:

PPE (B8-0311/2014)
ECR (B8-0312/2014)
ALDE (B8-0313/2014)
S&D (B8-0315/2014)
GUE/NGL (B8-0316/2014)

on the revision of the Commission's impact assessment guidelines and the role of the SME test
(2014/2967(RSP))

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on behalf of the S&D Group

Ashley Fox, Sajjad Karim, Anthea McIntyre

on behalf of the ECR Group

Pavel Telička, Jean-Marie Cavada, António Marinho e Pinto

on behalf of the ALDE Group

Dennis de Jong

on behalf of the GUE/NGL Group

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European Parliament resolution on the revision of the Commission's impact assessment guidelines and the role of the SME test (2014/2967(RSP))

The European Parliament,

- having regard to the recent public consultation on the revision of the Commission's impact assessment (IA) guidelines and the corresponding draft revised IA guidelines,
 - having regard to its resolution of 8 June 2011 on guaranteeing independent impact assessments¹,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas IAs, as an early-stage tool when legislation is being developed, play a key role in the Commission's smart regulation agenda with the purpose of providing transparent, comprehensive and balanced evidence on economic, social and environmental effects, the added value of EU action, the regulatory and administrative burden to be expected and the cost and benefits of alternative courses of action for all stakeholders;
- B. whereas the existing IA guidelines provide for a central role for the Commission Secretariat-General and the Impact Assessment Board (IAB) as regards the decision on whether or not an IA is necessary for a specific initiative;
- C. whereas the IAB plays an important role as a central quality control point for IAs;
- D. whereas the Treaties contain horizontal social and environmental clauses – together with obligations to respect the principles of subsidiarity and proportionality – which must be taken into account in defining and implementing the Union's policies and activities and require an in-depth analysis of the relevant impact of any proposed legislation;
- E. whereas according to a Commission expert group, the cost for an SME to comply with a regulation can be 10 times greater than for larger companies; whereas, therefore, a proper and independent IA is of particular relevance for SMEs, which often have more difficulties than large enterprises in adapting to new legal and administrative requirements and, by reason of their size, are less capable of anticipating regulatory changes at an early stage;
- F. whereas the 'think small first' principle is the foundation of the Small Business Act for Europe of 2008; whereas it has been part of the IA guidelines since 2009, and of other Commission texts since 2005; whereas this principle is aimed at taking SMEs' interests into account at the very early stages of policymaking so as to make legislation more SME-friendly; whereas a range of tools is available to ensure the effective implementation of this principle, including the application of an 'SME test' to forthcoming legislative proposals;

¹ OJ C 380 E, 11.12.2012, p. 31.

- G. whereas the current IA guidelines provide for specific guidance in the form of an SME test, including for possible mitigation measures; whereas the draft revised guidelines do not include any provisions on the SME test;
- H. whereas a proper assessment of Parliament's substantive amendments to the initial Commission proposal shows considerable added value to support Parliament's position in trilogue negotiations;

Scope

1. Welcomes the Commission's commitment to regularly reviewing the IA guidelines with a view to improving the IA procedures;
2. Underlines the fact that the Commission should ensure that economic, social, administrative and environmental aspects are assessed in equal depth;
3. Is concerned, however, that the draft revised guidelines are much less specific than the existing guidelines in terms of the scope for IAs and that they leave significantly more room for interpretation by the directorate-general responsible as regards the decision on whether or not an IA is required; believes that the existing practices involving the IAB in the decision-making process should be retained;
4. Believes that the Commission should maintain its existing approach of submitting an IA for all initiatives meeting at least one of the following criteria:
 - (a) legislative proposals included in the Commission's Legislative and Work Programme (CLWP);
 - (b) non-CLWP legislative proposals with clearly identifiable economic, administrative, social and environmental impacts;
 - (c) non-legislative initiatives which define future policies (e.g. white papers, action plans, expenditure programmes and negotiating guidelines for international agreements);
 - (d) delegated or implementing acts introduced by the Commission – and its agencies where relevant – which are likely to have significant identifiable economic, social, environmental and administrative-burden impacts;
5. Notes that the assessment of the impact must be rigorous, comprehensive and based on the most accurate, objective and complete information available, with an analysis which is proportionate and focuses on the proposal's aim and objective, so as to allow a well-informed political decision;
6. Is convinced that IAs are an important means of supporting decision-making in all EU institutions and an important part of the better regulation process; recognises, nevertheless, that IAs cannot be substitutes for political evaluation and decisions;
7. Highlights the importance of consulting all relevant stakeholders at an early stage in the IA

process so that their input can be taken into consideration when IAs are being prepared, and before they are published;

8. Notes that the scope of an IA may not correspond to the proposals adopted where these are altered once submitted for approval by the College of Commissioners; requests that the draft revised guidelines state that the IA should be updated to ensure continuity between matters considered in it and any proposal finally adopted by the Commission;

Impact Assessment Board (IAB)

9. Expresses serious concern at the fact that the role of the IAB in the IA process is not more clearly defined in the draft revised guidelines; strongly insists that the Commission reconsider this omission and set out procedures relating to the IAB more clearly in a new set of draft revised guidelines when responding to this resolution adopted by Parliament;
10. Considers that such new procedures should establish in a clear, understandable and transparent manner the process for submission, revision and ultimate approval of IAs presented to the IAB;
11. Reiterates its view that proposals should not be adopted by the Commission unless accompanied by a positive opinion from the IAB;
12. Reminds the Commission, further, of Parliament's request that the independence of the IAB be strengthened, and in particular that members of the IAB not be subject to political control; considers that the IAB should be composed only of highly qualified people who are competent to assess the analysis presented as regards economic, social and environmental impacts;

SME test

13. Recalls that in its 2011 review of the Small Business Act the Commission considered it regrettable that only eight Member States had integrated the SME test into their national decision-making processes; asks the Commission to work with the Member States to better disseminate the principles of the SME test in the context of national procedures, in support of SME policy;
14. Welcomes the clear commitment by the Commission in that review to further strengthening the SME test; deplores, however, the fact that, contrary to these announcements, the SME test is not even mentioned in the draft revised IA guidelines;
15. Recalls that the Commission, in the Small Business Act, made a commitment to implementing the 'think small first' principle in its policymaking, and that this includes the SME test to assess the impact of forthcoming legislation and administrative initiatives on SMEs; stresses that it is vital to make sure that this test is done properly, and considers that there is a significant margin of progress still to be completed;
16. Insists that the SME test, as laid down in Annex 8 to the guidelines, should be maintained in

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order to avoid SMEs being disproportionately affected or disadvantaged by Commission initiatives compared with large companies;

17. Stresses that in such cases the IA should include options covering alternative mechanisms and/or flexibilities in order to help SMEs comply with the initiative (as provided for in Annex 8.4); welcomes, in this connection, the exclusion of micro-enterprises from the scope of a legislative proposal as a policy option stated in the draft revised guidelines; believes, however, that exempting micro-enterprises by default may not always be the best approach, and that this must therefore be assessed on a case-by-case basis for each proposal in order to reflect the policy of reversing the burden of proof, i.e. that micro-enterprises should remain outside the scope of proposals unless it is demonstrated that they should be included; supports the consideration of adapted solutions and lighter regimes for SMEs in IAs where this does not inappropriately limit the effectiveness of legislation;

Application and monitoring

18. Notes that the final form of a legislative act may differ significantly from the proposal adopted by the Commission; believes that it would be useful for a summary of the estimated benefits and costs to be prepared for adopted legislative acts, and updated to reflect changes from the analysis contained in the IA as a result of amendments made during the legislative process; considers that the monitoring and assessment of a proposal's impact would be simplified by such an exercise;

Establishing a Better Regulation Advisory Body

19. Acknowledges the work of, and the final report submitted by, the High-Level Group on Administrative Burdens, as mandated by the Commission; recalls the Commission's intention, as stated in its latest communication on REFIT (June 2014), to establish a new high-level group on better regulation, consisting of stakeholder representatives and national experts;
20. Proposes that the Commission establish this group as a high-level Better Regulation Advisory Body involving both stakeholder expertise and national experts as soon as possible; proposes a strong and independent advisory mandate for this body, which should complement the Commission's work on IAs; believes that such a body's expertise, including as regards subsidiarity and proportionality, could provide added value for the IA procedure and for other initiatives relating to better regulation; asks that Parliament and the Council be involved in the expert nomination procedure; suggests that the best practices and experience of existing better regulation bodies (such as those in Sweden, the Czech Republic, the Netherlands, the United Kingdom and Germany) be taken into account;
21. Calls on the Commission to submit new draft revised IA guidelines, taking into consideration the points stressed by this resolution and the newly introduced structure of the Commission, in particular the role of the new Vice-President in charge of Better Regulation;

Impact assessments in Parliament

22. Calls for Commission IAs to be examined systematically and as early as possible by

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Parliament, and in particular at committee level;

23. Recalls its resolution of 8 June 2011 on guaranteeing independent impact assessments, which called for more consistent use to be made of the parliamentary IA, an instrument that is already available; recalls that a specific budget line and dedicated services are available to cover the carrying-out of IAs; considers recourse to a parliamentary IA to be particularly necessary when substantive changes to the initial Commission proposal have been introduced;

Impact assessments in the European Council

24. Expects the Council to honour its commitment to systematically assessing the impact of its own substantive amendments;

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25. Instructs its President to forward this resolution to the Commission and the Council.