

Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki

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PURPOSE : To present a report on the Commission's actions to improve the quality of Community legislation. **CONTENT :** The Commission reports that the project on "better lawmaking" is bearing fruit and attracting greater political attention, notably at the Cardiff European council. - The Protocol annexed to the Treaty of Amsterdam gives clear rules on the principles of subsidiarity and proportionality. the important points to note are that subsidiarity does not apply to the exercise of exclusive Community powers, but only in the area of shared powers. The proposal must demonstrate why Community action is necessary. Proportionality seeks to ensure that the impact of Community law on national law does not go beyond what is necessary to achieve Treaty objectives. These principles remain evolutionary and dynamic. - There are difficulties in the application of the principles, notably pressure arising from the interinstitutional nature of the Community, the specific demands of Member States and economic operators. These do not always correspond to the principles expounded. - There have been positive results in 1998. Each proposal bears a statement of grounds regarding subsidiarity and proportionality. There is a careful impact assessment and increasing dialogue with partners. - Joint actions by the institutions to improve the quality of drafting will offer better results. Council and Parliament must be far more discriminating when they ask the Commission to present proposals and avoid making proposals more complex by burdening them with detail, particularly when unanimity is required. Member States must transpose legislation correctly. This is a shared responsibility.