



2021/2166(INI)

23.3.2022

OPINION

of the Committee on Development

for the Committee on Legal Affairs

on Better regulation: Joining forces to make better laws
(2021/2166(INI))

Rapporteur for opinion: Christian Sagartz

PA_NonLeg

SUGGESTIONS

The Committee on Development calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to the development cooperation objectives in Article 208 of the Treaty on the Functioning of the European Union (TFEU),
- 2. Welcomes the Commission communication of 29 April 2021 entitled ‘Better regulation: Joining forces to make better laws’ (COM(2021)0219) and its commitment to ensuring that every legislative proposal contributes to the 2030 sustainable development agenda;
- 3. Affirms the EU’s obligation to incorporate the development cooperation objectives into any internal or external policies that it implements which are likely to affect developing countries, as set out in Article 208 of the TFEU; recalls that although many Union policies with a more domestic dimension can contribute to the implementation of the sustainable development goals (SDGs), they often still leave a very high total ecological, economic and social footprint in developing countries; insists, therefore, that the 2030 Agenda and its SDGs must further catalyse a coordinated approach between the EU’s internal and external action and its other policies; reiterates, therefore, that creating sufficient synergies and therefore achieving more foresight-based policymaking and coherence across all Union policies is crucial to achieving the SDGs worldwide; recalls that the principles and objectives set out by the SDGs are indivisible and must not be undermined; insists on the importance of the EU policy regarding developing countries being designed in order to anticipate the effects of climate change and biodiversity loss;
- 4. Strongly believes that the Union’s better regulation system can be a valuable instrument in the implementation of this legal obligation, as long as the tools that the system proposes are used appropriately and to their maximum potential in order to generate incentives for policymaking that adequately address global challenges and enable the minimisation of obstacles, burdens or ambiguities in the application of those policy objectives; regrets the fact that impact assessments of Union policy and legislation on developing countries, in particular of non-development internal legislation, remain few in number and do not properly assess and address the potential impact on developing countries; welcomes the new versions of the better regulation guidelines and the better regulation toolbox; hopes that the new communication and the updated guidelines and toolbox will improve the situation by leading to regular complete and coherent impact assessments when necessary; strongly believes that ex ante impact assessments are a valuable tool for identifying and addressing potential risks of a policy and/or legislative proposal on developing countries, and in particular on the least developed countries; calls on the Commission to pay more attention to the impact of EU legislation on developing countries and to respect and promote the objectives of development cooperation in these initiatives, when relevant, particularly in areas such as migration, environment, agriculture and combating transnational crime, such as organised crime, drug and human trafficking and money laundering; urges the Commission to translate the impact assessments’ conclusions into legal provisions in its non-development

legislative acts, so as to better reflect the EU's commitment to Article 208 of the TFEU; stresses the need to provide concrete support to small and medium-sized enterprises (SMEs) in their adaptation to the new regulatory framework, notably in relation to the achievement of the principles of policy coherence for development, the targets of the Paris Agreement, the SDGs and the 2030 Agenda; calls on the Commission to strengthen the screening of the impact assessments by the Regulatory Scrutiny Board by reinforcing the expertise of this body on development cooperation; believes that better regulation is a tool that could be shared with partner countries; calls on the Commission to strengthen the already ongoing collaboration with partner countries in this regard;

5. Notes that tool 35 contains elements to guide the performance of impact analyses in developing countries and expects that this tool will be used extensively; considers that the current sectors for which impact assessments should be prioritised need to mirror current and future challenges of the Union and reflect Parliament's positions, and should show a clear correspondence with the relevant areas of EU law, so as to facilitate the identification of legislation to which particular attention needs to be paid; suggests that the toolbox needs to be further strengthened in order to facilitate the identification and analysis of potential economic, social and environmental impacts in developing countries; suggests that a new heading, 'Impact on developing countries', be introduced for specific tools in the toolbox, including, but not limited to, tools 23, 25 and 26; suggests that under that heading, a number of guiding questions be inserted in order to detect whether legislation contributes to the objectives of development policy and to the implementation of the 2030 Agenda in both the EU and developing countries; recalls that human rights impacts, including on children, indigenous people, LGBTIQ people and other vulnerable groups, in developing countries are of importance for European development cooperation; in this regard, calls on the Commission to introduce separate categories of impact assessments on human rights, gender and women's rights and on the rule of law and good governance in developing countries; recalls that in order to learn from past actions and improve in the future, it is also important to constantly evaluate the effectiveness of the procedures and tools, and, in this regard, calls on the Commission to regularly report back to Parliament on the implementation of tool 35;
6. Strongly believes that more emphasis must be put on institutional consultation, coordination and cooperation between and within EU institutions; urges the Commission to streamline its internal procedures to systematically associate DG INTPA with all impact assessments, in particular for internal legislation with potential effects beyond the EU, and to duly take into account the inputs, suggestions and recommendations provided by this DG in the framework of policy coherence for development; calls on the Commission to reinforce the involvement and meaningful participation of DG INTPA during interservice consultations and in the GRI (Interinstitutional Relations Group) and the EXCO (Group for External Coordination), and to take duly into consideration the inputs from this leading DG concerning development cooperation and developing countries;
7. Believes that the quality of legislation affecting developing countries is determined, among other parameters, by its legitimacy and effectiveness, which in turn depend on the nature of the consultation process, on how responsive that legislation is to the needs of the countries concerned, and whether its implementation achieves the desired results without causing harm; welcomes the Commission's focus on improving the

understanding of the needs and impacts of EU legislation outside the EU by increasing engagement with external partners; calls on the Commission to make this engagement effective by ensuring inclusive, meaningful and effective consultation processes, involving affected stakeholders such as social partners and civil society representatives in developing countries, as well as experts and businesses in the various areas concerned; suggests that the outcome of those consultations and the evidence gathered should truly be used as input when drafting the legislation and, in particular, that the context and the specific needs of affected stakeholders in partner countries where the consultation is to be carried out be taken into account; welcomes the initiative to make consultation processes more focused, clearer and user-friendly; calls on the Commission to ensure that the envisaged simplification of the public consultation process does not harm its effectiveness; highlights the role that the EU delegations can play, particularly in developing countries, and the need to make available the instruments and resources needed for the implementation of these consultations;

8. Acknowledges that the effective implementation of better regulation and, in particular, of the ex ante impact assessments will require an appropriate level of human, financial and other resources and time; urges the Commission to allocate the appropriate means in this regard;
9. Acknowledges that better regulation is a shared objective and a responsibility of all EU institutions; confirms that, as co-legislator, Parliament will streamline its internal services to better contribute to the assessment and monitoring of the impact on developing countries of EU legislation with external dimensions, including of the relevant texts adopted by Parliament relating to legislative procedures and EU spending programmes; confirms also that it will reinforce accordingly the cooperation and coordination between committees, strengthen the expertise on development policies throughout all the relevant committees and clarify the role that the Committee on Development is called on to play as guarantor of the principle of policy coherence for development, as stated in the Rules of Procedure of the European Parliament (Annex VI), all this with the aim of improving the quality and effectiveness of EU legislation;
10. Welcomes the Commission's commitment to improving the analysis and reporting of the impact of proposals acknowledging the importance of quality assessments, which could help identify gaps, needs and opportunities as well as help discover existing risks and trends, and therefore contribute to defining policy priorities and devising long-term perspective strategic planning, especially in the least developed countries and with regard to achieving the SDGs; stresses the importance of a holistic perspective that takes into account the impact on the SDGs as a whole, where all three dimensions of sustainable development – economic, social and environmental – are considered with the same level of detailed analysis and accuracy, taking into account both qualitative and quantitative evidence; notes with concern that by referring only to 'relevant SDGs', the integrated and holistic nature of the 2030 Agenda for Sustainable Development risks being overlooked; recalls the Union's commitment to be a global frontrunner in implementing the 2030 Agenda and the SDGs, together with its Member States and their local and regional authorities, and in close cooperation with its international partners; regrets that the Commission has not yet developed an integrated and holistic SDG implementation strategy; recalls that the EU must raise its visibility in developing countries, notably owing to the growing presence of its geopolitical competitors in

African countries, through efficient communication on its cooperation and spending programmes;

11. Reiterates the importance of ensuring the efficiency and dynamism of policymaking at EU level, as well as policy coherence for development (PCD) in relation to external EU policy affecting developing countries, in particular the least developed countries; is alarmed that the revised Better Regulation guidelines and toolbox presented by the Commission in November 2021 do not mention policy coherence for development even once and that only the ‘toolbox’ that accompanies these guidelines includes a tool – 35 – for PCD; insists that mechanisms for ensuring policy coherence for sustainable development must be used more systematically and efficiently by all relevant EU institutions and all Member States, including at the highest political level; calls for initiatives that make the EU’s approach more consistent in this regard; emphasises the crucial role of coherence across the Union financing instruments, initiatives and strategies in order to achieve the EU’s global response and honour its commitment towards sustainable growth and development.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	22.3.2022
Result of final vote	+: 25 -: 1 0: 0
Members present for the final vote	Barry Andrews, Eric Andrieu, Anna-Michelle Asimakopoulou, Hildegard Bentele, Dominique Bilde, Udo Bullmann, Catherine Chabaud, Antoni Comín i Oliveres, Ryszard Czarnecki, Gianna Gancia, Charles Goerens, Mónica Silvana González, Pierrette Herzberger-Fofana, György Hölvényi, Rasa Juknevičienė, Beata Kempa, Karsten Lucke, Pierfrancesco Majorino, Erik Marquardt, Christian Sagartz, Tomas Tobé, Miguel Urbán Crespo, Chrysoula Zacharopoulou, Bernhard Zimniok
Substitutes present for the final vote	Benoît Biteau, Marlene Mortler

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ECR	Ryszard Czarnecki, Beata Kempa
ID	Dominique Bilde, Gianna Gancia
NI	Antoni Comín i Oliveres
PPE	Anna-Michelle Asimakopoulou, Hildegard Bentele, György Hölvényi, Rasa Juknevičienė, Marlene Mortler, Christian Sagartz, Tomas Tobé
Renew	Barry Andrews, Catherine Chabaud, Charles Goerens, Chrysoula Zacharopoulou
S&D	Eric Andrieu, Udo Bullmann, Mónica Silvana González, Karsten Lucke, Pierfrancesco Majorino
The Left	Miguel Urbán Crespo
Verts/ALE	Benoît Biteau, Pierrette Herzberger-Fofana, Erik Marquardt

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ID	Bernhard Zimniok

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Key to symbols:

+ : in favour

- : against

0 : abstention