



Ministerie van Veiligheid en Justitie

Europal jubilee seminar: Assessing Better Regulation in the European Union

Legislative quality

Suzanne van Melis

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Legislative quality policy in the Netherlands

Ministers are responsible for the quality of their own drafts but the Minister for Legal Protection has an overall responsibility.

1. Scrutiny of legislation (primary laws and decrees)

2. Regulatory Policy

- Regulatory Impact Assessment Framework (IAK, www.naarhetiak.nl)
- Internetconsultation (www.internetconsultatie.nl)
- Legislation calendar (www. <https://wetgevingskalender.overheid.nl/>)
- Expertisecenter (www.kcwj.nl)



Legislative quality scrutiny

- › Scrutiny team at the ministry of Justice and Security
- › Scrutiny according to the Directives for legislation
- › Scrutiny before the decision of the Council of ministers
- › Added values:
 - Strange eyes principle
 - Horizontal knowledge
 - Relations
 - Support



Transposition of European legislation

- > Fiches with Dutch opinion on European drafts are sent to parliament
- > No goldplating: No other rules than strictly necessary for transposition/implementation
- > As much as possible use of national existing legal instruments
- > Same scrutiny, shorter decision procedure



Discussion

- › Relativity of effectiveness as a quality criterium for EU-legislation implies less instruments in EU-legislation. But how to ensure an effective harmonizing influence of European legislation?
- › Do some topics need European legislation with more than goals?
- › Is it possible or necessary to differentiate more between European regulations and directives?
- › How to manage the difference between member-states?
- › Implications for the role of European and national scrutiny?