EU regulatory fitness and subsidiarity and proportionality - 19th report on Better lawmaking covering the year 2011

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The Committee on Legal Affairs adopted the own-initiative report by Sajjad Karim (ECR, UK) on EU Regulatory Fitness and Subsidiarity and Proportionality - 19th report on Better Lawmaking covering the year 2011.

General comments: Members considered that the Interinstitutional Agreement on Better Lawmaking of 2003 had become ill-suited to the current legislative environment created by the Treaty of Lisbon, and called for the Agreement to be re-negotiated, to take account of the new framework, consolidate current best practices, and bring the agreement up to date in line with the better lawmaking agenda. Any new agreement should be adopted on the basis of Article 295 TFEU and should be of a binding nature.

In addition, the Committee stressed the following:

- the principles of subsidiarity and proportionality were not adequately addressed by the Commission in its impact assessments, as has been pointed out by the Impact Assessment Board and by national parliaments;
- the Commission and Council need to engage with Parliament in negotiations on the criteria for the appropriate application of Article 290 and 291 TFEU, and this can be achieved in the framework of the revision of the Interinstitutional Agreement on Better Lawmaking,
- the Commission should step up its review of the application of the principle of proportionality, especially with regard to the use of Articles 290 and 291 TFEU on delegated and implementing acts;
- close attention should be paid to the early warning system.

Subsidiarity mechanism for national parliaments: Members welcomed the closer participation of national parliaments in the framework of the European legislative process.

Initiatives to improve the evaluation of European issues by national parliaments were suggested in the report.

Better lawmaking: Members urged the Commission to come forward with further concrete proposals to reduce the overall EU regulatory burden without undermining health and safety at work.

Members further suggest that the Commission should:

- explore the option of introducing a white paper stage in the legislative process to afford stakeholders the ability to comment on draft proposals and accompanying provisional impact assessments;
- put forward proposals implementing regulatory offsetting, which would require equivalent cost offsets to be identified in advance of new legislation that would introduce the imposition of costs, and present an assessment of its impact before the end of the current parliamentary term in 2014.

Lastly, it insisted that the Commission give serious consideration to the European added value assessments accompanying legislative own-initiative reports, setting out in detail the reasons why it did not accept or consider relevant any of the arguments put forward by Parliament.