

Procedure file

Basic information		
INI - Own-initiative procedure	2005/2214(INI)	Procedure completed
Outcome of the screening of legislative proposals pending before the Legislator		
Subject 8.50.02 Legislative simplification, coordination, codification		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
	PETI Petitions	The committee decided not to give an opinion.	
	REGI Regional Development	The committee decided not to give an opinion.	
	DEVE Development	The committee decided not to give an opinion.	
	CULT Culture and Education	The committee decided not to give an opinion.	
	AFET Foreign Affairs	The committee decided not to give an opinion.	
	PECH Fisheries	The committee decided not to give an opinion.	
	AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	BUDG Budgets	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	JURI Legal Affairs		12/12/2005
		PSE BERGER Maria	
	ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
	CONT Budgetary Control	The committee decided not to give an opinion.	
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	INTA International Trade	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.		
TRAN Transport and Tourism	The committee decided not to give an opinion.		

Key events

26/09/2005	Non-legislative basic document published	COM(2005)0462	Summary
17/11/2005	Committee referral announced in Parliament		
25/04/2006	Vote in committee		Summary
26/04/2006	Committee report tabled for plenary	A6-0143/2006	
15/05/2006	Debate in Parliament		
16/05/2006	Results of vote in Parliament		
16/05/2006	Decision by Parliament	T6-0206/2006	Summary
16/05/2006	End of procedure in Parliament		

Technical information

Procedure reference	2005/2214(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/6/31691

Documentation gateway

Non-legislative basic document		COM(2005)0462	27/09/2005	EC	Summary
Committee draft report		PE370.018	09/02/2006	EP	
Committee opinion	JURI	PE369.916	22/03/2006	EP	
Amendments tabled in committee		PE371.801	24/03/2006	EP	
Amendments tabled in committee		PE372.122	12/04/2006	EP	
Committee report tabled for plenary, single reading		A6-0143/2006	27/04/2006	EP	
Text adopted by Parliament, single reading		T6-0206/2006	16/05/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)2902	22/06/2006	EC	
Commission response to text adopted in plenary		SP(2006)3065-2	01/08/2006	EC	

The Commission has previously announced its intention to screen proposals that are pending before the Council/Parliament with regard to their general relevance, their impact on competitiveness and other effects. The objectives, process and outcomes of this screening exercise, which is the first of its kind, are presented in this Communication.

Objectives of the screening of pending proposals: The screening exercise aimed at enabling the Commission to ensure that all pending legislative proposals are fully consistent with the political priorities of the Commission and to check whether changed circumstances justify a review of the initial approach followed. More specifically, the screening exercise aimed at testing pending proposals on three accounts:

-pending proposals were examined for their consistency with the EU Lisbon objectives and in particular the goal of promoting competitiveness. The criteria used for evaluating proposals in this respect were those specified in the 'competitiveness test' that forms part of the recently revised impact assessment guidelines;

-pending proposals were checked for possible lack of substantial progress in the legislative process for a significant period of time.

-pending proposals were examined to determine whether they meet current better regulation requirements, notably with regard to appropriate impact assessments. This criterion affects in particular those proposals presented at a time when impact assessments were not a formal requirement.

Process of the screening exercise: The scope of the exercise was limited to pending proposals dated before 1 January 2004. This amounted to 183 proposals. The Commission then identified about 100 proposals that constitute truly new legislative initiatives. The proposals were further evaluated for possible adverse effects on competitiveness and broader economic effects. The rest consist of proposals that are likely to have limited or no impact on competitiveness. These relate mainly to proposals resulting from international obligations or constituting adaptations of the *acquis* to scientific and technical progress. Some of these proposals also directly contribute to 'better regulation' as they codify or simplify the *acquis*.

Outcomes of the screening exercise: The Commission envisages two broad types of action:

-The Commission intends to withdraw in total 68 proposals. These are considered not to be consistent with the Lisbon objectives or Better Regulation principles, or they are making insufficient progress in the legislative process or are no longer topical.

-Proposals to be maintained in the legislative process but with economic analysis to be presented to the assessment of the legislative authority. This concerns 5 proposals where additional presentation of the analysis of their impact is likely to facilitate decision making by the Legislative Authority. Thus, in total some 73 pending proposals will be subject to some form of intervention.

The withdrawals represent some 31% of all pending proposals from before 1 January 2004. All interventions including proposals singled out for further economic analysis actually represent 33 % of those pending proposals.

Moreover, for at least 2 proposals, the screening exercise has produced results that do not fall directly into the above categories. First, concerning the proposal for a Council Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents - optical radiations, 1992/0449/COD, for which the screening exercise has led the Commission to conclude that the aspects dealing with exposure of workers to natural optical radiation should be deleted, as proposed also by the European Parliament.

Secondly, concerning the proposal on Temporary Workers (2002/0072/COD), the Commission reserves its position to reconsider the proposal in light of future discussions on other proposals.

The Annex to the communication summarises the situation and gives details of the proposals concerned.

Outcome of the screening of legislative proposals pending before the Legislator

The committee adopted the own-initiative report drawn up by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) in response to the Commission communication on the outcome of the screening of legislative proposals pending before the Legislator. The committee welcomed the communication and said that the withdrawal or modification of the great majority of the proposals mentioned in it would "contribute to a simplification of the Community legislative environment". MEPs insisted, however, that the Commission should take into proper consideration the objections raised by the President of the European Parliament. The committee welcomed the fact that, before adopting its final position, the Commission had again reviewed its proposals in the light of Parliament's objections. It acknowledged that, in every case in which the Commission had not accepted those objections, it had stated reasons for not doing so and that in some cases it had also indicated possible initiatives by means of which Parliament's wishes could be met. The report stressed that in future proceedings of this nature, the Commission should present specific reasons for the withdrawal or the modification of each proposal, and "not confine itself to invoking general principles that do not clearly explain the reasons why the Commission believes that a specific proposal should be withdrawn or modified"

MEPs asked the Commission, immediately after it has been appointed, to draw up and submit to Parliament and the Council a list stating which of its predecessor's legislative proposals it intends to retain. They also asked the Commission to include in its annual legislative and working programme a list of the proposals it intends to withdraw or modify, in order to allow Parliament to express its point of view in accordance with its prerogatives under the Treaties and the procedures laid down in the Framework Agreement of 26 May 2005. The committee recognised, however, that, within clear limits, the ability of the Commission to withdraw a legislative proposal during a procedure leading to its adoption:

- flows from its right of legislative initiative and constitutes a logical complement to its ability to modify a proposal,

- may contribute to enhancing the role of the Commission in the legislative procedure, and

- can be considered as a positive element in ensuring that the procedures leading to the adoption of a Community act and the interinstitutional dialogue are aimed at promoting the 'Community interest'.

Lastly, the report put forward the following guidelines on the withdrawal and the modification of legislative proposals by the Commission:

(a) the Commission may, in principle, withdraw or modify a legislative proposal at any time during the procedures leading to its adoption as long as the Council has not acted. This means that in codecision and cooperation procedures the Commission may no longer do so after the adoption of the common position by the Council unless, in its decision on the common position, the Council has exceeded its powers to amend

the Commission proposal, so that the decision in reality constitutes a legislative initiative by the Council itself, for which the Treaty does not provide;

(b) where Parliament has rejected a legislative proposal or has suggested substantial amendments to it, or where Parliament has in some other way asked the Commission to withdraw or substantially modify a legislative proposal, the Commission shall take this position into proper consideration. If, for important reasons, the Commission decides not to follow the position expressed by Parliament, it shall explain the reasons for that decision in a statement to Parliament;

(c) where the Commission intends to withdraw or modify a legislative proposal on its own initiative, it shall give Parliament prior notification of its intention. This notification shall be given in good time, allowing Parliament the opportunity to give its view on the matter, and shall include a clear explanation of the reasons for which the Commission believes that a specific proposal should be withdrawn or modified. The Commission shall take the view of Parliament into proper consideration. If, for important reasons, the Commission decides to withdraw or modify its proposal, against the wishes of Parliament, it shall explain the reasons for that decision in a statement to Parliament.

Outcome of the screening of legislative proposals pending before the Legislator

The European Parliament adopted a resolution based on the own-initiative report drafted by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) in response to the Commission communication on the outcome of the screening of legislative proposals pending before the Legislator. (Please see the summary dated 25/04/2006.)