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European Union Committee

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First Vice-President Frans Timmermans
European Commission
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1049 Brussels
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1 July 2015

Dear Vice-President,

EM 9079/15: COMMISSION COMMUNICATION: BETTER REGULATION FOR BETTER RESULTS – AN EU AGENDA

EM 9121/15: COMMISSION COMMUNICATION ON THE PROPOSAL FOR AN INTERINSTITUTIONAL AGREEMENT ON BETTER REGULATION

I am writing to you regarding the Commission Communication on the proposal for an Interinstitutional Agreement on Better Regulation. The House of Lords European Union Select Committee considered this document at its meeting on 30 June 2015.

We welcome many of the principles set out in the draft Interinstitutional Agreement. We would highlight in particular the commitment to increased transparency in the legislative process; improved explanatory memorandums, enhanced democratic legitimacy; focusing EU legislation on areas where it has the greatest added value; ensuring that the burden on stakeholders (and in particular SMEs) is minimised; making legislation as clear and simple as possible; promoting stakeholder consultation; conducting ex-post evaluation of existing legislation; conducting thorough Impact Assessments of new initiatives; greater coordination of legislative work between the three institutions; the call for swift and correct application of EU legislation; the call for Member States to communicate clearly to their citizens on national measures taken to implement EU legislation; and the commitment to update and simplify legislation, and reduce unnecessary regulatory burdens for business, through the REFIT programme.

We would be grateful for further information on the proposed function and composition of the Commission's Regulatory Scrutiny Board. We have previously expressed concern, notably in relation to the Occupational Retirement Provision Directive, that the concerns of the Impact Assessment Board were too easily set aside by the Commission. How would you respond? Without the right to block proposals which do not meet its criteria, how will the new Regulatory Scrutiny Board have any greater impact?

While we note the commitment to "the role and responsibility of national parliaments", we also observe that the draft text envisages that role as laid down in the Treaties and as set out in existing Protocols. There is little if any indication in the text of a commitment to an enhanced role for national parliaments. Indeed, references to the role of national parliaments

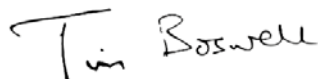
are few and far between in comparison to the repeated references to the role and functions of the Commission, Council and European Parliament.

In light of this, we would be grateful for further information on the mechanisms you have in mind for improving engagement between the EU institutions and national parliaments. For instance, should national parliaments play a formal role in preparation of the Commission Work Programme? Is there a case for requiring the Commission to give serious consideration to the requests by national parliaments for the submission of legislative proposals, as well as those of the European Parliament and the Council? In that context, what is your response to this Committee's call for a 'Green Card' procedure, as outlined in our 2014 report on *The role of national parliaments in the European Union*? Should national parliaments have a role in agreeing annually a list of proposals which will receive priority treatment in the legislative process?

We would also be grateful for your reflections on the transparency of the legislative process. Will the commitment by the three institutions to keep each other regularly informed about their work be extended to national parliaments? In particular, how can national parliaments' scrutiny of and input into the trilogue process be enhanced, in line with the stated commitment to "ensure an appropriate degree of transparency of the legislative process, including of trilateral negotiations between the three institutions"? What efforts will you make to ensure that the transparency of the trilogue process is enhanced?

We would be grateful for your response to this letter in line with the Barroso Initiative on communication with national parliaments.

Yours sincerely,



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Chairman of the European Union Committee