Basic information

2001/2044(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality **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 and Internal Market	ZIMERAY François (PSE)	25/01/2001

Committee for opinion	Rapporteur for opinion	Appointed
AFCO Constitutional Affairs	INGLEWOOD The Lord null (PPE-DE)	26/03/2002

Council of the European Union

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary
30/11/2000	Non-legislative basic document published	COM(2000)0772	Summary
15/03/2001	Committee referral announced in Parliament		
25/03/2003	Vote in committee		
25/03/2003	Committee report tabled for plenary	A5-0100/2003	
08/04/2003	Decision by Parliament	T5-0143/2003	Summary
08/04/2003	End of procedure in Parliament		
12/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2001/2044(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/5/14511

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0100/2003	25/03/2003	
Text adopted by Parliament, single reading		T5-0143/2003 OJ C 064 12.03.2004, p. 0024-0135 E	08/04/2003	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2000)0772	30/11/2000	Summary
Document attached to the procedure	COM(2001)0645	21/11/2001	Summary
Supplementary non-legislative basic document	COM(2001)0728	07/12/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0263/2002 OJ C 073 26.03.2003, p. 0073-0076	20/11/2002	

Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

2001/2044(COS) - 07/12/2001 - Supplementary non-legislative basic document

This document comprises of the Commission Report to the European Council on Better Lawmaking 2001 (pursuant to Article 9 of the Protocol to the EC Treaty on the application of the principles of subsidiarity and proportionality). Each year, the Commission presents a report to the European Council, the European Parliament and the Council on the way Article 5 of the EC Treaty has been applied. The report also goes to the Committee of the Regions and to the Economic and Social Committee. This is at the request of the Edinburgh European Council of December 1992 and successive European Councils; in accordance with the interinstitutional agreement of 29 October 1993 on how the principle of subsidiarity should be applied; on the basis of Article 9 of the Protocol to the Treaty of Amsterdam on the principles of subsidiarity and proportionality. The report for 2001 has been written for the Laeken European Council of 14 and 15 December and describes developments over the past year. The aim is to give a factual account

of how the principles of subsidiarity and proportionality have been applied, using real life examples from the Community's legislative work. The White Paper on Governance proposed that, from 2002 on, the annual report on subsidiarity and proportionality under the Amsterdam Protocol focus on the European Union's main policy objectives.

Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

2001/2044(COS) - 30/11/2000 - Non-legislative basic document

PURPOSE : to present the Commission report on "Better Lawmaking 2000" (pursuant to Article 9 of the Protocol to the EC Treaty on the application of the principles of subsidiarity and proportionality). CONTENT : in this report for the year 2000, the Commission has placed the stress on how the principle of subsidiarity is applied. This section has been strengthened compared with the previous year for two reasons: on the one hand, because the Commission itself wishes to explore all possible avenues on the subsidiarity issue; and on the other hand, because of comments made by certain Member States and the European Parliament on the 1998 and 1999 reports. Article 5 of the EC Treaty is backed up by a protocol on subsidiarity and proportionality which underlines the dynamic nature of the concept of subsidiarity: on the one hand, it allows Community action to be restricted or discontinued where it is no longer justified; on the other hand, it allows it to be expanded within the limits of its powers. The Better Lawmaking report 2000 gives pride of place to examining how the principle is put into practice, without forgetting the principle of proportionality, the quality of legislative texts and their codification and simplification, these being vital elements if we are to have a lawmaking system which is easier for the practitioners to understand. The enlargement process enhances the need for strict application of the subsidiarity principle, given that society in the applicant countries is even more differentiated than in the present Member States, and in the light of the new policies designed to ease integration of the new Member States. Moreover, in certain sectors for which the Amsterdam Treaty introduces new responsibilities (e.g. for creating a European area of freedom, security and justice, and in the fields of social policy and non-discrimiation), there is a need for "active subsidiarity" as a means of achieving the new objectives set out in the Amsterdam Treaty. In other sectors, the Commission is seeking greater cooperation with Member States, the local and regional authorities and civil society, with a view to the shared application of Community and national instruments in order to achieve a common goal. In addition, in areas in which the Community has particularly strong powers because its normative input is so marked, for example, in certain aspects of freedom of movement and competition policy, the Commission is using fairly innovative procedures to ensure that its initiatives are not disproportionate to the requirements of the Treaty and to the growing capacity of public and private partners to achieve the EU's objectives themselves. Lastly, preparing legislative proposals by way of communications and Green and White Papers is a way of organising the ongoing consultation of civil society and institutions at levels of expediency, level and content of legislative instruments.

Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

2001/2044(COS) - 08/04/2003 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Francois ZIMERAY (PES, France) on the Commission's report on better lawmaking. It pointed out that legislative and regulatory inflation in the Member States and at Community level weakens the rule of law and alienates citizens from their institutions. Drafting laws more simply and clearly, in line with the principles of subsidiarity and proportionality, is a precondition for their being properly used by the citizens. Parliament called on the Council and the Commission to assume their responsibilities in this area and committed itself to doing the same. It deplored the proliferation of preparatory documents issued by the Commission. The report was criticised on the following grounds: - the Commission's plan to alter the format and nature of the Better Lawmaking reports from 2002, though welcome, will not necessarily tackle the tendency towards vague and unfocussed statements which is apparent in the 2001 report, - an explanation of what action has been taken by the Commission under a variety of policy headings is not a report on the application of the principles of subsidiarity and proportionality. Parliament pointed out that this is unnecessary, as there are already a number of reports on the activities and achievements of the Union. The other aspects of law-making explored in the report (such as legal drafting or codification) are also important and interesting, but the Commission should focus more closely on the raison d'être of the report. It needs to produce a review of how and with what measure of success the principles of subsidiarity and proportionality have been applied by the Community. Parliament went on to state that a reduction in the number of Commission proposals (as announced in the 'Better Lawmaking 2001' report) does not imply compliance with Article 5 of the EC Treaty. It invited the Commission to consider other ways of analysing and reviewing the application of the principles of subsidiarity and proportionality in the year's legislation. Such a new approach could involve: - describing how specific proposals are measured against the criteria of subsidiarity and proportionality before adoption by the Commission; - summarising comments and amendments presented by interested parties and other EU institutions during the pre-legislative consultation and referring to these criteria; - giving examples of how comments and criticisms were responded to; - exploring the implications of Parliament and Council amendments for the compliance of legislation adopted by the Community with the principles of subsidiarity and proportionality; Finally, Parliament asked the Commission to inform the national parliaments at the beginning of each year of the areas where it intends to propose legislation.

Better lawmaking 2000-2001: application of the principles of subsidiarity and proportionality

2001/2044(COS) - 21/11/2001 - Document attached to the procedure

The Presidency conclusions of the Lisbon European Council foresee the establishment by the European Union of a regulatory environment which is clear, effective and workable in a rapidly changing, global market place. Following the submission of an interim report to the Stockholm European Council, the Commission presented its White Paper on European Governance in July 2001, in which, inter alia, it outlines its co-ordinated strategy to

simplify the regulatory framework within the European Union, as part of a set of recommendations on how to enhance democracy and increase the legitimacy of its institutions. This Communication contains a detailed analysis of the resources needed to carry out and complete the codification of the acquis by the end of 2005. In summary, EUR 67 million will have to be allocated under 2002 to 2006 budgets, which would otherwise have accrued at later stages. In this context, EUR 17.8 million have already been included in the Commission's Preliminary Draft Supplementary Budget for 2002. The Codification Project allows for considerable cost savings if implemented and concluded in line with the stipulations of this Communication. The codification of secondary legislation forming part of the acquis provides substantial benefits in terms of transparency, readability and simplicity. The Project complements Administrative Reform and facilitates future accession to the EU. The Commission therefore calls on the European Parliament and the Council: 1) to endorse the actions envisaged in this Communication and to authorise the related demands contained in the 2002 Preliminary Draft Budget, and 2) to join the Commission in a concerted joint effort, - to carry out the codification of the acquis within the period set, including, where necessary, the amendment of their internal procedures, - to prepare the ground of a more structured recourse to all legislative techniques, and in particular that of recasting, once the codification of the acquis has been completed. Lastly, according to the Commission's estimates, the total acquis communautaire currently comprises about 80 000 new pieces of legislation generated each year. In addition, according to the Commission, it would be possible to reduce the acquis by about 30 000 to 35 000 pages if it were codified. Some 70 000 pages of the acquis could benefit from this operation.