Procedure file

Basic information

ACI - Interinstitutional agreement procedure	2000/2266(ACI)	Procedure completed
Interinstitutional agreement on a more structured use of the recasting technique for legal acts Subject 8.50.02 Legislative simplification, coordination, codification		

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs and Internal Market	PPE-DE PALACIO VALLELERSUNDI Ana	22/11/2000
Council of the European Union			

Key events

16/03/2000	Non-legislative basic document published	02037/1/2000	Summary
17/11/2000	Committee referral announced in Parliament		
21/06/2001	Vote in committee		Summary
21/06/2001	Committee report tabled for plenary	A5-0230/2001	
03/07/2001	Decision by Parliament	T5-0368/2001	Summary
28/11/2001	End of procedure in Parliament		
28/03/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/2266(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
Legal basis	Rules of Procedure EP 154
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/12715

Documentation gateway

Non-legislative basic document		02037/1/2000	16/03/2000	CSL	Summary
Committee report tabled for plenary, single reading		A5-0230/2001	21/06/2001	EP	
Text adopted by Parliament, single reading		T5-0368/2001 OJ C 065 14.03.2002, p. 0022-0042 E	03/07/2001	EP	Summary

Final act

Interinstitutional agreement 2002/328
OJ C 077 28.03.2002, p. 0001-0003 E Summary

Interinstitutional agreement on a more structured use of the recasting technique for legal acts

PURPOSE : to conclude an Agreement on a more structured use of the recasting technique for legal acts. CONTENT : the aim of this Agreement is to lay down procedural rules enabling a more structured use to be made of the recasting technique pursuant to the Community's normal legislative process. Recasting shall consist in the adoption of a new legal act which incorporates in a single text both the substantive amendments which it makes to a earlier act and the unchanged provisions of that act. The new legal act replaces and repeals the earlier act. Moreover, a proposal for recasting submitted by the Commission shall deal with the substantive amendments which it makes to an earlier act. On a secondary level, the proposal shall include the codification of the unchanged provisions of the earlier act with those substantive amendments. A new legal act shall not constitute a recast act if, with the exception of standarised provisions or wordings, it makes substantive amendments to all the provisions of the earlier act, which it replaces and repeals. It should also be noted that the Community's normal legislative process shall be complied with in full. In addition, to ensure clarity and legal certainty, all recasting acts shall comply inter alia with the following rules of legislative drafting: - the first recital shall indicate that the new legal act constitutes a recasting of the earlier act; - the act repealing the earlier act shall provide that references to that act shall be regarded as references to the recasting act and should be read in accordance with a correlation table annexed to the recasting act. Moreover, in an act recasting a Directive the repealing article shall provide that Member States' obligations arising from the transposition period and, where appropriate, the implementation period as set out in the Directive repealed by the recasting act shall not be affected by such repeal; the abovementioned period shall be set out in an annex in the form of a table; the article relating to the obligation to transpose into national law a recast Directive shall refer only to those provisions which have undergone substantive amendment and which have been precisely identified as such. Those provisions which remain unchanged in the recast Directive shall be transposed in accordance with earlier Directives. Finally, a Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission shall examine the proposal for recasting.?

Interinstitutional agreement on a more structured use of the recasting technique for legal acts

The committee adopted the report by its chairwoman Mrs Ana PALACIO VALLELERSUNDI (EPP-ED, E). It was in favour of the conclusion of the interinstitutional agreement subject to the following conditions: the agreement should apply to any proposal for recasting submitted from the date of its entry into force, which should be the day following its publication in the Official Journal; an assessment should be made of the application of the agreement three years after its entry into force, on the basis of a report to be drawn up by the Legal Services of the three institutions; the Commission should step up its work of electronic consolidation of the main legal acts in force and make the results accessible via the Internet.?

Interinstitutional agreement on a more structured use of the recasting technique for legal acts

The European Parliament adopted, without debate, the report by Mrs Ana PALACIO VALLELERSUNDI (EPP-ED, S) on the interinstitutional agreement on a more structured use of the recasting technique for legal acts. (Please refer to the previous text).?

Interinstitutional agreement on a more structured use of the recasting technique for legal acts

PURPOSE: to lay down procedural rules enabling a more structured use of the Community's recasting techniques for the legislative process. COMMUNITY MEASURE: European Parliament, Council, Commission inter-institutional agreement on a more structured use of the recasting technique for legal acts. CONTENT: there has been a growing recognition in recent years for the need to improve the clarity and readability of frequently amended legal texts. This inter-institutional agreement seeks to establish a technique which enables amendments to, and codification of, acts to be carried out within the framework of a single legislative act, to establish greater clarity for readers. The agreement thus establishes a new "recasting technique", permitting the adoption of a single legislative text which simultaneously makes the desired amendment, codifies that amendment with the unchanged provisions of the earlier act and repeals that act. It is hoped that this technique will allow for improved readability of Community legislation. Recasting shall consist of the adoption of a new legal act which incorporates in a single text both the substantive amendments which it makes to an earlier act and the unchanged provisions of that act. The new legal act will replace and repeal the earlier act. A proposal for recasting submitted by the Commission shall deal with the substantive amendments which it

makes to an earlier act. On a secondary level, the proposal shall include the codification of the unchanged provisions of the earlier act with those substantive amendments. The Community's normal legislative process shall be complied with in full. The proposed legislative text shall be presented in a way which firstly, enables the substantive amendments and new recitals to be clearly distinguished from the provisions and recitals which remain unchanged. Secondly, with regard to the provisions and recitals which remain unchanged they should remain similar to the method used for presenting proposals for the official codification of legislative acts. In an act recasting a Directive the periods referred to concerning the transposition period will be set out in an annex in the form of a table. The agreement will be assessed three years after its entry into force. ENTRY INTO FORCE: 29/03/02?