Basic information

2016/2018(INI) INI - Own-initiative procedure	Procedure completed
Interpretation and implementation of the interinstitutional agreement on better law-making See also 2016/2005(ACI) **Subject** 8.50.02 Legislative simplification, coordination, codification	

Key players

European Parliament

Joint committee responsible	Rapporteur	Appointed
JURI Legal Affairs	SVOBODA Pavel (PPE)	14/01/2016
AFCO Constitutional Affairs	CORBETT Richard (S&D)	14/01/2016
	Shadow rapporteur GONZÁLEZ PONS Esteban (PPE) KAUFMANN Sylvia-Yvonne (S&D) KARIM Sajjad (ECR) CAVADA Jean-Marie (ALDE) PAGAZAURTUNDÚA Maite (ALDE) CHRYSOGONOS Kostas (GUE/NGL) HAUTALA Heidi (Verts/ALE) DURAND Pascal (Verts/ALE) CASTALDO Fabio Massimo (EFDD) LEBRETON Gilles (ENF) ANNEMANS Gerolf (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	BENDTSEN Bendt (PPE)	15/02/2016
ECON Economic and Monetary Affairs	GUALTIERI Roberto (S&D)	12/07/2016

	EMPL Employment and Social Affairs	MCINTYRE Anthea (ECR)	21/06/2016
	ENVI Environment, Public Health and Food Safety	VĂLEAN Adina (PPE)	17/02/2016
	PETI Petitions	MARIAS Notis (ECR)	29/04/2016

European Commission	Commission DG	Commissioner
	Secretariat-General	TIMMERMANS Frans

Key events

Date	Event	Reference	Summary
10/03/2016	Committee referral announced in Parliament		
10/03/2016	Referral to joint committee announced in Parliament		
25/04/2018	Vote in committee		
15/05/2018	Committee report tabled for plenary	A8-0170/2018	Summary
28/05/2018	Debate in Parliament		
30/05/2018	Decision by Parliament	T8-0225/2018	Summary
30/05/2018	Results of vote in Parliament		
30/05/2018	End of procedure in Parliament		

Technical information

Procedure reference	2016/2018(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Amendments and repeals	See also 2016/2005(ACI)
Legal basis	Rules of Procedure EP 55 Rules of Procedure EP 59
Stage reached in procedure	Procedure completed
Committee dossier	CJ22/8/05637

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	PETI	PE582.235	25/01/2017	
Committee opinion	ECON	PE609.658	24/11/2017	
Committee draft report		PE615.497	23/01/2018	
Amendments tabled in committee		PE616.860	12/02/2018	
Committee opinion	INTA	PE615.264	21/02/2018	
Committee opinion	ENVI	PE615.308	21/03/2018	
Committee opinion	EMPL	PE613.586	28/03/2018	
Committee report tabled for plenary, single reading		A8-0170/2018	15/05/2018	Summary
Text adopted by Parliament, single reading		T8-0225/2018	30/05/2018	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2018)515	16/11/2018	

Interpretation and implementation of the interinstitutional agreement on better law-making

2016/2018(INI) - 30/05/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 497 votes to 76, with 111 abstentions, a resolution on the interpretation and implementation of the Interinstitutional Agreement on better law-making.

Members welcomed the progress made during the first year and a half of implementation of the new Interinstitutional Agreement which entered into force on 13 April 2016. They called for further steps to be taken to fully implement the agreement, the objective of which is to establish more open and transparent relations between the three institutions with a view to delivering high-quality legislation in the interest of EU citizens.

Programming: Parliament welcomed the three Institutions' agreement to reinforce the Union's annual and multiannual programming by means of a more structured procedure with a precise timeline. It considered that priority treatment for certain legislative files agreed upon in joint declarations should not be used to exert undue pressure on the colegislators and that greater speed should not be prioritised at the expense of legislative quality.

The Commission should present more inclusive, more detailed and more reliable Work Programmes and impact assessments should always encompass a thorough and rigorous analysis of the compliance of a proposal with the principles of subsidiarity and proportionality and specify its **European added value**. Parliament encouraged developing efficient legislation geared to developing employment protection and European competitiveness with a particular focus on small and medium-sized enterprises, across all sectors of the economy.

Members considered it essential that parliamentary committees are fully consulted throughout the joint declaration preparation and implementation process and stressed the importance of **transparent cooperation** in good faith between Parliament, the Council and the Commission. In this regard, it reminded the Commission of its obligation to respond promptly to legislative and non-legislative own initiative reports.

Tools for better law-making: Parliament underlined that **impact assessments** may inform but must never be a substitute for political decisions or cause undue delays to the legislative process. Particular attention must be paid to the potential impacts on those stakeholders who have least opportunity to present their concerns to decision-makers, including SMEs, civil society, trade unions and others who do not have the advantage of easy access to the Institutions. They must pay equal attention to the evaluation of **social, health and environmental consequences** in particular, and that the impact on the fundamental rights of citizens and on equality between women and men must be assessed.

Members recalled that the independence, transparency and objectiveness of the **Regulatory Scrutiny Board** and its work must be safeguarded and that the members of the Board should not be subjected to any political control. All of the Board's opinions, including negative ones, shall be made public. In addition, the Commission should clarify how it intends to assess the **cost of non-Europe**, including the cost to producers, consumers, workers, administrations and the environment of the lack of harmonised legislation at EU level.

All **parliamentary committees** should review Commission impact assessments and the Parliament's ex-ante impact assessment analysis as early as possible in the legislative process.

As regards **legislative instruments**, Members stressed the need for consistency between the explanatory memorandum and the impact assessment related to the same proposal. They stressed that the choice of the legal basis for a Commission proposal should be based on objective grounds subject to judicial review. However, Parliament, as co-legislator, should be able to amend the legal basis on the basis of its interpretation of the Treaties.

Delegated and implementing acts: Members reiterated that it is the competence of the legislator to decide, within the limits of the Treaties, and in the light of the case law of the Court of Justice of the European Union, whether and to what extent to use delegated acts and whether and to what extent to use implementing acts. They welcomed the Commission's effort to comply with the deadline for proposing the alignment of all basic acts which still refer to the regulatory procedure with scrutiny (RPS). However, they expressed concern that the Council is trying almost systematically to replace delegated acts with implementing acts.

Members recalled that politically significant elements, such as Union lists or registers of products or substances, should remain an integral part of a basic act and should therefore only be amended by means of delegated acts.

Transparency and coordination of the legislative process: Members called on the Commission to make available and, when feasible, public, all relevant documents relating to legislative proposals, including non-papers, to both legislators at the same time. The **flow of information from the Council** should also be improved. The Council, as a general rule, hold all its meetings in public, as does the European Parliament.

Parliament proposed that the Council meets Parliament at least once during the consultation procedure to allow Parliament to present and explain the reasons for the approved amendments, and the Council to state its position on each of them.

The three EU institutions are reminded that further progress is needed in establishing a dedicated joint **database** on the state of play of legislative files.

Members called on the other institutions to comply with the Treaties and regulations and to observe the relevant jurisprudence in order to ensure that Parliament is immediately, fully and accurately informed **during the whole life-cycle of international agreements**, without undermining the EU's negotiation position, and is accurately informed and involved in the implementation stage of the agreements.

Implementation and application of EU law: when the Member States, in the context of transposing directives into national law, choose to add elements that are in no way related to that Union legislation, such additions should be made identifiable either through the transposing act(s) or through associated documents. In order to **reduce the problems related to 'gold-plating'**, the three Institutions should commit to adopting EU legislation which is clear and easily transposable.

Simplification: Members welcomed the commitment for a more frequent use of the legislative technique of **recasting**. They considered that this technique should constitute the ordinary legislative technique as an invaluable tool to achieve simplification. However, in the event of a complete policy overhaul, the Commission should, instead of using the recasting technique, put forward a proposal for an entirely new legal act repealing existing legislation, so that the co-legislators can engage in broad and effective political discussions and see their prerogatives as enshrined in the Treaties fully preserved.

Parliament also stressed that the **reduction of administrative burdens** does not necessarily mean deregulation and that, in any event, it must not compromise fundamental rights and environmental, social, labour, health and safety, consumer protection, gender-equality or animal welfare standards.

Interpretation and implementation of the interinstitutional agreement on better law-making

2016/2018(INI) - 15/05/2018 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs, together with the Committee on Constitutional Affairs, adopted an own-initiative report prepared by Pavel SVOBODA (EPP, CZ) and Richard CORBETT (S&D, UK) on the interpretation and implementation of the Interinstitutional Agreement on better law-making.

Members welcomed the progress achieved and the experience gained in the first year and a half of the application of the new Interinstitutional Agreement which entered into force on 13 April 2016 and encouraged the Institutions to undertake **further efforts** to fully implement the agreement, which is an interinstitutional exercise to improve the quality of EU legislation.

Programming: Members welcomed the three Institutions' agreement to reinforce the Union's annual and multiannual programming by means of a more structured procedure with a precise timeline. They considered that priority treatment for certain legislative files agreed upon in joint declarations should not be used to exert undue pressure on the colegislators and that greater speed should not be prioritised at the expense of legislative quality.

Members called on the Commission to present more inclusive, more detailed and more reliable Work Programmes and impact assessments should always encompass a thorough and rigorous analysis of the compliance of a proposal with the principles of subsidiarity and proportionality and specify its European added value. They encouraged developing efficient legislation geared to developing employment protection and European competitiveness with a particular focus on small and medium-sized enterprises, across all sectors of the economy.

Members considered it essential that parliamentary committees are fully consulted throughout the joint declaration preparation and implementation process.

Tools for better law-making: the report underlined that **impact assessments** may inform but must never be a substitute for political decisions or cause undue delays to the legislative process. Particular attention must be paid to the potential impacts on those stakeholders who have least opportunity to

present their concerns to decision-makers, including **SMEs, civil society, trade unions** and others who do not have the advantage of easy access to the Institutions. Members considered that impact assessments must pay equal attention to the evaluation of **social, health and environmental consequences** in particular, and that the impact on the fundamental rights of citizens and on equality between women and men must be assessed.

Members recalled that the independence, transparency and objectiveness of the **Regulatory Scrutiny Board** and its work must be safeguarded and that the members of the Board should not be subjected to any political control. All of the Board's opinions, including negative ones, shall be made public. In addition, the Commission should clarify how it intends to assess the **cost of non-Europe**, including the cost to producers, consumers, workers, administrations and the environment of the lack of harmonised legislation at EU level.

Better regulation tools: the report stressed that impact assessments should never replace political decisions or delay the legislative process. They should pay particular attention to the potential effects on stakeholders, including SMEs, civil society, trade unions and others who do not have easy access to institutions. They should pay equal attention to the assessment of social, health and environmental consequences, in particular, and assess the impact on the fundamental rights of citizens and on equality between men and women.

Members reiterated the need to protect the independence, transparency and objectivity of the regulatory review committee and its work, and that its members should not be subject to political control. All opinions of the Committee, including negative assessments, should be made public. In addition, the Commission should clarify how it intends to assess the cost of non-Europe, including the cost to producers, consumers, workers, administrations and the environment of the lack of harmonised legislation at EU level.

Delegated and implementing acts: Members reiterated that it is the competence of the legislator to decide, within the limits of the Treaties, and in the light of the case law of the Court of Justice of the European Union, whether and to what extent to use delegated acts and whether and to what extent to use implementing acts. They welcomed the Commission's effort to comply with the deadline for proposing the alignment of all basic acts which still refer to the regulatory procedure with scrutiny (RPS).

However, they expressed concern that the Council is trying almost systematically to replace delegated acts with implementing acts.

Members recalled that politically significant elements, such as Union lists or registers of products or substances, should remain an integral part of a basic act and should therefore only be amended by means of delegated acts.

Transparency and coordination of the legislative process: Members called on the Commission to make available and, when feasible, public, all relevant documents relating to legislative proposals, including non-papers, to both legislators at the same time. The **flow of information from the Council** should also be improved.

The Council should, as a general rule, hold all its meetings in public, as does the European Parliament.

The report proposed that the Council meets Parliament at least once during the consultation procedure to allow Parliament to present and explain the reasons for the approved amendments, and the Council to state its position on each of them.

The three EU institutions are reminded that further progress is needed in establishing a dedicated joint **database** on the state of play of legislative files.

Members called on the other institutions to comply with the Treaties and regulations and to observe the relevant jurisprudence in order to ensure that Parliament is immediately, fully and accurately informed **during the whole life-cycle of international agreements**, without undermining the EU's negotiation position, and is accurately informed and involved in the implementation stage of the agreements. They also called for the establishment and formalisation of a financial dialogue on the adoption and coherence of European positions in the run-up to major international negotiations.

Implementation and application of EU law: the report underlined the importance of the principle that when the Member States, in the context of transposing directives into national law, choose to add elements that are in no way related to that Union legislation, such additions should be made identifiable either through the transposing act(s) or through associated documents. In order to **reduce the problems related to 'gold-plating'**, the three Institutions should commit to adopting EU legislation which is clear and easily transposable.

Simplification: Members welcomed the commitment for a more frequent use of the legislative technique of **recasting**. They considered that this technique should constitute the ordinary legislative technique as an invaluable tool to achieve simplification.

However, in the event of a complete policy overhaul, the Commission should, instead of using the recasting technique, put forward a proposal for an entirely new legal act repealing existing legislation, so that the co-legislators can engage in broad and effective political discussions and see their prerogatives as enshrined in the Treaties fully preserved.

Members also stressed that the **reduction of administrative burdens** does not necessarily mean deregulation and that, in any event, it must not compromise fundamental rights and environmental, social, labour, health and safety, consumer protection, gender-equality or animal welfare standards.