

# Outcome of the screening of legislative proposals pending before the Legislator

2005/2214(INI) - 27/09/2005 - Non-legislative basic document

The Commission has previously announced its intention to screen proposals that are pending before the Council/Parliament with regard to their general relevance, their impact on competitiveness and other effects. The objectives, process and outcomes of this screening exercise, which is the first of its kind, are presented in this Communication.

**Objectives of the screening of pending proposals:** The screening exercise aimed at enabling the Commission to ensure that all pending legislative proposals are fully consistent with the political priorities of the Commission and to check whether changed circumstances justify a review of the initial approach followed. More specifically, the screening exercise aimed at testing pending proposals on three accounts:

-pending proposals were examined for their consistency with the EU Lisbon objectives and in particular the goal of promoting competitiveness. The criteria used for evaluating proposals in this respect were those specified in the 'competitiveness test' that forms part of the recently revised impact assessment guidelines;

-pending proposals were checked for possible lack of substantial progress in the legislative process for a significant period of time.

-pending proposals were examined to determine whether they meet current better regulation requirements, notably with regard to appropriate impact assessments. This criterion affects in particular those proposals presented at a time when impact assessments were not a formal requirement.

**Process of the screening exercise:** The scope of the exercise was limited to pending proposals dated before 1 January 2004. This amounted to 183 proposals. The Commission then identified about 100 proposals that constitute truly new legislative initiatives. The proposals were further evaluated for possible adverse effects on competitiveness and broader economic effects. The rest consist of proposals that are likely to have limited or no impact on competitiveness. These relate mainly to proposals resulting from international obligations or constituting adaptations of the *acquis* to scientific and technical progress. Some of these proposals also directly contribute to "better regulation" as they codify or simplify the *acquis*.

**Outcomes of the screening exercise:** The Commission envisages two broad types of action:

-The Commission intends to withdraw in total 68 proposals. These are considered not to be consistent with the Lisbon objectives or Better Regulation principles, or they are making insufficient progress in the legislative process or are no longer topical.

-Proposals to be maintained in the legislative process but with economic analysis to be presented to the assessment of the legislative authority. This concerns 5 proposals where additional presentation of the analysis of their impact is likely to facilitate decision making by the Legislative Authority. Thus, in total some 73 pending proposals will be subject to some form of intervention.

The withdrawals represent some 31% of all pending proposals from before 1 January 2004. All interventions including proposals singled out for further economic analysis actually represent 33 %8 of those pending proposals.

Moreover, for at least 2 proposals, the screening exercise has produced results that do not fall directly into the above categories. First, concerning the proposal for a Council Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents – optical radiations, 1992/0449/COD, for which the screening exercise has led the Commission to conclude that the aspects dealing with exposure of workers to natural optical radiation should be deleted, as proposed also by the European Parliament.

Secondly, concerning the proposal on Temporary Workers (2002/0072/COD), the Commission reserves its position to reconsider the proposal in light of future discussions on other proposals.

The Annex to the communication summarises the situation and gives details of the proposals concerned.