

Interinstitutional agreement on better law-making

2016/2005(ACI) - 09/03/2016 - Text adopted by Parliament, single reading

The European Parliament, by 516 votes to 92, with 95 abstentions, decided to approve the Interinstitutional Agreement (IIA) 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.

Recalling the importance that it attaches to the **Community method**, the three institutions agreed to:

- observe general principles of Union law, such as democratic legitimacy, subsidiarity and proportionality, and legal certainty;
- promote simplicity, clarity and consistency in the drafting of Union legislation and the utmost transparency of the legislative process;
- that Union legislation should be: (i) comprehensible and clear, (ii) allow citizens, administrations and businesses to easily understand their rights and obligations, (iii) include appropriate reporting, monitoring and evaluation requirements, (iv) avoid overregulation and administrative burdens, (v) and be practical to implement.

Programming: Parliament 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 stressed that the agreed strong focus on the Commission's work programme cannot be understood as justifying any restriction of Parliament's own legislative powers or right of initiative.

Better law-making tools: underlining the importance of the new IIA's provisions on better law-making tools (public and stakeholder consultations, impact assessments and ex-post evaluations of existing legislation), 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.

Parliament also welcomed the aim of improving the implementation and application of Union legislation, inter alia through better identification of national measures that are not required by the Union legislation that is to be transposed ("gold-plating").

Parliament 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, whilst recalling that the Commission may complement its own impact assessment or undertake other analytical work it considers necessary.

Nevertheless, Members pointed out that **impact assessments do not replace the political decision-making process**.

Simplification of legislation: Parliament 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. It underlined the importance of the agreed "**Annual Burden Survey**" as provided for in the agreement, as a tool to identify and monitor, in a clear and transparent manner, the results of the Union's efforts, in order to **avoid and reduce any overregulation and administrative burdens**, in particular for SMEs.

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: Parliament pointed to the need for a swift agreement on **appropriate criteria for delineating delegated and implementing acts**, the setting-up of a register of delegated acts, and a prompt alignment of all basic acts to the legal framework introduced by the Treaty of Lisbon.

Transparency and coordination of the legislative process: Members acknowledged that the agreed measures to improve the **mutual exchange of views and information** between Parliament and the Council 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.

Recalling that the TFEU establishes an ordinary legislative procedure with three readings, 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.

Parliament also insisted on the need to monitor the following issues: (i) transparency in the context of trilateral exchange of views; (ii) development of platforms and tools for the establishment of a joint database on the state of play of legislative files; (iii) provision of information to national parliaments and practical arrangements for cooperation; (iv) information-sharing regarding negotiations on, and the conclusion of, international agreements.