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

1995/2125(COS) - 12/06/1996 - Document attached to the procedure

OBJECTIVE: to submit the Commission interim report on the application of the principles of subsidiarity and proportionality to current EC legislation and legislative proposals. CONTENT: While acknowledging the difficulty of applying these principles, the report demonstrates that the Commission is improving its organization and that tangible progress has been made since December 1995. * Legislative proposals: in January 1996 the Commission adopted "general legislative-policy guidelines" which include internal operational instructions for "better law-making" in a climate of strictness, coherence and openness and continue to ensure that prior consultation plays a significant role. As a result, the Commission is taking an increasing number of initiatives to instigate debate (e.g. the publication of four Green Papers and two White Papers on encrypted services in the internal market, the review of the Merger Regulation, commercial communications, financial services, energy policy and air traffic control). The downward trend in the number of legislative proposals forwarded to the Council and the European Parliament has continued, thanks to the application of the principle of subsidiarity. In areas in which the Community does not have exclusive powers, the Commission is limiting proposals for measures to areas in which Community action is really necessary. At the same time, the Commission has announced its intention of withdrawing some proposals (e.g. definition of Community shipowners and Community shipping register). Recent action by the Commission also reflects its compliance with the principle of proportionality between legislation and its objectives: - greater use has been made of framework directives, thereby obviating the need to set out the details of implementation at national level (e.g. proposal on takeover bids); - common minimum measures have been established (e.g. proposal concerning consumer access to national courts); - self-regulation has been introduced for the representatives of economic and social forces (e.g. conclusion of an agreement on parental leave based on the Social Chapter). * Adaptation of existing legislation: a new approach has been taken to the simplification of legislation in relation to the internal market and the simplification process already in progress has been pursued in three areas: reducing formalities and the administrative burden on small firms and simplifying legislation governing the environment and energy. Finally, the Commission has taken action to simplify or revise legislation in several specific instances (directives on certain food products, application of Article 85(3) of the EC Treaty to certain categories of technology transfer agreements, contained use of genetically modified micro-organisms, mutual recognition of qualifications, arable farming, etc.). Measures to improve the accessibility of Community legislation complete the simplification measures (e.g. the Commission has published a manual of 14 directives applicable to the veterinary sector). The Commission intends to pursue its efforts to translate the principles of subsidiarity and proportionality into Community practice. However, it emphasizes that ensuring compliance with these two principles is an on-going task in which the other institutions must play their part. Finally, to be effective, Community measures must be supported by similar measures in the Member States.