

25 September 2015

Resolution of the Bundesrat

Communication from the Commission to the European Parliament and the Council: Proposal for an Interinstitutional Agreement on Better Regulation

COM(2015) 216 final

At its 936th session on 25 September 2015, the Bundesrat adopted the following position pursuant to Sections 3 and 5 EUZBLG (Act on Cooperation between the Federation and the Länder in European Union Affairs):

1. The Bundesrat welcomes the Interinstitutional Agreement on Better Regulation proposed by the Commission, whereby the European Parliament, the Council and the Commission agree to share responsibility for implementing the proposed initiatives and procedures in order to improve law-making.
2. In addition, the Bundesrat welcomes the proposed agreement between the European Parliament, the Council and the Commission on the necessity, scope and purpose of impact assessments. It also approves of the Commission's plans to have quality controls carried out on impact assessments by the Regulatory Scrutiny Board, to provide the European Parliament, the Council and national Parliaments with the results of the impact assessments and, once the Commission's proposal has been adopted, to publish these results along with the opinions of the Regulatory Scrutiny Board.
3. The Bundesrat in principle supports the request that, if the Council and the European Parliament make substantial amendments to the proposals, the effects of such amendments should be analysed and the impact assessments should be updated accordingly (see Bundesrat Document 631/10 (Resolution), paragraph 15). However, such amendments must not be allowed to alter the current institutional balance or restrict the rights and functions of the EU legislative bodies.
4. It deplores however that no provision has been made for the communication and publication of the results of the impact assessments of the European Parliament or the Council. Such a requirement would give national parliaments more opportunities to comment on draft EU legislation, as well as reinforcing their role and responsibilities in accordance with Protocols 1 (on the role of national Parliaments in the EU) and 2 (on the application of the principles of subsidiarity and proportionality) annexed to the Treaties.
5. The Bundesrat is submitting this opinion directly to the Commission.