

AMENDMENT FORM

Suggestion for amendment of Article I - 32 :

By Mr FARNLEITNER :

Status : - Member

Article I-32: The legal acts of the Union

1. In exercising the competences conferred on it in the Constitution, the Union shall use as legal instruments, in accordance with the provisions of Part Three, European laws, European framework laws, European regulations, **European directives**, European decisions, recommendations and opinions.

A European law shall be a legislative act of general application. It shall be binding in its entirety and directly applicable in all Member States.

A European framework law shall be a legislative act binding, as to the result to be achieved, on the Member States to which it is addressed, but leaving the national authorities entirely free to choose the form and means of achieving that result.

A European regulation shall be a non-legislative act of general application ~~for the implementation of legislative acts and of certain specific provisions of the Constitution. It either shall be binding in its entirety and directly applicable in all Member States, or be binding, as regards the result to be achieved, on all Member States to which it is addressed, but leaving the national authorities entirely free to choose the form and means of achieving that result.~~

A European directive shall be a non-legislative act binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A European decision shall be a non-legislative act, binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions adopted by the institutions shall have no binding force.

2. When considering proposals for legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by this Article in the area in question.

Explanation :

According to the proposals of the Presidium, “directives” as non legislative acts shall be suppressed. Instead, the European regulation shall have the function of a directly applicable act or of an act needing transposition into national law by the Member States.

This **double function** of the “European regulation” will lead to a **lack of transparency for the citizens and to less legal certainty**, as the name of an act in itself will not indicate any more whether it shall be directly applicable or not.

I therefore propose to keep the current form of directive with which certain provisions of the Treaty or of legislative acts are implemented as a non-legislative act called “European directive”.