Basic information

2002/2052(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Community legislation: simplifying and improving the regulatory environment **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	MEDINA ORTEGA Manuel (PSE)	19/02/2002

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs and Internal Market	MEDINA ORTEGA Manuel (PSE)	19/02/2002
JURI Legal Affairs and Internal Market	MEDINA ORTEGA Manuel (PSE)	19/02/2002

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
CONT Budgetary Control		
ECON Economic and Monetary Affairs	GRÖNFELDT BERGMAN Lisbeth (PPE-DE)	19/03/2002
ITRE Industry, External Trade, Research, Energy	HARBOUR Malcolm (PPE-DE)	19/03/2002
EMPL Employment and Social Affairs	MANN Thomas (PPE-DE)	11/09/2002
ENVI Environment, Public Health, Consumer Policy	JACKSON Caroline (PPE-DE)	19/12/2001

AFCO Constitutional Affairs	SCHLEICHER Ursula (PPE-DE)	26/03/2002
PETI Petitions	GONZÁLEZ ÁLVAREZ Laura (GUE/NGL)	24/01/2002

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2426	2002-05-21
Competitiveness (Internal Market, Industry, Research and Space)	2451	2002-09-30

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary
05/12/2001	Non-legislative basic document published	COM(2001)0726	Summary
11/03/2002	Committee referral announced in Parliament		
21/05/2002	Resolution/conclusions adopted by Council		
30/09/2002	Resolution/conclusions adopted by Council		Summary
03/12/2002	Decision by Parliament	A5-0443/2002	
03/12/2002	Vote in committee		Summary
03/12/2002	Committee report tabled for plenary	A5-0443/2002	
07/04/2003	Report referred back to committee		
17/06/2003	Decision by Parliament	A5-0235/2003	
17/06/2003	Vote in committee		Summary
17/06/2003	Committee report tabled for plenary	A5-0235/2003	
08/10/2003	Debate in Parliament		
09/10/2003	Report referred back to committee		
24/02/2004	Vote in committee		
24/02/2004	Committee report tabled for plenary	A5-0118/2004	
09/03/2004	Decision by Parliament	T5-0155/2004	Summary
09/03/2004	Debate in Parliament		
09/03/2004	End of procedure in Parliament		

Technical information	
Procedure reference	2002/2052(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/5/20384 JURI/5/19619 JURI/5/15978

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 09/03/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on a report drafted by Manuel MEDINA ORTEGA (PES, E) on simplifying and improving the regulatory environment. Parliament warmly welcomes the inter-institutional agreement on 'Better Lawmaking' and considers it desirable to establish a permanent inter-institutional dialogue among the Community institutions on improving the quality of legislation. It recalls that this inter-institutional dialogue concerns not only the fields covered by the inter-institutional agreement on 'Better Lawmaking', but also any other field involving the adoption of Community legislation. Parliament stresses that any future inter-institutional dialogue among the institutions regarding legislation must take due account of the principle of democratic legitimacy, of which the European Parliament is the guarantor. It demands that the Commission always consult the legislative authority when it deems self-regulation to be useful. It stresses Parliament's right to call on the Commission to submit a draft legislative act in connection with the latter's consideration of self-regulation practices, as well as its right to oppose the implementation of any self-regulation practice. It defends Parliament's right to oppose the entry into force of any draft voluntary agreement in the context of co-regulation. Lastly, it considers it essential that the Commission should not be able to override opposition expressed by Parliament or the Council to any voluntary practice in the context of self-regulation or co-regulation.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 17/07/2002

Within the framework of the Action Plan on the Simplification and Improvement of the Regulatory Environment, the Commission presents a communication in which it wishes to encourage the preparation of voluntary environmental actions as well as environmental agreements at Community level, over a wide range of sectors, going beyond those where the Commission has announced its intention to propose legislation. For its part, the Commission intends to recognise and make use of environmental agreements at Community level on a selective case-by-case basis. All in all, leaving aside purely spontaneous decisions initiated by stakeholders in areas in which the Commission has neither proposed legislation nor expressed an intention to do so, not more than four to six environmental agreements are likely to be considered during the remaining term of office of this Commission: - an early candidate would be the PVC Strategy; - similarly, environmental agreements might be considered as part of the follow-up to the Green Paper on Integrated Product Policy. The precise identification of the possible scope of environmental agreements in this field will of course depend on the outcome of the ongoing discussion of the Green Paper; - other policy areas to be considered for the effective application of the instrument are in the fields of waste management as well as climate change. The existing agreements on CO2 reductions from passenger cars might be complemented by similar environmental agreements for light commercial vehicles (LVC). In addition, the Communication "Towards an integrated European railway area"18 proposes voluntary commitments concerning the retrofitting of in-use rolling stock to meet the environmental requirements applied to new rolling stock as a possible policy measure.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 05/12/2001 - Non-legislative basic document

PURPOSE : the simplification and improvement of legislation. CONTENT : nine years after the Edinburgh European Council made the task of simplifying the regulatory environment one of the Community's priorities, most of the work remains to be done, a view shared by Council and Parliament. The need to act was set out in the White paper on European Governance adopted by the Commission on 25/07/01. Effecting reform does not require Treaty amendment, but the Commission feels that an interinstitutional discussion is necessary. A coordinated and operational strategy would mean: - having a common definition of objectives - getting strong and real political support from the Member States and the institutions, reflected

in human and budgetary resources, new working methods and a new working culture. - pinpointing specific, realistic and inspirational measures. The Commission sees as the most pressing concerns: - simplifying and improving the acquis communautaire. The latter extends to more than 80 000 pages, making it cumbersome for economic operators and the man in the street. One-off measures such as the SLIM initiative have been taken, but the results remain extremely limited. The institutions together must formulate an integrated programme. The aim could be achieved by reducing then number of acts, either through codification or recasting a set of succeeding regulations, and by simplifying the substance of the regulatory environment. The Commission also intends to withdraw a hundred or more pending proposals dating from before 1999, and which are no longer of topical interest. - well prepared and more appropriate legislation. Firstly, the Commission intends to strengthen the preparation of legislative proposals by more in-depth consultations. It will also establish a coherent method for impact analysis to ensure that all major proposals contain a sustainablity impact assessment covering their economic, social and environmental consequences. Secondly, the range of instruments must be clarified in order to achieve greater effectiveness. The distinction between regulations and directives must be better understood. In order to make more use of less detailed directives, the Commission should be given more executive powers. There should be a review of comitology procedures. Co-regulation is a way of achieving flexibility and greater effectiveness, but is not an attempt to by-pass the legislator's prerogatives, nor to duck out of legislation. - a new culture within the institutions. The Commission will set an example by creating an internal legislative network to promote good practice. It will be necessary to establish a parallel interinstitutional network. - better transposition and application of Community law. This is, in the main, a responsibility of the Member States. The latter must ensure that Community acts are transposed into their national legislation correctly and within the set deadlines. Each Member State should appoint transposition/application correspondents. On the strength of reactions from council and parliament, the Commission will propose a detailed plan of action in June 2002.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 30/09/2002

The Council held an exchange of views, in which it emphasised the importance it attaches to an effective implementation of the Commission's Action Plan on simplifying and improving the regulatory environment. It adopted conclusions which emphasise the importance of EU rules and national legislation being proportionate to their objectives in order to enjoy greater legitimacy and ensure legal certainty, and to be simpler to understand and easier to apply to the benefit of our citizens, consumers and businesses. The Council underlines the critical importance of reducing the administrative burden and establishing an effective regulatory framework to help make European business, in particular SMEs, more competitive and generate sustainable economic growth and more jobs. In this context, it stresses the importance of giving appropriate consideration to alternatives to legislation. The Council expects to see, as of 2003, the Commission start attaching impact assessments to all substantial regulatory proposals and it states its intention not to consider such proposals without proportionate impact assessments, covering inter alia economic, social and environmental aspects of sustainable development unless in case of extreme urgency or in other exceptional circumstances. The Commission is urged to actively seek input from the Member States and interested parties with a view to identifying areas of law where the need for simplification is greatest and propose a rolling programme for simplification before the end of the year, giving particular attention to areas which can bring about tangible benefits to citizens as well as cost reductions and time-saving for enterprises and public authorities. The Council also emphasises the importance of an agreement on an appropriate inter-institutional framework in order to improve the quality of Community legislation. It recognises equally that all Community Institutions as well as Member States have to play their full part in implementing actions identified and affirms its intention of working constructively with the Commission and the European Parliament with this in mind. Lastly, the Council encourages the Commission to develop, in co-operation with the Member States and on the basis of best practice, instruments for monitoring progress in the improvement and simplification of the regulatory environment, including appropriate indicators. The Commission is called upon to submit to the European Parliament and the Council a comprehensive review of the Action Plan before the end of 2005.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 24/10/2003 - Document attached to the procedure

The present Communication is the first interim report on implementation of the Framework for Action launched in February 2003 on "Updating and simplifying the Community acquis". This initiative implements one of the actions of its "Better Regulation" initiative of June 2002 and aims to secure a clear, understandable, up-to-date and user-friendly body of secondary Community law and responds also to the objective to improve the regulatory environment in which business operate to enhance competitiveness as one of the goal set out in the Lisbon strategy. Overall, the key actions of reducing the volume of legislation, making it simpler and of making it more accessible and meaningful are well underway, building on the Framework for Action launched in February 2003 and earlier initiatives: - a horizontal policy for legislative simplification is emerging. Commission services are now screening nearly 20 policy sectors for simplification potential which could result in future simplification proposals for Parliament and Council. Around 170 directives and regulations have already been identified as confirmed or potential candidates for simplification and are currently under active examination by the Commission services. Of 23 planned simplification proposals for Phase I (February - September 2003), 14 have been adopted and 4 more are planned before the end of 2003. 4 additional simplification proposals have been adopted in Phase I although not included in the February engagement. - a vast programme of consolidation was launched in 1996 and completed in June 2003 as planned. - the even more demanding codification programme launched in November 2001 is now at cruising speed and is set, despite significant obstacles, to be completed by the end of 2005 as planned. During Phase I the Commission adopted 7 codified Commission acts and 15 proposals for codified acts to be adopted by the European Parliament and the Council. During Phase II (October 2003-March 2004) it plans to adopt or propose some 150 codifications. - the reinforced efforts to remove obsolete legislation through formal repeal or by an additional instrument of "declaration of obsolescence" is beginning to give concrete results, although delays have occurred: Phase I efforts should shortly result in elimination of 30 obsolete legal acts and some 600 more are under consideration and could in part be implemented during Phase II. - the initiative to develop a more reliable and user-friendly organisation and presentation of Community law is being taken forward. Measures to offer a more user-friendly access to consult and use Community law will be

enacted before the end of 2003. Subsequent measures include a more focused presentation of the secondary legislation actually in force and of general applicability. The Commission also reports on important obstacles in implementing the above actions, in particular for simplification and codification work. However, the Commission is satisfied that the process launched in February 2003 is set to continue to produce benefits for citizens and other users of Community legislation in the future. The Commission welcomes that the February Framework for Action is confirmed as the first global and coherent initiative for a policy of maintenance of Communitylegislation. It is particularly encouraging that efforts are not concentrated in a few 'stakeholder' sectors but cover a wide range of policy areas.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 11/02/2003 - Document attached to the procedure

This Communication takes forward the Commission's Better Regulation initiative from June 2002 and, in so doing, fulfils the commitment made in its Action Plan to launch initiatives for a policy concerning the Community's existing body of law. The Framework for Action comprises 6 objectives, each with a number of key actions designed to make the legislation more accurate, user-friendly and up-to-date. The 6 objectives and their associated actions can be summarised as follows: - Objective 1 sets out the actions proposed wherever necessary to simplify the acquis and the indicators on which the priorities for simplification will be based. It outlines the sectors which will be scrutinised for their simplification potential during phase I of the simplification programme (February to September 2003). Phases II October 2003 to March 2004) and III (April 2004 to the end of this year) of that programme will continue the process of scrutinising the acquis for simplification candidates and will incorporate formal proposals by the Commission to simplify the legislation concerned; - Objectives 2 to 4 describe the measures needed (notably, consolidation, codification and repeal) to secure a more up-to-date, reliable and user-friendly body of European law; - Objectives 5 and 6 complete the Framework by outlining how this work will be carried out and how political and technical control of the process will be managed. The document underlines that little will be achieved without transparency of the process and strong political commitment and control, as well as adequate resources - where all institutions need to contribute. For its part, the Commission will undertake a six-monthly review to end-2004 of the progress made within the Framework for Action.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 05/06/2002 - Document attached to the procedure

The European Commission presented three communications which aim for better consultation and accountability and which set out a modernisation plan for clearer and better European legislation. These three communications form a whole centred on the basic lawmaking framework of the European Union, including the way EU law is transposed into national law. They are designed to apply to all the EU's regulatory areas - not just the Community "pillar", but also the third "pillar" that relates to justice and home affairs, bearing in mind the institutional framework and the decision-making arrangements proper to each "pillar". The Commission believes that the communications could come into force from the beginning of 2003, keeping in mind that some of the proposed provisions are a matter for an inter-institutional agreement. 1) Simplifying and improving the regulatory environment - an action plan : it deals in chronological sequence with the various stages of the legislative cycle. It analyses the respective responsibilities of the various European institutions and to clarify what should be done under an interinstitutional agreement. The Commission is committed to be more transparent in the way it exercises its right of initiative and take greater account of diversities. In particular, it shows how it sets out clearly the reasons why it takes a particular initiative, and how it sets out to ensure that the substance of its legislative proposals are restricted to the bare essentials. Parliament and the Council, which are responsible in the final analysis for the proportionality of the legislative instruments and the simplicity of the legislation, are invited to firmly commit themselves in the same direction: returning to the original concept of the directive as provided for in the Treaty, laying down common criteria and providing for the involvement of the legislator in co-regulation, qualified-majority voting, the way the codecision procedure is conducted, and the use of impact assessments. Finally, the action plan suggests measures under the direct responsibility of the Member States which could greatly improve the quality of the European regulatory environment. 2) Promoting a culture of dialogue and participation : the subject of the second communication is who is really consulted as part of the Community legislative process. This gives practical expression to the emerging culture of dialogue and participation. Based on broad experience of mandatory or informal consultation exercises, five minimum consultation standards are set out, to be applied by the Commission's departments. The purpose is to enable the legislator to be sure of the quality, and particularly the equity, of consultations leading up to major political proposals. The move is motivated by three concerns: to systematise and rationalise the wide range of consultation practices and procedures, and to guarantee the feasibility and effectiveness of the operation; to ensure the transparency of consultation from the point of view of the bodies or persons consulted and from the legislator's point of view; and to demonstrate accountability vis-α-vis the bodies or players consulted, by making public, as far as possible, the results of the consultation and the lessons that have been learned. 3) Systematising impact assessment by the Commission : the third communication explains the systematic approach to assessing the impact of initiatives, essentially legislative ones, which theCommission now intends to apply. Practical and adapted to each instrument, the approach is a measured one, in that the legislative process should not get blocked pending an excessively long or over-costly evaluation. It takes the form of a general-purpose impact analysis tool which can be applied to all initiatives undertaken under the Commission's programme of work. Impact assessment is in the same line of thinking as the European sustainable development strategy. The intention is that it should play a major role throughout the process of improving the quality of European legislation, providing a decision-making aid but not taking the place of political judgement. For one thing, it will guide and justify the choice of the right instrument at the appropriate level of intensity of European action. For another, it will provide the legislator with more accurate and better structured information on the positive and negative impacts, having regard to economic, social and environmental aspects. Thirdly, it will constitute a means of selecting, during the work programming phase, those initiatives which are really necessary. The importance of decentralisation and increased accountability on the part of the beneficiaries is underlined by the Commission and a number of broad lines can be set out for discussion: - clarifying executive responsibilities : to clarify in general terms the way in which executive responsibilities are exercised, i.e. what currently comes under the "committee procedures" banner; - a framework for the creation of European agencies : the Commission will define in 2002 the criteria for the creation of new regulatory agencies and the framework within which they should operate. In more

specific terms, the Commission will be submitting to Parliament and the Council the terms of an interinstitutional agreement setting out the conditions for the creation of such agencies, based on the principles of a clear separation of responsibilities; - taking account of the regional, urban and local contexts : a first stage in the experimental implementation of tripartite contracts will be presented; - a new approach to vetting the application of the law : In the same spirit of decentralisation, the Commission will lay down the framework for a new approach to the way it exercises its responsibility for checking on the application of Community law. The Commission illustrates the potential and flexibility of the Community method, the very basis of the European Union. As the cornerstone of this method, the Commission's right of initiative is the indispensable counterpart to majority voting in the Council, in as much as the Commission's right of initiative guarantees vital minority interests when it comes to defining the general interest. In tomorrow's world, this balanced view of the general interest will be even more important with a view to ensuring its autonomy, and that is the very point of the action plan for better lawmaking.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 07/03/2001 - Document attached to the procedure

The European Commission presented an interim report in response to the Lisbon European Council's request to set out by 2001 a new strategy for simplifying the regulatory environment. The principles underlying the work of simplifying and improving the quality of regulatory work have already been addressed by various Community-level rules and guidelines. However, these efforts have not always produced the expected results. They have never fed into an overall approach; nor have they addressed the legislative cycle as a whole. The Commission calls for an overall strategy to improve each stage of the legislative process. This strategy must be based on the following principles: 1) legislative action only where necessary and choice of the appropriate instrument: in this respect, the Commission will take a closer look at the principles of subsidiarity and proportionality. The choice has to be done on a case-by-case basis, incorporating a degree of flexibility, and having analysed what looks like being the best way of meeting the specified objective without jeopardising either democratic control of the legislative process or the rules of the Treaty, particularly the competition rules. Alternative solutions can only be considered in appropriate cases; 2) undertaking wide-ranging consultation and impact analyses prior to proposals: extended and in-depth consultation of interested parties, more involvement of civil society, qualitative and quantitative impact assessment using a feedback mechanism, presentation of the simplest possible instruments; 3) speeding up the legislative process: stricter application of qualified majority voting for Council decisions, quicker legislative procedures by way of agreements between the institutions, more use of delegation to the Commission of powers to adopt implementing provisions to achieve the legislative act's objectives, introduction of a 'guillotine' mechanism under which proposals lapse if they are not adopted within a give time frame, possible withdrawal of proposals if compromises worked out in Council or Parliament introduce too much legislative complexity; 4) ensuring rapid and correct transposition and effective application: when transposing directives, the Member States should systematically produce a concordance table of national measures and Community legislation; concertation procedures between the Member States and the Commission to be stepped up; 5) evaluating the effects of legislation: regular appraisal of the results and consequences of Community regulations, in conjunction with the national administrations and the various economic and social players, improving information access arrangements so as to make Community law more accessible, introducing into each proposal concerned with areas subject to rapid change a deadline for re-examination of the act; - speeding up the simplification and codification of existing legislation: the simplification and systematic updating of current legislation should ensure that legislation is always appropriate to its objectives (rapid assessment of feedback, multi-annual planning, agreement between the institutions, with a view to laying down the principles of simplification, systematic introduction of a simplification element in any periodic review of directives or regulations currently in force, better codification, recasting and consolidation, systematic and rapid publication of consolidated texts). The planned new strategy should be accompanied by a profound change in administrative and regulatory culture, requiring action from the Community institutions and the Member States.

Community legislation: simplifying and improving the regulatory environment

2002/2052(COS) - 10/12/2013 - Follow-up document

This Commission communication concerns Objective four of the Framework for Action for Updating and simplifying the Union *acquis* launched by the Communication from the Commission of 11 February 2003 in which it recognises the fact that the current Union *acquis* contains many texts that are obsolete and of no practical relevance or broader interest, but nevertheless apparently remain in force because an express repeal has not been carried out.

From the early stages of Union law, in the 1950s, the legislative activity of the Union has continually increased the number of legal acts, many of which were adopted without an expiry date of their validity being fixed.

In the context of the **better lawmaking strategy**, the Commission considers that such acts should no longer be allowed, by their classification as "acts in force", to complicate and obscure the overall picture of the active *acquis*. Their removal would allow access to an “essential” *acquis* of those acts that are active and generally applicable.

This Communication deals with acts concerning the following sectors of the **common agricultural policy**: accountancy data network, beef and veal, cereals, eggs and poultry, milk, oils and fats, outermost regions, pigmeat, potato starch, rice, rural development and agricultural structures, seeds, sheepmeat and goatmeat, sugar and wine.

The acts listed in Annex II have exhausted their effects. The aim of the present Communication is therefore to formally recognise that these acts are obsolete. They were identified according to objective criteria guaranteeing that they have exhausted their effects and that, for example, all their attached obligations have been fulfilled. In particular this implies mainly, but not exclusively, acts falling into the following categories:

- acts relating to the granting of financial contribution from the Union;
- acts granting a statute or a specific exemption limited in the time and expired (derogations);
- acts of a temporary nature (for instance, regulations relating to marketing years, fixing of aid amounts, specific financial assistance, intervention, dates, annual rules related to the management of tariff quotas, establishment of the forecast supply balance for outermost regions, etc.);
- acts relating to the implementation of a basic act that has been repealed;
- temporary or transitional measures linked to the accession of new Member States or acts which have become obsolete because of accession.

Consequently and following the guidelines on the reduction of the active Union acquis, in the framework of the simplification action related to Commission acts, **it is proposed to remove the acts listed in Annex II from the active acquis**.

The Publications Office is invited to withdraw these acts from the Directory of Union legislation in force.