Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

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The European Parliament adopted a resolution drafted by Francois ZIMERAY (PES, France) on the Commission's report on better lawmaking. It pointed out that legislative and regulatory inflation in the Member States and at Community level weakens the rule of law and alienates citizens from their institutions. Drafting laws more simply and clearly, in line with the principles of subsidiarity and proportionality, is a precondition for their being properly used by the citizens. Parliament called on the Council and the Commission to assume their responsibilities in this area and committed itself to doing the same. It deplored the proliferation of preparatory documents issued by the Commission. The report was criticised on the following grounds: - the Commission's plan to alter the format and nature of the Better Lawmaking reports from 2002, though welcome, will not necessarily tackle the tendency towards vague and unfocussed statements which is apparent in the 2001 report, - an explanation of what action has been taken by the Commission under a variety of policy headings is not a report on the application of the principles of subsidiarity and proportionality. Parliament pointed out that this is unnecessary, as there are already a number of reports on the activities and achievements of the Union. The other aspects of law-making explored in the report (such as legal drafting or codification) are also important and interesting, but the Commission should focus more closely on the raison d'étre of the report. It needs to produce a review of how and with what measure of success the principles of subsidiarity and proportionality have been applied by the Community. Parliament went on to state that a reduction in the number of Commission proposals (as announced in the 'Better Lawmaking 2001' report) does not imply compliance with Article 5 of the EC Treaty. It invited the Commission to consider other ways of analysing and reviewing the application of the principles of subsidiarity and proportionality in the year's legislation. Such a new approach could involve: - describing how specific proposals are measured against the criteria of subsidiarity and proportionality before adoption by the Commission; - summarising comments and amendments presented by interested parties and other EU institutions during the pre-legislative consultation and referring to these criteria; - giving examples of how comments and criticisms were responded to; - exploring the implications of Parliament and Council amendments for the compliance of legislation adopted by the Community with the principles of subsidiarity and proportionality; Finally, Parliament asked the Commission to inform the national parliaments at the beginning of each year of the areas where it intends to propose legislation.