








Procedure file

Basic information		
INI - Own-initiative procedure	2023/2079(INI)	Procedure completed
European Union regulatory fitness and subsidiarity and proportionality ? report on Better Law Making covering 2020, 2021 and 2022		
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.02 Legislative simplification, coordination, codification		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs		13/07/2023
		 RINZEMA Catharina	
		Shadow rapporteur	
		 CHINNICI Caterina	
		 LEITÃO-MARQUES Maria-Manuel	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Constitutional Affairs		28/06/2023
		 SARYUSZ-WOLSKI Jacek	
European Commission	Commission DG	Commissioner	
	Secretariat-General	ŠEFČOVIČ Maroš	

Key events			
15/06/2023	Committee referral announced in Parliament		
24/10/2023	Vote in committee		
27/10/2023	Committee report tabled for plenary	A9-0310/2023	Summary
23/11/2023	Results of vote in Parliament		
23/11/2023	Decision by Parliament	T9-0442/2023	Summary

Technical information

Procedure reference	2023/2079(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/12220

Documentation gateway					
Committee draft report		PE751.788	07/09/2023	EP	
Committee opinion	AFCO	PE751.737	25/09/2023	EP	
Amendments tabled in committee		PE753.689	27/09/2023	EP	
Committee report tabled for plenary, single reading		A9-0310/2023	27/10/2023	EP	Summary
Text adopted by Parliament, single reading		T9-0442/2023	23/11/2023	EP	Summary
Commission response to text adopted in plenary		SP(2024)45	04/04/2024	EC	

European Union regulatory fitness and subsidiarity and proportionality ? report on Better Law Making covering 2020, 2021 and 2022

The Committee on Legal Affairs adopted the report by Catharina RINZEMA (Renew, NL) on European Union regulatory fitness and subsidiarity and proportionality - report on Better Law-Making covering 2020, 2021 and 2022.

Subsidiarity

The report noted that the number of reasoned opinions received from EU national parliaments was 9 in 2020, 16 in 2021 and 34 in 2022; underlines that since the entry into force of the Lisbon Treaty in 2009, the EU national parliaments have activated the Early Warning System or yellow card on only three occasions, and that no orange card (the system according to which half of the national parliaments raise an objection to a Commission proposal) has ever been drawn. It was noted that of the 16 reasoned opinions received in 2021, nine were related to the Fit for 55 package, three to the European Health Union package, two to the Pact on Migration and Asylum, one to the proposal for a directive on adequate minimum wages in the EU and one to the proposal amending the VAT Directive as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that directive.

Members noted further that the trend in the increased number of opinions and reasoned opinions in the period 2007-2022 demonstrates that national parliaments are increasingly asking for more political dialogue and a greater involvement in the debate on EU policies.

Fostering the inclusion of national parliaments

Members highlighted the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws, which enhances the legitimacy and quality of EU legislation. However, the current forms of cooperation with national parliaments could be improved through the refinement of the InterParliamentary EU Information Exchange (IPEX) platform which facilitates the electronic exchange of EU-related information between Member State national parliaments and the European Parliament.

Improving regulatory fitness and EU law-making for an effective single market

The report stressed that the EU and the authorities of the Member States should continue to work closely together to ensure better evaluation of the real impact of EU regulations on citizens and businesses, notably SMEs. Members also noted that the impact assessment is a key instrument of the Better Regulation programme to ensure that subsidiarity and proportionality are respected.

The report noted that in 2020, the Regulatory Scrutiny Board examined a total of 53 impact assessments, that in 12 cases, it estimated that it was necessary to improve their analysis of subsidiarity and EU added value, and that 30 opinions contained comments on proportionality. It is stressed that the independence of the Regulatory Scrutiny Board should be strengthened.

Moreover, the Commission is called on to promptly develop a comprehensive methodology covering the cumulative effects of the relevant policy measures on the EU's competitiveness.

Noting Councils lack of transparency and its practice of over-classifying documents, Members urged the Council to increase the number of documents it makes public, in particular the positions expressed by the Member States, thereby allowing the public to be aware of the position of their government and enhancing scrutiny by national parliaments.

Members believe that codifying the rules on good administration would reinforce citizens rights and transparency and would respond to the

need for investment and reform in the European Union. In this regard, they called on the Commission to come forward with a legislative proposal on a European law of administrative procedure.

European Union regulatory fitness and subsidiarity and proportionality ? report on Better Law Making covering 2020, 2021 and 2022

The European Parliament adopted by 439 votes to 55, with 45 abstentions, a resolution on European Union regulatory fitness and subsidiarity and proportionality - report on Better Law-Making covering 2020, 2021 and 2022.

Subsidiarity

Parliament welcomed the measure to help national parliaments execute their role more effectively by excluding the period from 20 December to 10 January from the eight-week period during which national parliaments can submit reasoned opinions.

It noted that the number of reasoned opinions received from EU national parliaments was 9 in 2020, 16 in 2021 and 34 in 2022. It underlined that since the entry into force of the Lisbon Treaty in 2009, the EU national parliaments have activated the Early Warning System or yellow card on only three occasions, and that no orange card (the system according to which half of the national parliaments raise an objection to a Commission proposal) has ever been drawn. It was noted that of the 16 reasoned opinions received in 2021, nine were related to the Fit for 55 package, three to the European Health Union package, two to the Pact on Migration and Asylum, one to the proposal for a directive on adequate minimum wages in the EU and one to the proposal amending the VAT Directive as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that directive.

Members noted further that the trend in the increased number of opinions and reasoned opinions in the period 2007-2022 demonstrates that national parliaments are increasingly asking for more political dialogue and a greater involvement in the debate on EU policies.

On fostering the inclusion of national parliaments

Members suggested improving the current forms of cooperation with national parliaments and promoting dialogue between Members of national parliaments and Members of the European Parliament. They supported the consolidation of responses if seven or more national parliaments issue reasoned opinions on one of the Commissions legislative proposals, despite the threshold for initiating the yellow card procedure not having been reached. The Committee on Legal Affairs should hold a genuine discussion of the national parliament reasoned opinions that are sent to it, alerting its members when at least two reasoned opinions criticise the same proposal.

Improving regulatory fitness and EU law-making for an effective single market

The resolution stressed that the EU and the authorities of the Member States should continue to work closely together to ensure better evaluation of the real impact of EU regulations on citizens and businesses, notably SMEs. Members also noted that the impact assessment is a key instrument of the Better Regulation programme to ensure that subsidiarity and proportionality are respected.

The Commission is called on to develop a more integrated approach to sustainability that would better take into account the interplay of the economic, social and environmental impacts of EU policies and legislation.

The resolution noted that in 2020, the Regulatory Scrutiny Board examined a total of 53 impact assessments, that in 12 cases, it estimated that it was necessary to improve their analysis of subsidiarity and EU added value, and that 30 opinions contained comments on proportionality. It is stressed that the independence of the Regulatory Scrutiny Board should be strengthened.

Members welcomed the Commissions commitment to subjecting EU legislative proposals to an SME test and called for the test to be binding and updated throughout the whole legislative process in order to ensure clear and predictable EU legislation.

Noting Councils lack of transparency and its practice of over-classifying documents, Members urged the Council to increase the number of documents it makes public, in particular the positions expressed by the Member States, thereby allowing the public to be aware of the position of their government and enhancing scrutiny by national parliaments.

Members believe that codifying the rules on good administration would reinforce citizens rights and transparency and would respond to the need for investment and reform in the European Union. In this regard, they called on the Commission to come forward with a legislative proposal on a European law of administrative procedure.

Transparency

RINZEMA Catharina

Rapporteur

JURI

07/07/2023

Vereniging VNO-NCW