

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

DECISION

approving the Opinion on the Communication from the Commission to the European Parliament and the Council: Proposal for an Interinstitutional Agreement on Better Regulation - COM(2015) 216

Pursuant to Articles 67 and 148 of the Romanian Constitution, republished, Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and Rules 160 to 185 of the Rules of Procedure of the Chamber of Deputies,

the **Chamber of Deputies** hereby adopts this Decision:

Sole Article. - Having regard to Opinion No 4c-19/560 adopted by the Committee for European Affairs at its meeting of 28 September 2015, the Chamber of Deputies

1. Takes note of the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Better regulation for better results - An EU agenda' (COM(2015)215), the content of which it is herein examined.
2. Notes that the Commission proposal on a new interinstitutional agreement replaces the 2003 Interinstitutional agreement on better law-making and the 2005 Interinstitutional common approach to impact assessment, and that the proposal is aimed at improving regulation.
3. Considers that the importance that the new European Commission attaches to better regulation by including this subject area in the portfolio of the Commission's first vice-president, now in charge of better regulation, inter-institutional relations, the rule of law, and the Charter of Fundamental Rights, is a first guarantee of the Commission's determination to develop this area further in line with its stated intentions.
4. Underlines that better regulation is appropriately assigned a central role, given that, together with free movement, it generates added economic value and thus contributes to the achievement of the Union's main goal of enhancing its citizens' economic and social well-being by means of its core instruments such as the internal market and related common policies, which are extensively regulated at Union level.
5. Takes the view that the value and performance of the European Union's system of good regulation were already higher than of those in place in most Member States and developed third countries, and welcomes the Commission's ambition to further improve this system and, in particular, the goal it has set itself in taking on this complex task, i.e. to provide tangible and sustainable benefits to citizens, undertakings and society at large.
6. Takes the view that with the new package the Commission has set a very high regulatory standard, including a renewed commitment to consulting stakeholders in several innovative ways, outlining the main steps to be taken through the maze of the ordinary legislative procedure, providing several channels that can be activated to ensure that legislation is substantiated in the best possible way, and providing for measures aimed at ensuring that the policy cycle is completed by reducing mistrust of delegated acts as well as by fitness checks and ex-post assessments.

7. As regards the principles underpinning better regulation, welcomes the fact that the Commission stresses the importance of the 'Community method', transparency of the legislative process, democratic legitimacy, subsidiarity, proportionality, legal certainty, and simplicity, clarity and consistency in the drafting of legislation.

Also welcomes Council's choice to include, in addition to the above, consumer protection, health, environment and workers' protection on the list of aspects to be taken into account.

8. Agrees with the Commission that the European Parliament and the Council need to be substantially involved in its efforts to ensure better regulation and in the process itself.
9. Takes the view that, as co-legislators, the European Parliament and the Council have indeed the responsibility to give consideration to the impact of the changes they bring to European legislation, which requires proper impact assessments by the Commission.
10. Takes the view that if the European Parliament and the Council do not strengthen their own impact assessment capabilities, the quality and validity of the entire decision-making process might be called into question if, in adopting decisions on proposals from the Commission which are properly backed up by impact assessments and a well-planned consultation process, the two institutions end up ignoring the reasoning behind each proposal.

This would mean that the Commission's expertise would not be used sufficiently within the Union's institutional set-up, which would translate into a waste of resources and a certain remoteness from companies, civil society organisations and citizens, since the decision-makers having the last say would fail to give proper consideration to stakeholders' opinions.

For this reason the European Commission's offer to assist the European Parliament and the Council with their own evaluation of its impact assessments should materialise and be brought into the mainstream.

11. Acknowledges that although better regulation tools have been officially adopted in most Member States, their implementation continues to be weak or non-existent.
12. Acknowledges that, because national governments lack an assessment culture, EU institutions have fewer opportunities to follow up on the full progress of Union rules up to their transposition and implementation, which are matters of national or local competence.

Therefore supports those provisions of the new interinstitutional agreement under which Member States should provide, possibly through impact assessments, detailed reasons for any decision to overregulate by adding new rules in the transposition process ('gold-plating').

13. Notes that the Commission's intention to strengthen its follow-up capabilities will lead to increased obligations on Member States, which, in addition to simply notifying their transposition measures, will need to submit explanatory documentation on their transposition strategies.
14. Particularly supports the following proposed measures:
 - strengthening the Union's annual and multi-annual programming, thereby improving the exchange of information between the Commission, the European Parliament and the EU Council;
 - the opportunity for stakeholders to express their views on published proposals and impact assessments in parallel with the consultation of national parliaments under the procedure for monitoring compliance with the subsidiarity principle;

- access to information on preparatory and legislative works within the ordinary legislative procedure, including on trilateral negotiations;
- public access, for the first time, to draft texts of delegated acts and important implementing acts, and the establishment of a register of delegated acts;
- the creation of a public database on co-decision files;
- a more detailed explanation of how each initiative ensures compliance with the subsidiarity and proportionality principles;
- a clear identification of cases where there have been disappointing results and unintended consequences.

15. Welcomes the Commission's proposal to simplify the management of EU funds, to monitor progress on simplification through an Administrative Simplification Scoreboard, and to set up a high-level group to monitor simplification measures taken by Member States for European Structural and Investment Funds.

16. Points out that, compared to other regulation assessment systems, a specific feature of the EU approach to better regulation is its simultaneous focus on the economic, environmental and social impact of the proposed legislation, which makes it a comprehensive policy-making approach, and that, as such, any excessive insistence on simplification and cutting red tape would run counter to the goal of improving the quality of the system.

The Commission's stated intention to highlight the social and environmental impact in its assessments might be called into question by its frequent references to administrative burdens and regulatory costs, which would suggest that there may be certain difficulties in striking a balance between the two.

By the same token, it may be noted that the Commission often focuses on the burden and costs entailed by regulation rather than the benefits it brings.

17. Notes that, although impact and risk assessments are usually complementary, EU guidelines on how to assess risks are rather brief in the new agreement; however, regulating risk is a significant part of the EU acquis and therefore risk assessments should be better codified, with clear guidelines on how they should be carried out.

18. Expresses reservations about the way the European Commission intends to increase its workload by offering to manage several consultation rounds, preliminary impact assessments, implementing plans etc. without significantly increasing staff and acquiring the necessary skills.

19. Notes that a number of important methodological aspects are yet to be clarified, such as identifying the circumstances in which cost-benefit analyses would be absolutely necessary or those in which multi-criteria analyses would be most appropriate.

20. Would especially welcome the adoption by the Commission of a set of criteria and indicators adapted to the European Union's medium and long-term vision which would apply to legislation with a significant economic, environmental and social impact. This would require a stronger correlation between multi-criteria analyses in impact and ex-post assessments and the EU 2020 indicators, which reflect the Union's vision for smart, sustainable and inclusive growth.

21. Notes that the European Commission's obligation to provide the public with the reasons behind the measures it takes without presenting an appropriate impact assessment does not provide sufficient guarantees.

22. Welcomes the European Commission's approach to simplifying the legal framework to facilitate compliance by smaller undertakings, but has reservations about the achievement of that goal, since the intrinsic complexity of the Union's decision-making process does not seem to render possible such large-scale simplification.
23. Shares the view of the European Union Committee of the House of Commons [sic], which has emphasised the importance of providing national parliaments with original impact assessments rather than just final assessment results, as these are useful elements in the procedure for monitoring compliance with the subsidiarity principle.
24. Shares the view of the European Union Committee of the House of Commons [sic], which has underlined that the interinstitutional agreement brings nothing new in terms of ensuring transparency in trilateral negotiations, since paragraph 28 repeats the ambivalence of previous texts.
25. Shares the view of the Committee on European Affairs of the Austrian Federal Council that the legitimacy and identity of experts called to assist the Commission's committees should be checked, and that representatives of the Member States should be involved in the preparatory stages of delegated acts so as to ensure better subsequent coordination at national level.
26. Suggests that the processing of information submitted to the Commission by national parliaments should be facilitated by publishing the list of proposals/recommendations/remarks submitted by national parliaments once the examination process has concluded on the national parliaments' IPEX platform.

This Decision was adopted by the Chamber of Deputies at its sitting of 13 October 2015, in compliance with Article 16(2) of the Romanian Constitution, republished.

**PRESIDENT
OF THE CHAMBER OF DEPUTIES
Valeriu Ștefan Zgonea**

Bucharest, 13 October 2015

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