

Community legislation: simplifying and improving the regulatory environment

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The European Commission presented an interim report in response to the Lisbon European Council's request to set out by 2001 a new strategy for simplifying the regulatory environment. The principles underlying the work of simplifying and improving the quality of regulatory work have already been addressed by various Community-level rules and guidelines. However, these efforts have not always produced the expected results. They have never fed into an overall approach; nor have they addressed the legislative cycle as a whole. The Commission calls for an overall strategy to improve each stage of the legislative process. This strategy must be based on the following principles: 1) legislative action only where necessary and choice of the appropriate instrument: in this respect, the Commission will take a closer look at the principles of subsidiarity and proportionality. The choice has to be done on a case-by-case basis, incorporating a degree of flexibility, and having analysed what looks like being the best way of meeting the specified objective without jeopardising either democratic control of the legislative process or the rules of the Treaty, particularly the competition rules. Alternative solutions can only be considered in appropriate cases; 2) undertaking wide-ranging consultation and impact analyses prior to proposals: extended and in-depth consultation of interested parties, more involvement of civil society, qualitative and quantitative impact assessment using a feedback mechanism, presentation of the simplest possible instruments; 3) speeding up the legislative process: stricter application of qualified majority voting for Council decisions, quicker legislative procedures by way of agreements between the institutions, more use of delegation to the Commission of powers to adopt implementing provisions to achieve the legislative act's objectives, introduction of a 'guillotine' mechanism under which proposals lapse if they are not adopted within a given time frame, possible withdrawal of proposals if compromises worked out in Council or Parliament introduce too much legislative complexity; 4) ensuring rapid and correct transposition and effective application: when transposing directives, the Member States should systematically produce a concordance table of national measures and Community legislation; concertation procedures between the Member States and the Commission to be stepped up; 5) evaluating the effects of legislation: regular appraisal of the results and consequences of Community regulations, in conjunction with the national administrations and the various economic and social players, improving information access arrangements so as to make Community law more accessible, introducing into each proposal concerned with areas subject to rapid change a deadline for re-examination of the act; - speeding up the simplification and codification of existing legislation: the simplification and systematic updating of current legislation should ensure that legislation is always appropriate to its objectives (rapid assessment of feedback, multi-annual planning, agreement between the institutions, with a view to laying down the principles of simplification, systematic introduction of a simplification element in any periodic review of directives or regulations currently in force, better codification, recasting and consolidation, systematic and rapid publication of consolidated texts). The planned new strategy should be accompanied by a profound change in administrative and regulatory culture, requiring action from the Community institutions and the Member States.