Better Regulation in the European Union

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The Committee on Legal Affairs unanimously adopted the report drawn up by Katalin **Levai** (PES, Hungary) on Better Regulation in the EU. It stated its strong support for the process of Better Regulation but stressed that such a process needs to be based on a number of preconditions, including the joint involvement of the Council, the Commission and the European Parliament; consultation of all relevant stakeholders, including nongovernmental organisations; strengthening accountability, in particular by opening Council meetings to public scrutiny when the Council is acting in its legislative capacity; and consideration of the economic, social, environmental and health aspects on an equal footing. The simplification process must under no circumstance entail lowering the standards contained in current legislation.

Whilst the measures outlined in the Commission communication demonstrate a clear commitment, still greater efforts are required in a number of areas to ensure that the maximum economic benefit is derived from internal market legislation.

The Committee fully supported the setting-up within the Commission of an **Impact Assessment Board** under the authority of the Commission's President, but felt that an independent panel of experts should be set up to monitor, by means of spot checks, the quality of opinions delivered by the Impact Assessment Board, and that representatives of interested parties should also be allowed to assist in conducting them. It was also necessary that the Impact Assessment Board should guarantee the application of a common methodology for all impact assessments, so as to avoid contradictory approaches and to facilitate comparability.

The Committee insisted that Member States provide an impact assessment for their initiatives in the area of **police and judicial cooperation in criminal matters**, pursuant to Article 34(2) of the EU Treaty. Member States should commit themselves to recognising a real obligation in this respect.

Furthermore, when monitoring the application of Community law by Member States, the Commission should oblige, and not merely invite, Member States to produce correlation tables and transposition notes, especially with a view to checking each national process of transposition of directives. To that end, the Committee was of the opinion that the Commission should call on Member States to adopt a common reference methodology.

The Committee deplored Member States' practice of 'gold plating', calling upon the Commission to investigate what further measures might be taken to prevent it, including the introduction of a right of direct action for citizens, and 'follow-up impact assessments' analysing how decisions are in fact implemented in Member States and at local level.

When presenting a legislative proposal, the Commission must **avoid unclear and redundant expressions** and preferably use plain and comprehensible language, whilst retaining terminological precision and legal certainty. The practice of using incomprehensible acronyms and the over-abundance of needless recitals must be abandoned.

Members strongly reaffirmed that better regulation must always imply the **full involvement of Parliament** both in the inter-institutional debate and, as a co-legislator, in the adoption of legislation subject to such a process. It was always open to Parliament to consider the appropriateness of the choice of legal instrument to be adopted (regulation, directive or decision) and/or to assess whether it may be preferable to use alternative regulatory methods.

Lastly, the new rules on **comitology,** which reinforce the scrutiny by Parliament and the Council of the implementing powers conferred on the Commission, constitute a further way of simplifying Community legislation, inasmuch as they allow wide-ranging regulatory powers to be transferred to the Commission as regards non-essential and technical details and thus permit Parliament and the Council to concentrate their legislative activity on more essential provisions.