Interinstitutional agreement on better law-making

2016/2005(ACI) - 25/02/2016 - Committee report tabled for plenary, single reading

The Committee on Constitutional Affairs adopted the report by Danuta Maria HÜBNER (EPP, PL) on the conclusion of an Interinstitutional Agreement on Better Law Making between the European Parliament, the Council of the European Union and the European Commission.

Members welcomed the agreement reached between the institutions and considered this a **good basis for establishing and developing a new, more open and transparent relationship** between them with a view to delivering better law-making in the interest of the Union's citizens.

Programming: the report welcomed in particular the results of the negotiations as regards multiannual and annual interinstitutional programming, the Commission's follow-up to Parliament's legislative initiatives, and the provision of justifications for and consultations on envisaged withdrawals of legislative proposals. It welcomed the agreed interinstitutional exchange of views in the event that a modification of the legal basis of an act is envisaged, and expressed its strong determination to **resist any attempt to undermine the legislative powers of the European Parliament** by means of a modification of the legal basis.

Better law-making tools: underlining the importance of the new IIA's provisions on better law-making tools (impact assessments, public and stakeholder consultations, evaluations, etc.), Members considered that that impact assessments must be comprehensive and balanced and should assess, inter alia, the cost to producers, consumers, workers, administrators and to the environment of not adopting the necessary legislation. They stressed the importance of taking into account, and **paying attention to, the needs of SMEs at all stages of the legislative cycle** and called for the assessment of the impact on SME to be included in impact assessment reports.

The report recalled that, in its resolution of 27 November 2014 on the revision of the Commission's impact assessment guidelines and requested that the independence of the **Regulatory Scrutiny Board** (formerly 'Impact Assessment Board') be strengthened including, in particular, that members of the Board should not be subject to political control. Members believed, in this respect, that the establishment of the Regulatory Scrutiny Board is a welcome first step in achieving independence thereof. They also pointed out that the legislators may also carry out their own impact assessments where they consider this necessary.

Simplification of legislation: Members welcomed the agreement between the institutions to cooperate in order to update and simplify legislation and to exchange views thereon, prior to the finalisation of the Commission Work Programme. They underlined the importance of the agreed "**Annual Burden Survey**" as provided for in the agreement.

According to Members, the feasibility and desirability of establishing objectives for the reduction of burdens in specific sectors must be carefully evaluated on a case-by-case basis in close cooperation between the institutions. Moreover, they is necessary to focus on the **quality of legislation**, and without undermining relevant Union standards. The Commission is expected to propose, on a **regular basis**, the **repeal of legal acts** where such repeal is deemed to be necessary.

Delegated and implementing acts: the report pointed to the need for a swift agreement on **appropriate criteria for delineating delegated and implementing acts** and a prompt alignment of all basic acts to the legal framework introduced by the Treaty of Lisbon.

Mutual exchange of views and information between Parliament and the Council: Members considered that those measures should be developed further, particularly in terms of mutual access to information and meetings, so as to ensure a truly equal balance and **equal treatment between the legislators throughout the legislative procedure**. They warned that the agreed informal exchanges of views should not develop into a new arena of non-transparent interinstitutional negotiations.

Where Parliament and the Council fully exercise their prerogatives in the legislative procedure, Members considered that **second-reading agreements should be the standard procedure** whereas first reading agreements should be used only where a considered and explicit decision has been taken to do so.

They highlighted the important role given to national parliaments by the Lisbon Treaty and encouraged better use of the existing subsidiarity and proportionality mechanisms as laid down in the Treaties.

Issues to monitor: the report points out issues that need further follow-up at technical and/or political level, with the active involvement, and drawing on the expertise, of all parliamentary committees having the relevant experience:

- programming;
- verification of the legal basis of acts;
- evaluation of the application by the Commission of its abovementioned Better Regulation Guidelines and of the effective functioning of the newly created Regulatory Scrutiny Board;
- the transparency and coordination of the legislative process (including the appropriate use of first and second-reading procedures, practical arrangements for exchanges of views, information-sharing and comparison of time-tables, transparency in the context of trilateral negotiations, development of platforms and tools for the establishment of a joint database on the state of play of legislative files, the provision of information to national parliaments and practical arrangements for cooperation and information-sharing regarding negotiations on, and the conclusion of, international agreements);
- an evaluation and possible follow up of the independence of the Regulatory Scrutiny Board in fulfilling its role in supervising and providing objective advice on respective impact assessments;
- the expectation by Parliament, pursuant to the relevant provisions of the new IIA, that the Commission comes forward with proposals establishing targets, where feasible, for the reduction of burdens in key sectors as soon as possible while ensuring that the objectives of the legislation are met;
- delegated and implementing acts, (negotiations on delineation criteria for delegated and implementing acts, the setting-up of a register of delegated acts and full alignment of pre-Lisbon acts);
- implementation and application of Union legislation (scrutiny of the communication, by Member States, of the transposition of directives, as well as of each national measure that goes beyond the provisions of Union legislation ("gold-plating")).

In conclusion, the committee **approved the draft Interinstitutional Agreement on better law-making** as well as the statement by Parliament and the Commission contained in Annex II to this decision.