

AMENDMENT FORM

Suggestion for amendment of Article 24

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
- Alternate: Petersson, Kvist and Svensson

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~~ EU¹ laws, ~~European~~ EU framework laws, ~~European~~ EU regulations, ~~European~~ EU decisions, recommendations and opinions.

~~An European~~ EU law shall ~~be a legislative act having~~ have² general application. It shall be binding in its entirety and directly applicable in all Member States.

~~An European~~ EU framework law shall be ~~a legislative act which~~² binding, as to the result to be achieved, on the Member States to which it is addressed, but shall leave the national authorities ~~entirely~~³ free to choose the form and means of achieving that result.

~~An European~~ EU regulation shall ~~have be a non-legislative act having~~² general application for the implementation of ~~legislative acts~~ EU laws or EU framework laws and of certain specific provisions of the Constitution. It shall be binding in its entirety and directly applicable in all Member States.⁴

~~An European~~ EU decision shall be ~~a non-legislative act,~~² 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~~² EU laws and EU framework laws, the European Parliament and the Council shall refrain from adopting acts not provided for by the Constitution.

¹ WG IX proposed that the instruments should be called 'European Union laws' – 'EU laws' and 'European Union Framework laws' – 'EU framework laws' (CONV 424/02)

² The distinction between 'legislative' and 'non-legislative' legal acts is unclear and confusing.

³ The definition should correspond to that of the directive referred to in Article 249 EC.

⁴ It may be necessary to preserve a possibility for the Commission to adopt directives (See for example Article 86.3 EC).