

**Address by the Representative of the Portuguese Government, Prof.  
Ernâni Rodrigues Lopes, to the plenary session of the European  
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Simplification of procedures and instruments

I am sure we all agree that the subject we are invited to debate at this plenary session has an important juridical dimension; but it is also clear that the way we choose for simplifying instruments and procedures in our Union – which are a practical expression of the Union's action – will say a lot not only about our intentions, but also about the nature of the Union we wish to deepen.

Some rightly say that our citizens call for greater simplicity in order to better understand the mechanisms and the decision processes of the Union, in particular its legislative activity. No doubt they are entitled to ask us so. Indeed, if we achieve that goal we are no less than complying with our duty of making Europe closer to her citizens.

The excellent note that our Secretariat has prepared as a basis for our work, help us to better understand the complexity of the legislative procedures as well as of the available juridical instruments.

But, at the same time, we should have in mind that those procedures and instruments, which have been perfected and developed over the years, are the result of new and unique methods and principles and of institutional balances that should be preserved. They also reflect the diversity of areas where the Union is called to intervene.

The debate on the simplification of legislative procedures does not confine itself to an analysis on how to improve Treaties' articles related to the decision making process. It should also aim to improve the quality of the legislation, the mechanisms for a good institutional co-operation, an easier perception of the legislation contents and the right choice of the instruments.

In my view, some of the areas which should deserve our attention in a simplification exercise could be the following:

- to continue with the work for improving co-operation among the institutions including through their own internal reform, which has already started;
- a rationalisation of the Treaties legislative procedures, as there are several sectors where the decision process could be more transparent;
- to improve the quality of legislation through:
  - a) simply useless a clearer separation between the legislative and regulation powers by perfecting the comitology procedures;
  - b) a better choice of the instruments;
  - c) the strengthening of the Commission's role in supporting the transposition of the directives from community to national levels, as well as the mechanisms of co-operation between the Commission and national administrations;
  - d) improving and respecting quality drafting rules avoiding , for instance, the incorporation of dispositions with no juridical effect or simply useless.

However, such a debate will lead us nowhere if the simplification of procedures, both when still in a preliminary phase or later when to be applied, does not abide by strict rules of transparency and rigour.