Better lawmaking, single market: making rules more effective. Annual report 1997

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The committee unanimously adopted the draft resolutions to simplify the formal quality and substance of legislation. It deplored that the Commission had dealt in a single document entitled ?Better Lawmaking 1997? with the implementation of the principles of subsidiarity and proportionality on the one hand and with matters relating to the formal quality of texts on the other hand, and decided to draft two separate reports, the first of which (on the quality of the substance of legislative texts) was presented by Mr Cot (PSE, F). As far as the political principle of subsidiarity was concerned, the rapporteur reiterated that it did not apply in the areas for which the Community had exclusive competence and that, outside those areas, it should not be applied to the detriment of Community acquis, à propos of which Mr. Cot noted that Parliament had called on the Commission in its resolution of 13 May 1997 to make a detailed analysis of the problem and that the Commission had failed to do so but should, nonetheless, comply with this obligation in its 1998 annual report. In addition, the Legal Affairs Committee noted that it could not approve the sharp drop in the number of legislative proposals by the Commission if the Commission did not prove that it had carried out a systematic evaluation in the light of the principle of subsidiarity before tabling each legislative proposal. The Commission had withdrawn ?about 30? legislative proposals considered obsolete in 1997 without providing Parliament with any further explanation. In addition, the excessive production of non-legislative documents (Green and White Papers, communications and interpretive notes) increased the risk of inefficient legislative activity by the Community. The rapporteur also recalled that the principle of subsidiarity is a political principle, which is why it cannot be invoked in order to restrict the application of other principles of equal importance, especially solidarity between regions in the forthcoming reform of the structural funds. As far as the legal principle of proportionality is concerned, the rapporteur stressed that the Commission had not defined this principle and often took recourse to ?framework directives? which aimed to ?define the general principles and establish minimum common measures? (e.g. in the areas of water policy) but for which no provision was made in the Treaty (Article 189) and which were more in keeping with the repeated requests of the Council following the failure of more ambitious legislative proposals. As a result, the rapporteur concluded, Community law was less mandatory, less sure and even resulted in uncertain transposition into national law.