Better law making. Interinstitutional agreement

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The European Parliament, the Council of the European Union and the Commission of the European Communities hereby agree to improve the quality of law-making by means of a series of initiatives and procedures set out in this interinstitutional agreement. In exercising the powers and in compliance with the procedures laid down in the Treaty, and recalling the importance which they attach to the Community method, the three Institutions agree to observe general principles such as democratic legitimacy, subsidiarity and proportionality, and legal certainty. They further agree to promote simplicity, clarity and consistency in the drafting of laws and the utmost transparency of the legislative process. The main elements of the Agreement are as follows: 1) Better coordination of the legislative process : the three Institutions agree to : ensure that general coordination of their legislative activity is improved, thereby providing an essential foundation for better law-making within the European Union; improve the coordination of their preparatory and legislative work in the context of the codecision procedure and to publicise it in appropriate fashion; forward to each other their respective annual legislative timetables with a view to reaching agreement on joint annual programming; ensure as far as possible a better synchronisation of the treatment of common dossiers by the preparatory bodies of each branch of the legislative authority; keep each other permanently informed about their work throughout the legislative process. This information will be based on appropriate procedures, including dialogue between the European Parliament, in committee and plenary, and the Council Presidency and the Commission. The Commission will ensure that, as a general rule, Commissioners are present for discussions at European Parliament committee meetings and plenary sittings on draft legislation for which they are responsible. The Council will continue the practice of maintaining intensive contact with the European Parliament by means of regular participation in plenary debates, as far as possible by the Ministers concerned. The Council will also endeavour to participate regularly in the work of the parliamentary committees and in other meetings. 2) Greater transparency and accessibility : the three Institutions confirm the importance which they attach to greater transparency and to the increased provision of information to the public at every stage of their legislative work, whilst taking into account their respective rules of procedure. They will ensure in particular that public debates at political level are broadcast as widely as possible. They will hold a joint press conference to announce the successful outcome of the legislative process in the codecision procedure, once they have reached agreement, whether after first reading, second reading or conciliation. 3) Choice of legislative instrument and legal basis : the Commission will explain and justify to the European Parliament and to the Council its choice of legislative instrument, where possible as part of its annual work programme or of the normal dialogue procedures and, at all events, in the explanatory memoranda attached to its initiatives. It will consider any request in this connection from the legislative authority, andit will take account of the results of any consultations which it has undertaken before tabling its proposals. It will ensure that the action it proposes is as simple as is compatible with the proper attainment of the objective of the measure and the need for effective implementation. The three Institutions recall the definition of the term "directive" (Article 249 of the EC Treaty) and the relevant provisions of the Protocol on the application of the principles of subsidiarity and proportionality. 4) Use of alternative methods of regulation : the three Institutions recall the Community's obligation to legislate only where it is necessary, and they recognise the need to use, in suitable cases or where the Treaty does not specifically require the use of a legal instrument, alternative regulation mechanisms. Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations). Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements). The Commission will ensure that any use of co-regulation or self-regulation is always consistent with Community law. These mechanisms will not be applicable where fundamental rights or important political options are at stake or in situations where the

rules must be applied in a uniform fashion in all Member States. They must ensure swift and flexible regulation which does not affect the principles of competition or the unity of the internal market. 5) Implementing measures (committee procedure) : the three Institutions emphasise the important role played by implementing measures in legislation. They note the outcome of the Convention on the Future of Europe relating to the establishment of rules governing the exercise by the Commission of the implementing powers conferred on it. 6) Improving the quality of legislation : the three Institutions, exercising their respective powers, will ensure that legislation is of good quality, namely that it is clear, simple and effective. The Institutions consider that improvement of the pre-legislative consultation process and more frequent use of impact assessments (both ex ante and ex post) will help towards this objective. The Commission will continue to implement the integrated advance impact-assessment process for major items of draft legislation, combining in one single evaluation the impact assessments relating inter alia to social, economic and environmental aspects. The results of the assessments will be made fully and freely available to the European Parliament, the Council and the general public. Where the codecision procedure applies, the European Parliament and Council may, on the basis of jointly defined criteria and procedures, have impact assessments carried out prior to the adoption of any substantive amendment, either at first reading or at the conciliation stage. 7) Better transposition and application : the three Institutionscall upon the Member States to ensure that Community law is properly and promptly transposed into national law within the prescribed deadlines; and they deem such transposition to be essential to the consistent and effective application of that legislation by the courts, the administrations, members of the public and economic and social operators. The three Institutions will ensure that all directives include a binding time limit for the transposition of their provisions into national law. The Commission will draw up annual reports on the transposition of directives in the various Member States, with tables showing transposition rates. Those reports will be communicated to the European Parliament and to the Council, and will be made public. 8) Simplifying and reducing the volume of legislation : the three Institutions agree to, firstly, update and condense existing legislation and, secondly, significantly to simplify it. They will take the Commission's multiannual programme as a basis for this task. Within six months of the date upon which this Agreement comes into force, the European Parliament and the Council, whose task it would be as legislative authority to adopt at the final stage the proposals for simplified acts, need to modify their working methods by introducing, for example, ad hoc structures with the specific task of simplifying legislation.