



Main points of the report of the Working Group on Simplification, presented to the plenary session of the European Convention on 5 and 6 December 2002.

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SIMPLIFICATION: FEWER INSTRUMENTS AND REORGANISED PROCEDURES.

The Working Group on Simplification set itself two objectives: to make the European system clearer, and to strengthen the democratic legitimacy of the acts of the European Union. The Working Group was concerned with legal instruments and with legislative and budgetary procedures.

To go from fifteen to six instruments

Currently 15 forms of instrument exist. The Group felt that some of these instruments did not differ substantially in their effects from others, and could therefore be merged; and that others, very rarely used, could be abolished. The Group is therefore recommending that only six forms of instrument should be retained, which are sufficient to cover all possible cases. In real terms, **this simplification marks the end of the classification of policies into "pillars"** (where each pillar had special instruments and procedures). The Group also recommends that the names of some instruments should be changed to make it easier to understand their status.

Binding instruments :

- ▶ **European Union law** : replaces the Regulation; is binding and directly applicable throughout the European Union.
- ▶ **Framework Law**: replaces the Directive; binding as to the result to be achieved, leaving the method used to the Member States.

Laws and Framework Laws are legislative acts, with the procedure applied being that of co-decision (the Council of the European Union and the European Parliament being co-legislators), on the basis of a proposal by the European Commission.

- ▶ **Decision**: might or might not designate specific addressees (a flexible instrument, particularly suited for example to the Common Foreign and Security Policy – CFSP).
- ▶ **Regulation**: name covering delegated and implementing acts (see below).

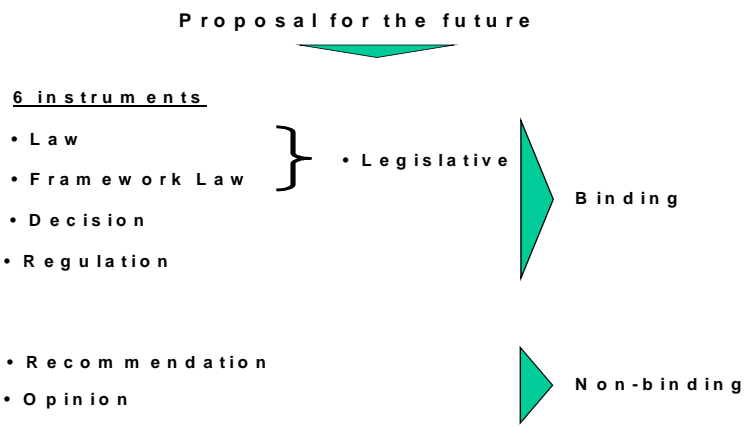
Non-binding instruments:

- ▶ **Recommendation**
- ▶ **Opinion**

A new form of act, to improve the distinction between legislative and executive roles: delegated acts.

To meet the criticism directed against European legislation, of being excessively detailed. The Group proposes that the following hierarchy of Union acts should be adopted:

- ▶ **Legislative acts**: adopted on the basis of the Treaty; contain the essential elements and the fundamental policy choices as well as the relevant rules.
- ▶ **Delegated acts**: for example containing the technical additions to a legislative act; laid down on a case-by-case basis by the legislative act; the European Commission is responsible; the legislator monitors and may revoke the delegation.
- ▶ **Implementing acts**: concern the implementation of legislative or delegated acts; generally fall to the competence of the European Commission and exceptionally to the Council.



Simplified procedures.

Taking into consideration only the respective roles of the European Parliament and of the Council of the European Union, the Group's recommendations concern the following procedures:

- ▶ **The co-decision procedure** (Council of the European Union and the European Parliament): The Group notes that this procedure functions well. It recommends that qualified majority voting should be made general in all cases where the co-decision procedure is applied. It also recommends more flexibility in the composition of the Conciliation Committee
- ▶ **The co-operation procedure**: The Group recommends that it be abolished and replaced in each case with either the simple opinion procedure or the co-decision procedure.
- ▶ **The assent procedure**: The Group recommends that its use should be limited to the ratification of certain international agreements.
- ▶ **The budgetary procedure**: The Working Group believes that the budgetary authority should remain dual, with the Council of the European Union having the final say over resources and the European Parliament having the final say over expenditure. The financial perspective should be entered in the Treaty thus making it compulsory and also making possible the adoption of a single procedure for compulsory and non-compulsory expenditure. The annual budgetary procedure could resemble a simplified co-decision procedure, in which the Parliament would have the final say. The Group recommends that the principles governing the budgetary arrangements should be enshrined in the constitutional treaty, to set a framework for the annual budgetary procedure.