Basic information

1995/2125(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council **Subject** 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.02 Legislative simplification, coordination, codification	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs, Citizens' Rights	PALACIO VALLELERSUNDI Ana (PPE)	18/07/1995
	Committee for opinion	**Rapporteur for opinion**	**Appointed**
	INST Institutional Affairs	MANZELLA Andrea (PSE)	27/09/1995
Council of the European Union			

Key events

Date	Event	Reference	Summary
25/11/1994	Non-legislative basic document published	COM(1994)0533	Summary
16/06/1995	Committee referral announced in Parliament		
16/04/1997	Vote in committee		Summary
16/04/1997	Committee report tabled for plenary	A4-0155/1997	
12/05/1997	Debate in Parliament		
13/05/1997	End of procedure in Parliament		
02/06/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/2125(COS)
Procedure type	COS - Procedure on a strategy paper (historic)

Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/06758

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0155/1997 OJ C 167 02.06.1997, p. 0003	16/04/1997	
Text adopted by Parliament, single reading		T4-0224/1997 OJ C 167 02.06.1997, p. 0015-0034	13/05/1997	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1994)0533	25/11/1994	Summary
Document attached to the procedure	CSE(1995)0580	21/11/1995	Summary
Document attached to the procedure	CSE(1996)0002	12/06/1996	Summary
Document attached to the procedure	CSE(1996)0007	27/11/1996	Summary

Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 27/11/1996 - Document attached to the procedure

The Commission's third report on the application of the subsidiarity and proportionality principles, 'Better lawmaking', describes the main measures and developments noted during the first six months of 1996. As in 1995, the Commission's initiatives have been guided by two main lines of action: - new legislative proposals which meet the tests of rigour, clarity and transparency: thus confirming the trend towards limiting the number of new proposals, giving preference to framework directives, rationalizing the legislative framework while taking steps to prevent fraud, making greater use of alternatives to legislation, encouraging prior consultation and improving the interplay between national legislation and Community legislation; - review of existing legislation and more accessible instruments: the review process already underway is continuing. A new simplification technique has been put in place in the internal market context (SLIM). Many simplification and consolidation exercises have been launched. Lastly, results have been achieved with the programmes of both formal and informal consolidation of Community legislation. In order to facilitate implementation of this new legislative culture, the Commission adopted 'general guidelines for legislative policy' in January 1996. These internal operating instructions are designed to improve efficiency in the legislative function through coordination, programming and evaluation. The Commission has also issued instructions to its departments to be mindful of fraud prevention when drafting legislative instruments. Lastly, the Commission stresses that better lawmaking is not only a matter for the Commission but also for the Member States. It is essential that the Member States respect their undertakings to promote a culture of simplification of legislation.

Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 13/05/1997 - Text adopted by Parliament, single reading

In adopting the report by Mrs Ana PALACIO VALLELERSUNDI (PPE, E), the European Parliament points out that the principle of subsidiarity constitutes a mandatory legal rule of a constitutional nature binding on the institutions of the Union and the Member States and should not be used as a pretext to call into question all that the Community has already achieved or to return to the intergovernmental method, which is neither efficient nor democratic. It considers disputes regarding the implementation of the principles of subsidiarity and proportionality should preferably be settled at political level on the basis of interinstitutional declaration of 25 October 1993, but recalls that monitoring the application of these two principles is the responsibility of the Court of Justice. Parliament warns the Commission against confusion arising from the two most recent reports on subsidiarity entitled 'Better Law-Making', maintaining that it has mixed up the criteria of legislative technique (simplification and codification) and legal principles (subsidiarity and proportionality). Parliament also notes with concern the Commission's tendency, as a result of the failure of more ambitious initiatives and/or Council policy, to present 'framework directives' and codes of conduct, thereby running the risk of creating a law of a status which is uncertain which results in purely notional harmonization and uncertain transposition into national legislation. Parliament also disapproves of the large number of preparatory documents submitted by the Commission in 1996 (green papers, white papers, communications, reports) at the expense of its activity in the field of legislation. It calls on the Commission to undertake to demonstrate in a detailed manner in its next report that the principle of subsidiarity has not been applied to the detriment of the 'acquis communautaire'.

Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 21/11/1995 - Document attached to the procedure

In its report to the European Council, the Commission pointed out that, since beginning its work, it had tried to legislate better by implementing the principle of subsidiarity and respecting the principle of proportionality. It stressed that the number of new legislative proposals was continuing to fall (19 proposed for the 1996 programme) whilst the practice of prior consultation on future proposals had been significantly extended. The Commission clearly tended to give priority to framework directives, which avoided going into detail on implementation at national level, and it had reviewed its previous proposals in this light (60 proposals had been withdrawn in 1995). As regards the review of existing legislation and improving access to it, the Commission considered that it was important to work towards: making legislation more accessible for undertakings and individuals by consolidating texts; ensuring the official consolidation of Community legislation; and reviewing existing legislation by simplifying, rewriting or even repealing it. In 1996, priority would be given to important new legislative initiatives resulting from a rigorous and transparent drafting process. In this respect, the Commission drew up general guidelines for legislative policy aimed at rationalising its practices in this area: - respect for the principles of subsidiarity and proportionality; - external consultations and transparent working methods; - consistency among Community policies; - impact assessments leading to cost-benefit analyses; - the monitoring and assessment of legislative acts; - fraud prevention. The Commission would also step up its assessment and review of existing Community legislation in accordance with the following principles: maintaining the Community acquis; giving priority to the review of legislation where sufficient application experience existed; focusing assessment on regulations with a "legislative" scope, establishing rules concerning companies and individuals. The Commission had initiated an in-depth assessment of the key legislative areas. The current procedures related to the internal market, the environment, the common agricultural policy and the social policy. Many measures had been established to improve and simplify the existing legislative framework in line with the following key issues: - improving access to legislation; - rationalising the legislative framework (for example, a general study of the waste strategy); - easing the administrative burden and that of other formalities entailed by legislation; - extending the range of instruments available, particularly by developing alternative approaches to legislation; - facilitating the application of legislation by means of a decentralised approach or accompanying measures. The future annual reports by the Commission would provide details of the progress made in this respect.

Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 25/11/1994 - Non-legislative basic document

OBJECTIVE: to present the first annual report by the Commission on the application of the principle of subsidiarity in 1994, in response to the invitation by the European Council held on 11 and 12 December 1993. CONTENT: this first report is divided into two sections. The first section deals with compliance with the principle of subsidiarity during the legislative process, i.e. when drafting future Community legislation. It notes that: - subsidiarity and proportionality were examined before every new Commission initiative, resulting in fewer, more targeted initiatives; - the Commission decided to withdraw or revise several initiatives tabled before the Council and the European Parliament on the grounds of subsidiarity. In doing so, it went beyond the revision commitments made in Edinburgh. The second section deals with changes to existing legislation which go beyond the principle of subsidiarity in the strict sense of the word. The report describes the state of progress in work to edit and simplify legislation, which has progressed well and already brought in results. The description of the situation in each sector illustrates that, in certain cases, revision work extended to new areas not included in the programme presented to the European Council. The Commission is open to suggestions from outside as regards both future legislation and the revision of existing legislative acts, as the green and white papers and other forms of consultation which it initiates illustrate. It is also more than willing to enter into bilateral dialogue with Member States who so request. Finally, the Commission stresses that subsidiarity objectives will only be achieved if the legislative institutions all pull in the same direction, which is not always the case. For example, the Commission notes that the attitude of the Member States within the Council is more often dictated by their position on the issue than a general desire to comply with Article 3B of the EC Treaty.

Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 12/06/1996 - Document attached to the procedure

OBJECTIVE: to submit the Commission interim report on the application of the principles of subsidiarity and proportionality to current EC legislation and legislative proposals. CONTENT: While acknowledging the difficulty of applying these principles, the report demonstrates that the Commission is improving its organization and that tangible progress has been made since December 1995. * Legislative proposals: in January 1996 the Commission adopted "general legislative-policy guidelines" which include internal operational instructions for "better law-making" in a climate of strictness, coherence and openness and continue to ensure that prior consultation plays a significant role. As a result, the Commission is taking an increasing number of initiatives to instigate debate (e.g. the publication of four Green Papers and two White Papers on encrypted services in the internal market, the review of the Merger Regulation, commercial communications, financial services, energy policy and air traffic control). The downward trend in the number of legislative proposals forwarded to the Council and the European Parliament has continued, thanks to the application of the principle of subsidiarity. In areas in which the Community does not have exclusive powers, the Commission is limiting proposals for measures to areas in which Community action is really necessary. At the same time, the Commission has announced its intention of withdrawing some proposals (e.g. definition of Community shipowners and Community shipping register). Recent action by the Commission also reflects its compliance with the principle of proportionality between legislation and its objectives: - greater use has been made of framework directives, thereby obviating the need to set out the details of implementation at national level (e.g. proposal on takeover bids); - common minimum measures have been established (e.g. proposal concerning consumer access to national courts); - self-regulation has been introduced for the representatives of economic and social forces (e.g. conclusion of an agreement on parental leave based on the Social Chapter). * Adaptation of existing legislation: a new approach has been taken to the simplification of legislation in relation to the internal market and the simplification process already in progress has been pursued in three areas: reducing formalities and the administrative burden on small firms and simplifying legislation governing the environment and energy. Finally, the Commission has taken action to simplify or revise legislation in several specific instances (directives on certain food products, application of Article 85 (3) of the EC Treaty to certain categories of technology transfer agreements, contained use of genetically modified micro-organisms, mutual recognition of qualifications, arable farming, etc.). Measures to improve the accessibility of Community legislation complete the simplification measures (e.g. the Commission has published a manual of 14 directives applicable to the veterinary sector). The Commission intends to pursue its efforts to translate the principles of subsidiarity and proportionality into Community practice. However, it emphasizes that ensuring compliance with these two principles is an on-going task in which the other institutions must play their part. Finally, to be effective, Community measures must be supported by similar measures in the Member States.