


Procedure file

Basic information		
INI - Own-initiative procedure	2002/2140(INI)	Procedure completed
The typology of acts and the hierarchy of norms in the European Union		
Subject 8.50 EU law		

Key players			
European Parliament	Committee responsible		Rapporteur
	AFCO Constitutional Affairs		Appointed 15/07/2002
			PPE-DE BOURLANGES Jean-Louis
	Committee for opinion		Rapporteur for opinion
	ECON Economic and Monetary Affairs		Appointed The committee decided not to give an opinion.

Key events			
05/09/2002	Committee referral announced in Parliament		
27/11/2002	Vote in committee		Summary
27/11/2002	Committee report tabled for plenary	A5-0425/2002	
16/12/2002	Debate in Parliament		
17/12/2002	Decision by Parliament	T5-0612/2002	Summary
17/12/2002	End of procedure in Parliament		
05/02/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/2140(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/16444

Documentation gateway					
Committee report tabled for plenary, single reading		A5-0425/2002	27/11/2002	EP	
Text adopted by Parliament, single reading		T5-0612/2002 OJ C 031 05.02.2004, p. 0031-0126 E	17/12/2002	EP	Summary

The typology of acts and the hierarchy of norms in the European Union

The committee adopted the own-initiative report by Jean-Louis BOURLANGES (EPP-ED, F) proposing a complete overhaul of the names for the various types of EU law. The key ideas behind the changes were "simplification, democratisation and specialisation" and the basic rule would be "one act, one procedure, one name", entailing a classification of EU acts by function: constitutional, legislative and implementing. The new classification would be as follows: - a constitutional bloc comprising a single act divided into two parts: (1) the Constitution, incorporating the Charter of Fundamental Rights; and (2) all provisions currently set out in the Treaty which were not included in the constitutional part (these would mainly be the principles governing common policies). For any revision of the constitutional treaty, the European Council would have to approve a draft text drawn up by a Convention constituted along the lines of the current Convention on the Future of Europe. Any changes proposed by the Council would also have to be submitted to the Convention for approval; - a legislative bloc comprising all acts adopted under the codecision procedure, i.e. (1) laws, which would be binding in their entirety and directly applicable; (2) framework laws, replacing the present directives, which would be binding on the Member States as regards the results required but would leave national bodies free to choose the methods employed to achieve those results; (3) "organic laws", laying down provisions necessary for the smooth functioning of the institutions but which call for flexible adoption procedures that are incompatible with the constitutional procedure (e.g. the own-resources decision, the Financial Regulation, the rules on electoral and voting procedures for European Parliament elections, the Statutes of the Court of Justice and Court of Auditors); and (4) the finance laws, comprising the "law relating to the financial perspective" and the "annual finance laws" (the EU budget) together with the supplementary and amending budgets. The committee said that the laws relating to the financial perspective should be adopted under codecision procedure in accordance with the same arrangements applicable to legislative acts, while the annual initial or amending budget should be adopted under a more simple and transparent procedure which would be identical as regards both revenue and total expenditure. However, budgetary codecision procedure should differ in one respect from the legislative codecision procedure in that the possibility of the ultimate rejection of the finance law as a result of a disagreement between the Council and Parliament "cannot be countenanced". The Budgets Committee was therefore asked to draw up a report on reforming the budgetary procedure; - an implementing bloc, designed to ensure that the provisions of legislative acts are put into effect, and consisting of decisions (intended to lay down the procedural conditions for implementing legislative and budgetary acts) and implementing measures, which would lay down, in accordance with the law in question and the limits fixed by it, any provisions supplementing those adopted by the legislator. Other areas dealt with in the report included cooperation in justice and home affairs, international agreements, agreements between the social partners and interinstitutional agreements.?

The typology of acts and the hierarchy of norms in the European Union

The European Parliament adopted a resolution drafted by Jean-Louis BOURLANGES (EPP-ED, France) on the typology of acts and the hierarchy of legislation in the EU. (Please refer to the document dated 27/11/02.) The resolution was adopted by 364 votes for, 149 against and 16 abstentions. On the question of implementing acts, Parliament proposed that these be divided into two categories: -executive provisions, intended to lay down the procedural conditions in accordance with which legislative and budgetary acts are implemented; -delegated regulations, which would lay down in accordance with the law and the limits fixed by it, provisions supplementing those adopted by the legislator. The procedure for the adoption and scrutiny of implementing measures should differ depending on whether the legislative authority confers responsibility for the task on the Commission or on a separate authority, a specialist agency or a self-regulating body. Parliament proposed guidelines on this. On the special cases discussed in the resolution, Parliament proposed as follows: -legislative acts under Title VI of the EU Treaty: Legally binding acts provided for in Article 34 of the EU Treaty should be abolished and replaced by legislative acts. Provisions in certain particularly sensitive areas, including criminal law matters may justify the introduction, in a manner consistent with the codecision principle, of certain specific procedural provisions concerning, for example, the right to propose legislation or the majorities required for the adoption of the acts in question. -international agreements concluded by the Union, including the common commercial policy, and matters covered by the legislative or budgetary codecision procedure, should be adopted by the Council acting by a qualified majority after Parliament has given its assent. -agreements between management and labour provided for in Article 139 of the EC Treaty should be approved by the Commission at the request of management and labour. No such approval may be given should the two arms of the legislative authority, Parliament and the Council acting by a qualified majority, oppose such a step. -interinstitutional agreements should be consistent with the Union's constitutional and institutional provisions. In order to enable the Court of Justice to exercise its review function more effectively, the right to refer such acts to the Court for an opinion should be extended so that such referrals can be made by a significant number of MEPs acting together. -coordination of national policies: Parliament proposed, in particular in those cases where the coordinating competence rests with the Union that binding measures should take the form of a framework law. Non-binding measures in areas which fall within the competence of Member States should be adopted by the two arms of the legislative authority in the form of 'recommendations of the legislative authority'. This should apply to the broad economic policy guidelines, which should be proposed by the Commission and approved by the Council and Parliament under an appropriate procedure.?