Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 21/11/1995 - Document attached to the procedure

In its report to the European Council, the Commission pointed out that, since beginning its work, it had tried to legislate better by implementing the principle of subsidiarity and respecting the principle of proportionality. It stressed that the number of new legislative proposals was continuing to fall (19 proposed for the 1996 programme) whilst the practice of prior consultation on future proposals had been significantly extended. The Commission clearly tended to give priority to framework directives, which avoided going into detail on implementation at national level, and it had reviewed its previous proposals in this light (60 proposals had been withdrawn in 1995). As regards the review of existing legislation and improving access to it, the Commission considered that it was important to work towards: making legislation more accessible for undertakings and individuals by consolidating texts; ensuring the official consolidation of Community legislation; and reviewing existing legislation by simplifying, rewriting or even repealing it. In 1996, priority would be given to important new legislative initiatives resulting from a rigorous and transparent drafting process. In this respect, the Commission drew up general guidelines for legislative policy aimed at rationalising its practices in this area: - respect for the principles of subsidiarity and proportionality; - external consultations and transparent working methods; - consistency among Community policies; - impact assessments leading to cost-benefit analyses; - the monitoring and assessment of legislative acts; - fraud prevention. The Commission would also step up its assessment and review of existing Community legislation in accordance with the following principles: maintaining the Community acquis; giving priority to the review of legislation where sufficient application experience existed; focusing assessment on regulations with a "legislative" scope, establishing rules concerning companies and individuals. The Commission had initiated an in-depth assessment of the key legislative areas. The current procedures related to the internal market, the environment, the common agricultural policy and the social policy. Many measures had been established to improve and simplify the existing legislative framework in line with the following key issues: - improving access to legislation; - rationalising the legislative framework (for example, a general study of the waste strategy); - easing the administrative burden and that of other formalities entailed by legislation; - extending the range of instruments available, particularly by developing alternative approaches to legislation; - facilitating the application of legislation by means of a decentralised approach or accompanying measures. The future annual reports by the Commission would provide details of the progress made in this respect.