

# Regulatory fitness and performance programme (REFIT): state of play and outlook

2014/2150(INI) - 24/06/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the own-initiative report by Sylvia-Yvonne KAUFMANN (S&D, DE) on Regulatory Fitness and Performance Programme (REFIT): state of play and outlook.

**Better regulation:** whilst noting the decision of Commission President Juncker to entrust the First Vice-President of the Commission with the portfolio of better regulation, Members underlined that the Commission should **prioritise the development of certain measures and should focus on the quality of legislation and better enforcement of existing legislation** rather than on the number of legislative acts.

The REFIT programme must **not be used to undermine** sustainability or any social, labour, environmental or consumer standards.

Better regulation should simplify legislation, and should include the implementation and application of Union acts at European level, as well as at national, regional and local level, in order to ensure good administration and 'Europe-friendly conduct' at all levels.

The report suggested that the Commission took the introduction of "**sunset clauses**" into consideration in time-limited legislative initiatives, on condition that this did not lead to legal uncertainty, and include if appropriate "**review clauses**" in legislative measures.

Members welcomed the [package of measures](#) of 19 May 2015 aimed at better regulation and supported the continued commitment shown by the Commission to the better law-making agenda. They noted the Commission's commitment to negotiate a **new Interinstitutional agreement** on better law-making.

Pointing out that during the previous parliamentary term, **the choice between implementing acts and delegated acts** caused numerous Interinstitutional disputes, Members considered it important for specific guidelines to be drawn up.

**Transparency and stakeholder consultations:** Members welcomed the Commission's intention of making the legislative process more transparent and its affirmation that **dialogue with citizens, the social partners and stakeholders must contribute to the process**. The Commission was asked to conduct a balanced and transparent assessment of the positions of, and feedback from, all participants in the consultation procedure.

The report also welcomed the Commission's decision in future to conduct four-week public consultation exercises on draft delegated acts and major implementing acts before Member States voted on their position in the committee responsible.

Members took the view that **the Economic and Social Committee and the Committee of the Regions** could contribute to the purposes of better legislation if they were properly consulted on specific issues sufficiently well in advance.

**Impact assessments and European added value:** whilst noting that impact assessments constituted an important tool for supporting decision-making, Members called on the Commission and Member States to **be more rigorous** in fulfilling their commitments and in assessing the impact of future and existing legislation. They underlined, however, that such assessments were not a substitute for political

assessments and decisions and that the **freedom of Members of the European Parliament to carry out their political work** must not be restricted in any way.

Members considered that:

- a **competitiveness** assessment should form a significant part of the impact assessment process;
- better regulation principles should apply to decisions on secondary legislation as well as primary legislation; the Commission, where appropriate, should accompany delegated and implementing acts with an impact assessment;
- impact assessments must be comprehensive, and contain a balanced evaluation of economic, social and environmental consequences, as well as an assessment of the impact on the fundamental rights of citizens and equality between women and men.

Parliament's specialist committees were asked to make more consistent use of in-house impact assessment instrument.

**SMEs and Think Small First:** Members welcomed the Commission's commitment to give consideration to more flexible rules for SMEs, including an outright exemption for microbusinesses, provided it was appropriate and feasible. They called on the Commission: (i) **not to abandon its ambitious targets** of reducing the administrative burden on SMEs and (ii) ensure that **objectives concerning the public interest** including user-friendly, ecological, social, health and safety and gender-equality standards were not compromised.

The reduction of administrative burdens must not lead to a reduction in employment standards or an increase in precarious employment contracts

**Ex-post evaluations:** the report:

- underscored the importance of ex-post assessment and policy performance appraisal for an evaluation of the implementation and efficiency of EU legislation and EU policies in the light of the legislative authority's intended outcomes;
- encouraged the Commission and the Member States to intensify the exchange of best practices in the implementation and application of EU directives, Notes that, one third of the regulatory and administrative burden of EU legislation follows from transposition measures undertaken by the Member States.

**Withdrawal of pending legislative proposals:** the report pointed out that the Court of Justice affirmed in its judgment of 14 April 2015 that the Commission might at any time in the course of the adoption of a Union act under the ordinary legislative procedure withdraw a proposal as long as the Council had not acted. It called on the Commission, in the event of withdrawal, to **first consult Parliament**, especially after the first reading, and to duly take into account its position.