Better lawmaking 2004: application of the principle of subsidiarity. 12th annual report

2005/2055(INI) - 21/03/2006

The committee adopted the own-initiative report drawn up by Bert DOORN (EPP-ED, NL) in response to the Commission's 12th annual report on better lawmaking (2004). Noting that "the reputation of the European legislature among citizens and businesses of the EU leaves much to be desired", the report stressed that establishing a transparent, effective and high-quality regulatory environment should be a priority objective of EU policy. Improved legislation would help inter alia to enhance business growth, competitiveness and job creation, thereby contributing to the realisation of the Lisbon strategy.

MEPs wanted to see legislation "based on principles and focused on quality rather than quantity". The impact assessment instrument had a major role to play in this process, and needed to be uniformly applied by the Commission. The latter's guidelines published in June 2005 should be implemented in all DGs without delay. The report called for the quality of impact assessments to be submitted to independent scrutiny and said that Parliament would not consider any proposals without their being accompanied by an independently scrutinised and approved impact assessment. The committee also called for the Commission to put into operation as quickly as possible the method it had developed for calculating administrative burdens in quantitative terms as part of the impact assessment.

Noting that much implementing legislation comes into being via the comitology procedure, MEPs said that such legislation must also be subject to an impact assessment. They called for an interinstitutional agreement addressing the different legislative procedures and Parliament's involvement in each of them and, in particular, recognising Parliament as an equal co-legislator in the follow-up to comitology decisions. Parliament should have a call-back right to subject comitology legislation to Parliamentary approval if an impact assessment suggests the need for this. The Council and Commission were urged to enshrine this right before 1 April 2008.

The report added that Parliament and the Council should also make their significant amendments to Commission proposals subject to an impact assessment, using the same methodology as the Commission. As far as monitoring was concerned, MEPs wanted the Commission to report to Parliament within 3 years of the entry into force of new legislation on the latter's impact in practice, focusing particularly on whether the legislation had fulfilled the original purpose and how it was complied with in practice. They also stressed the need for Parliament, in particular the rapporteur responsible, to play a more active role in monitoring the implementation of EU legislation in the Member States and to make use of the network between Parliament and the national and/or regional parliaments.