

AMENDMENT FORM

Suggestion for amendment of Article : 27

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Article 27: Delegated law

1. Laws and framework laws may delegate to the Commission the power to enact *secondary legislation*.

The objectives, content, scope and duration of the delegation shall be explicitly defined in the laws and framework laws. A delegation may not cover the *fundamental* elements of an area. These shall be reserved for the law or framework law.

2. *The Commission shall enact delegated law. It shall transmit to the legislature its draft measure. If neither the Council, acting by a qualified majority, nor the Parliament, acting by a majority of its Members, raises an objection within a period of three months the delegated law shall be adopted.*

If either the Council or the Parliament raises an objection within this period, the draft delegated law shall be submitted to the legislative procedure.

In urgent circumstances, the Commission may enact a delegated law and then submit it to the legislature. If either the Council, acting by a qualified majority, or the Parliament, acting by a majority of its Members, raises an objection within a period of three months, the measure shall be suspended. The Commission shall then decide to withdraw, amend or submit the suspended measure to the legislature.

3. The conditions of application to which the delegation is subject *may provide for the delegated law* to lapse after a period set by the law or framework law. *That period* may be extended, on a proposal from the Commission, by *the legislature*.

Explanation :

The Praesidium's choice of the term 'delegated regulation' here only serves to confuse the reader with the regulation of an executive type that is provided for in Article 24. That is why we change the title. The term 'regulation' should be used both sparingly and specifically.

27.1 This category of delegated act is secondary legislation, a readily understood concept. Why not say so?

The purpose of delegated law is to expand on the primary law in terms of specificity, modify the

fields of application of existing law or adapt existing law to meet new conditions, for example by revising regulatory norms.

Curiously, the Praesidium's formulation only allows for the call-back of a delegated law to be one of the possibilities that could be explicitly determined in the primary law. The possibility of revocation should be systematic and not optional.

The sunset clause is, however, retained as an option in 27.3. It cannot always be appropriate to limit the duration of secondary legislation, and may lead to serious legal lacunae.