Strategy for the simplification of the regulatory environment, implementing the Lisbon strategy

2006/2006(INI) - 16/05/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Giuseppe **GARGANI** (EPP-ED, IT), in response to the Commission's strategy paper on simplifying the regulatory environment. It strongly supported the process of simplification of the Union's regulatory environment, but stressed that such a process must be based on a number of preconditions: full involvement of the European Parliament in the adoption of the legislation subject to the "simplification process"; consultation of all relevant stakeholders, thus including not only Member States and business but also non-governmental organisations; strengthening of the general transparency of the regulatory process, in particular by opening Council discussions to the public when the Council is acting in its legislative capacity. Parliament welcomed the intention to reduce the unnecessary burden on SMEs and to reinforce the use of information technology.

It felt, however, that the simplification process should not entail lowering the standards set by current legislation, and warned against an excessively narrow and exclusively financial and administrative analysis of the costs and benefits of the legislation concerned. Any assessment with a view to simplification must take account equally of economic, social, environmental and health aspects, and should not restrict itself to short-term considerations.

Parliament took the view that the repeal of irrelevant and obsolete acts was a priority requirement with which the Commission must comply without delay. However, when Community legislation is repealed on those grounds, a Community act must be put in place at the same time to prevent Member States from regulating matters that have been deregulated at Community level. In addition, Parliament pointed out that, while there may be over-regulation in some areas, this state of affairs was due in large measure to the lawmaking activity of the Member States and that, therefore, if Community legislation was to be repealed, this must be followed by repeal of the corresponding national provisions. The Commission should constantly monitor such national legislation as might remain in force after the Community legislation that gave rise to it has been repealed.

Parliament went on to state that codification and recasting were the primary means of simplifying the acquis communautaire and should be used more widely. It supported the codification of the acquis communitaire but was sceptical about its total recasting, as this might well lead to diverging interpretations among the EU institutions. It warned that simplification should not lead to a re-writing of the acquis outside democratic control.

Parliament considered that the institutions might usefully determine whether a third type of operation might be provided for, alongside codification and recasting, so as to afford the most appropriate means of simplifying Community legal acts. It felt that the Interinstitutional Agreement on recasting should spell out the procedure to follow in cases where, during a legislative procedure, it proves necessary to alter the codified parts of the act, and called on the Commission to submit a proposal with a view to recasting the interinstitutional agreements governing the quality of Union legislation. The Committee on Constitutional Affairs was asked to determine what amendments might be made to the Rules of Procedure to enable the agreement on recasting to be effectively implemented, not least with a view to making greater use of the simplified procedures laid down in the Rules of Procedure.

Traditional legislative instruments must continue to be used as a general rule to attain the objectives laid down in the Treaties. The use of alternative regulatory methods such as co-regulation and self-regulation

could usefully supplement legislative measures where these methods make improvements of equivalent or broader scope than legislation can provide, but any use of alternative regulatory methods must comply with the interinstitutional agreement on "better law-making".

Finally, Parliament stated that it was surprised that the issue of reforming the current system of delegating rule-making ("comitology") received only a brief mention in passing in the Commission communication of 2005, even though such a reform could make a major contribution to simplifying secondary Community law by allowing the Commission to adopt implementing provisions using faster procedures.