

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

13TH TERM

255TH

RESOLUTION OF THE SENATE

Delivered on the 14th Session held on the 21st of July 2021

on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Better regulation: Joining forces to make better laws (Senate Print No. K 046/13, COM(2021) 219)

The Senate

I.

1. Believes

that efficiency is crucial for the legitimacy of the European Union; the quality of legal regulation and avoiding disproportionate regulatory burden are important for the acceptance of laws and policies of the EU by the public, as well as for their enforceability;

2. Recalls

that it pursues the Better Regulation agenda on a long-term basis, but most of the demands contained in its resolutions has not been fulfilled by the Commission and the Government to a satisfactory extent (see, most recently, the 240th Resolution of the Senate delivered on the 12th Session in the 12th Term held on the 30th of October 2019 on the Communication from the Commission – Better Regulation: Taking stock and sustaining our commitment);

3. Supports,

in general, the Commission's measures described in the present Communication; however, the Senate notes that their benefit will depend on the consistency of their implementation;

4. Regrets

that the Communication lacks greater emphasis on the principles of subsidiarity and proportionality, on the legislative-technical quality of legal acts and their interconnection and on the elimination of barriers in the internal market as one of the means for decreasing the overall regulatory burden;

5. Is of the opinion

that the “one in, one out” approach proposed by the Commission may be beneficial on the condition that it is not implemented in a formalist, mechanical way, or, on the contrary, in a way providing the Commission with total flexibility; therefore, the Commission should, in cooperation with the Member States, determine and publish a clear methodology that will capture all the costs and savings of legal regulation as accurately as possible and allow for their realistic quantification;

6. Notes,

in view of the sceptical position of the Government on the “one in, one out” rule, that the Government itself should mind much more consistently that its proposals on the national level do not lead to disproportionate, unpredictable or even purposeless regulatory burden;

7. Welcomes

the Commission’s intention to publish more of the underpinning materials for policy-making; however, it is necessary that they are published before the Commission adopts its political decision, e.g. before the start of the public consultation or within the evaluation of existing legislation before new proposals are presented;

8. Emphasizes

the need to collect and share accurate and detailed information on actual impact of EU law in the Member States, but also the necessity that the Commission reflect the known problems with implementation or ineffectiveness of EU law in its policy-making process and adapt the objectives and instruments of these policies accordingly;

9. Repeatedly calls on the Commission

- to improve the quality of impact assessment and the related processes, also in view of the high proportion of cases in which the Regulatory Scrutiny Board issued a negative opinion on the impact assessment report;
- to decrease significantly the portion of proposals for legislative acts without an impact assessment, because hasty submission of poor-quality and incoherent proposals may – on the contrary – complicate the legislative procedure and delay the resolution of the problem;
- with the exception of justified cases, not to propose amendments to EU legal acts before an evaluation of the implementation and application of the existing legal acts and learning the lessons from such an evaluation is possible (i.e. to consistently abide by its own “evaluate first” rule);
- to mind that the explanatory memoranda of proposals for legislative acts must, for the sake of both parliamentary and public scrutiny and transparency, contain more information from impact assessment reports (as those are not translated to all the official languages of the EU), especially the qualitative and quantitative analysis relevant for the assessment of the compliance of the proposal for a legislative act with the principle of subsidiarity; in this context, the Senate welcomes the Commission’s intention to revamp the impact assessment summaries, which are translated and could contribute to this;

10. Agrees with the Government

that it would be desirable if the Council elaborated an impact assessment when it significantly modifies the Commission proposals and if the Commission, in cooperation with the Council and the European Parliament, elaborated updated impact assessments in relation to the adopted wording of the legislative act;

11. Therefore calls on the Government

to present such an initiative to the other Member States and to strive to gain support in the Council and, furthermore, to assess in more detail the impact of changes it demands in its Positions on Commission proposals;

12. Repeatedly calls on the Government,

also in view of the approaching Czech presidency in the Council, to carry out, at least in relation to the most important EU legal acts:

- final evaluations of EU legislative procedure and the activity of the Czech Republic within it; this also requires consistent elaboration of minutes from working groups and other preparatory bodies of the Council and their distribution in the relevant governmental database;
- elaborate analyses of their implementation and impact in the Czech Republic for the purpose of evaluation and subsequent action at the EU level;

II.

1. Requests

the Government to inform the Senate by the 30th of November 2021 about the way this resolution was taken into account;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil
sign manual
President of the Senate

Zdeněk Hraba
sign manual
Senate Verifier