

AMENDMENT FORM

Suggestion for amendment of Article 24

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**Status : Tiilikainen, Kiljunen, Vanhanen - Members
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Article 24: 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 Two, European laws, European framework laws, European regulations, European decisions, recommendations and opinions.

A European law shall be a legislative act having 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 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 European regulation shall be a 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.~~ **taking the form of either a delegated regulation or an implementing regulation for the implementation of legislative acts and of certain specific provisions of the Constitution. It shall either be binding in its entirety and directly applicable in all Member States, or it shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave the national authorities free to choose the form and means of achieving that result.**

A European decision shall be a non-legislative act **for the implementation of legislative acts and of certain specific provisions of the Constitution. It shall be** 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. **[removed to Article 25, para. 3bis]**

Explanation (if any) :

The word “entirely” in the third subparagraph of paragraph 1 does not feature in the current Article 249, paragraph 3, on directives and should therefore be deleted.

The fourth subparagraph on “European regulations” is somewhat confusing. It is not entirely clear whether that category is intended to cover delegated acts (article 27) alongside with implementing acts (article 28). If so, this should be made more explicit in the text.

Another problem with the fourth subparagraph is that it only seems to cover instruments that are directly applicable. There should also be a possibility adopt delegated acts that had legal effects similar to the proposed European framework laws (i.e., the current EC directives).

As the prohibition to use “non-standard acts” only concerns the situation when there is a legislative proposal before the Council and the European Parliament, the proposed paragraph 2 should be removed to Article 25 on legislative acts. Moreover, it is a principle governing the conduct of the institutions within the framework of the legislative procedure and not one relating to the definition of the various legal acts of the Union (on which Art. 24 should be devoted).