


# Procedure file

| Basic information   |                     |
|---|---------------------|
| COS - Procedure on a strategy paper (historic) <a href="#">1999/2197(COS)</a>   | Procedure completed |
| Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki |                     |
| Subject<br>8.50.02 Legislative simplification, coordination, codification   |                     |

| Key players                   |   |   |            |
|-------------------------------|---|---|------------|
| European Parliament           | Committee responsible                         | Rapporteur                                  | Appointed  |
|                               | <b>JURI</b> Legal Affairs and Internal Market |   | 23/11/1999 |
|                               |   | PPE-DE <a href="#">WUERMELING Joachim</a>   |            |
|                               | Committee for opinion                         | Rapporteur for opinion                      | Appointed  |
|                               | <b>AFCO</b> Constitutional Affairs            |   | 26/01/2000 |
|                               |   | PSE <a href="#">VAN DEN BERG Margrietus</a> |            |
| Council of the European Union | <b>PETI</b> Petitions                         |   | 23/02/2000 |
|                               |   | PSE <a href="#">CANDAL Carlos</a>           |            |
|                               | Commission DG                                 | Commissioner                                |            |
| European Commission           | <a href="#">Secretariat-General</a>           |   |            |

| Key events |  |   |         |
|------------|--|---|---------|
| 03/11/1999 | Non-legislative basic document published   | COM(1999)0562   | Summary |
| 17/01/2000 | Committee referral announced in Parliament |   |         |
| 09/10/2000 | Vote in committee                          |   | Summary |
| 09/10/2000 | Committee report tabled for plenary        | <a href="#">A5-0269/2000</a>  |         |
| 26/10/2000 | Debate in Parliament                       |  |         |
| 26/10/2000 | Decision by Parliament                     | <a href="#">T5-0490/2000</a>  | Summary |
| 26/10/2000 | End of procedure in Parliament             |   |         |
| 12/07/2001 | Final act published in Official Journal    |   |         |

| Technical information |  |
|-----------------------|--|
| Procedure reference   | 1999/2197(COS)                                 |
| Procedure type        | COS - Procedure on a strategy paper (historic) |
| Procedure subtype     | Commission strategy paper                      |
| Legal basis           | Rules of Procedure EP 142                      |

|                            |                     |
|----------------------------|---------------------|
| Stage reached in procedure | Procedure completed |
| Committee dossier          | JURI/5/12205        |

| Documentation gateway                               |      |   |            |      |         |
|---|------|---|------------|------|---------|
| Supplementary non-legislative basic document        |      | COM(1998)0715   | 01/12/1998 | EC   | Summary |
| Committee of the Regions: opinion                   |      | <a href="#">CDR0050/1999</a><br><a href="#">OJ C 374 23.12.1999, p. 0011</a>      | 15/09/1999 | CofR |         |
| Non-legislative basic document                      |      | COM(1999)0562   | 03/11/1999 | EC   | Summary |
| Committee of the Regions: opinion                   |      | <a href="#">CDR0018/2000</a><br><a href="#">OJ C 226 08.08.2000, p. 0060</a>      | 13/04/2000 | CofR |         |
| Committee opinion                                   | PETI | PE287.112/DEF   | 12/05/2000 | EP   |         |
| Committee draft report                              |      | PE286.001   | 19/05/2000 | EP   |         |
| Committee opinion                                   | AFCO | PE286.892/DEF   | 04/07/2000 | EP   |         |
| Amendments tabled in committee                      |      | PE286.001/AM  | 01/08/2000 | EP   |         |
| Amendments tabled in committee                      |      | PE286.001/AMC   | 03/10/2000 | EP   |         |
| Committee report tabled for plenary, single reading |      | <a href="#">A5-0269/2000</a><br><a href="#">OJ C 197 12.07.2001, p. 0006</a>      | 09/10/2000 | EP   |         |
| Text adopted by Parliament, single reading          |      | <a href="#">T5-0490/2000</a><br><a href="#">OJ C 197 12.07.2001, p. 0228-0433</a> | 26/10/2000 | EP   | Summary |

## Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki

**PURPOSE :** To present a report on the Commission's actions to improve the quality of Community legislation. **CONTENT :** The Commission reports that the project on "better lawmaking" is bearing fruit and attracting greater political attention, notably at the Cardiff European council. - The Protocol annexed to the Treaty of Amsterdam gives clear rules on the principles of subsidiarity and proportionality. The important points to note are that subsidiarity does not apply to the exercise of exclusive Community powers, but only in the area of shared powers. The proposal must demonstrate why Community action is necessary. Proportionality seeks to ensure that the impact of Community law on national law does not go beyond what is necessary to achieve Treaty objectives. These principles remain evolutionary and dynamic. - There are difficulties in the application of the principles, notably pressure arising from the interinstitutional nature of the Community, the specific demands of Member States and economic operators. These do not always correspond to the principles expounded. - There have been positive results in 1998. Each proposal bears a statement of grounds regarding subsidiarity and proportionality. There is a careful impact assessment and increasing dialogue with partners. - Joint actions by the institutions to improve the quality of drafting will offer better results. Council and Parliament must be far more discriminating when they ask the Commission to present proposals and avoid making proposals more complex by burdening them with detail, particularly when unanimity is required. Member States must transpose legislation correctly. This is a shared responsibility.?

## Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki

**OBJECTIVE:** to submit a report on the Commission's actions on better lawmaking. **CONTENT:** The Commission reports on its application of the principles of subsidiarity and proportionality, together with measures taken to make legislation simpler and more accessible. - Current events show that there are some areas where increasing action is needed at Union level, such as food safety policy, asylum and immigration, crime, and reconstruction in the Balkans. - The results in 1999 demonstrate that the Commission has applied the principles of subsidiarity and proportionality strictly, as required by the Amsterdam Protocol. - Subsidiarity: alternatives to legislation such as the direct agreement with the motor industry on vehicle transmissions have been explored, as has self-regulation. - Proportionality: the report gives instances where Community action has been kept as simple as possible consistent with the need for effective measures. - The Commission will continue its practice of prior consultation on legislation. With regard to the growing political interest on better drafting, an inter-institutional agreement was adopted in December 1998 and published in March 1999. - The report gives instances of Commission actions to simplify legislation and of formal and informal action taken to simplify legislative instruments. - The sites on the Europa server are more user-friendly and enjoy growing success.?

## Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki

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The committee adopted the report by Joachim WUERMELING (EPP-ED, D) on the Commission's two reports to the European Council on better lawmaking (1998 and 1999). The report welcomed the Commission's recognition of the need for decentralisation, subsidiarity and concentration on core European tasks, but at the same time advocated a clear demarcation of responsibility between the EU and the Member States. The committee took the view that the principles of subsidiarity and proportionality should apply in all areas of legislation, including the decision as to whether to make a matter the subject of internal market legislation. Concern was expressed as to the increasing amount of non-legislative documents drawn up by the Commission (Green and White Papers, explanatory memoranda etc.).

## Better lawmaking 1998 and 1999: follow-up of the report COM(1998)0345 and report for the European Council in Helsinki

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The European Parliament endorsed the resolution drafted by Mr Joachim WUERMERLING (EPP/ED, D) on the 1998 and 1999 Commission report on "Better Lawmaking". The House voted by 132 voted in favour and 47 against with 5 abstentions. With regard to the report in particular, the Parliament calls on the Commission to include in its future reports a section detailing why it chose to put forward specific proposals for regulations or directives so that it can be determined whether the principles of subsidiarity and proportionality were applicable or not. The Commission is also called upon to promote the use of clearer language. More importantly, the Commission is requested to include a some sort of scoreboard of 'superfluous' legislation with a view to repealing that legislation and ensuring that the existing body of law is indeed simplified, transparent and effective. As regards subsidiarity, the Parliament takes the view that the subsidiarity principle and proportionality must apply in all areas of legislation, including the decisions as to whether to make a matter the subject of internal market legislation. Equally, Member States are called upon to improve their scrutiny of EU legislation and policymaking and to hold their own governments to greater account for their actions at EU level. Finally, the Commission should inform the public of their rights and duties under European legislation policy.?