

## AMENDMENT FORM

### Suggestion for amendment of Article : 24

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### Article 24: The 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 Two, *organic law, law, framework law, delegated law, regulation, decision, recommendation and opinion*.

*Organic laws shall govern the organisation of the institutions and the operation of the Union in the cases provided for by the Constitution.*

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

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

*A delegated law shall supplement or implement a law or framework law.*

- 1 bis.* A regulation shall be *an executive*, non-legislative act having general application for the implementation of legislative acts and of certain specific provisions of the Constitution. It shall be binding in its entirety and directly applicable in all Member States.

A decision shall be *an executive*, 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 the Constitution.
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### Explanation:

*In the title we drop the adjective 'legal' which does not work as well as 'juridique' in French, rather begging the question about the Union's use of non-legal acts.*

*In Article 24.1 and throughout we drop the adjective 'European'. What else could they be? Its*

*appearance is superfluous and its repetition irritating.*

*We re-introduce the concept of organic law, supported by many in the Working Group on Simplification, for quasi-constitutional matters that could shift the balance of power between the institutions, among the member states or between the institutions and the member states. They are a useful form of very hard law for particularly solemn matters, such as the financial perspective of the Union or the uniform electoral procedure.*

*The method of deciding organic laws will be enhanced QMV procedures in both the Council and Parliament (see Article 25).*

*We introduce here the concept of delegated law (an improvement in nomenclature to the delegated 'regulation' or 'act'- in the Praesidium's CONV 571/03 both terms are used! - which we find muddling. It would be better to be more precise that what we mean here is secondary legislation that flows from primary legislation, a concept which is perfectly well understood in the constitutional traditions of most member states.*

*1 bis. The juridical but non-legislative acts of the Union - that is, the executive acts - deserve a paragraph to themselves in order to accentuate the distinction we are trying to make throughout the Constitution between the legislative and executive.*