Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

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PURPOSE : to present the Commission report on "Better Lawmaking 2000" (pursuant to Article 9 of the Protocol to the EC Treaty on the application of the principles of subsidiarity and proportionality).
CONTENT : in this report for the year 2000, the Commission has placed the stress on how the principle of subsidiarity is applied. This section has been strengthened compared with the previous year for two reasons: on the one hand, because the Commission itself wishes to explore all possible avenues on the subsidiarity issue; and on the other hand, because of comments made by certain Member States and the European Parliament on the 1998 and 1999 reports. Article 5 of the EC Treaty is backed up by a protocol on subsidiarity and proportionality which underlines the dynamic nature of the concept of subsidiarity: on the one hand, it allows Community action to be restricted or discontinued where it is no longer justified; on the other hand, it allows it to be expanded within the limits of its powers. The Better Lawmaking report 2000 gives pride of place to examining how the principle is put into practice, without forgetting the principle of proportionality, the quality of legislative texts and their codification and simplification, these being vital elements if we are to have a lawmaking system which is easier for the practitioners to understand. The enlargement process enhances the need for strict application of the subsidiarity principle, given that society in the applicant countries is even more differentiated than in the present Member States, and in the light of the new policies designed to ease integration of the new Member States. Moreover, in certain sectors for which the Amsterdam Treaty introduces new responsibilities (e.g. for creating a European area of freedom, security and justice, and in the fields of social policy and non-discrimiation), there is a need for "active subsidiarity" as a means of achieving the new objectives set out in the Amsterdam Treaty. In other sectors, the Commission is seeking greater cooperation with Member States, the local and regional authorities and civil society, with a view to the shared application of Community and national instruments in order to achieve a common goal. In addition, in areas in which the Community has particularly strong powers because its normative input is so marked, for example, in certain aspects of freedom of movement and competition policy, the Commission is using fairly innovative procedures to ensure that its initiatives are not disproportionate to the requirements of the Treaty and to the growing capacity of public and private partners to achieve the EU's objectives themselves. Lastly, preparing legislative proposals by way of communications and Green and White Papers is a way of organising the ongoing consultation of civil society and institutions at levels of expediency, level and content of legislative instruments.