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

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The European Parliament adopted by 537 votes to 94, with 80 abstentions, a resolution on Regulatory Fitness and Performance Programme (REFIT): state of play and outlook.

Better regulation: Parliament approved 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. According to Members, the work foreseen in the REFIT Communication should be seen as an ongoing process, ensuring that the legislation in force at European level is fit for purpose, achieves the shared objective of the legislators and meets the expectations of citizens, in particular employees, businesses, and other stakeholders.

Parliament made the following recommendations:

- 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 Commission should introduce "**sunset clauses**" in time-limited legislative initiatives, on condition that this does not lead to legal uncertainty, and include if appropriate "**review clauses**" in legislative measures;

- **the choice between implementing acts and delegated acts** caused numerous Interinstitutional disputes, it is important for specific guidelines to be drawn up.

Transparency and stakeholder consultations: Parliament 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 resolution 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, Parliament 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. It 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 took note of the **conversion of the Commission's Impact Assessment Board** (IAB) into an independent 'Regulatory Scrutiny Board' (RSB) and expected that the inclusion of independent experts will have an advantageous effect on the impact assessment process within the Commission. It insisted that the Regulatory Scrutiny Board has only an exclusively advisory role and must not issue binding opinions.

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

SMEs and Think Small First: Parliament 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. It 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 resolution:

- 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: Parliament 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.