

**SIMPLIFICATION OF LEGISLATIVE PROCEDURES
AND LEGAL INSTRUMENTS**
**Intervention by Mrs. Meglena Kuneva, Representative of the Bulgarian
Government to the European Convention**
Brussels, 12-13 September 2002

Mr. President,
Dear colleagues,

The Bulgarian Government has already outlined some ideas concerning this important topic in its initial position on the debate on the European Union future.

In my brief intervention, I would like to concentrate on some more specific issues:

First, let me reiterate our position that it is necessary to widen the qualified majority voting. Negotiations within the EU so far have demonstrated that it is easier to find a compromise in cases when the rule is qualified majority. In this respect we would support the idea of a super-qualified majority in politically sensitive areas where now the rule is unanimity but it is quite delicate to introduce at once the qualified majority voting. It is logical that qualified majority goes hand in hand with the co-decision procedure.

My second point is that there is an obvious need to simplify and to improve the presently existing more than twenty different decision-making procedures. We could start with a unification of procedures in closely related areas. The further extension of the application of co-decision is another path to explore. If all texts of legislative character are adopted by this procedure, the work of the institutions would be considerably simplified. We are of the opinion that the present budgetary procedure, unnecessary burdened by the distinction between compulsory and non-compulsory expenditure, should also be replaced by the co-decision procedure.

As far as the co-decision procedure itself is concerned, I think, that the inclusion of the trialogue mechanism in the treaties would contribute to the shortening of delays before final adoption in many areas.

Thirdly, the greater role of the European Commission in the area of economic and monetary policy would be beneficial for the overall decision-making process in the Union. Therefore it is worth discussing how to strengthen it. One possible way is to replace the recommendations issued by the Commission with proposals. Thus the Commission's opinions would be subject to rejection only by unanimity.

Some suggestions concerning the legal instruments:

At present, there is a great number of instruments, which is a factor of legal uncertainty. We should reduce this number and simplify the system. The abolition of the pillar structure would have an immediate positive effect on the reduction of the numerous legal instruments and to the harmonization of their legal effect. The existing

instruments in the fields of police and judicial cooperation on criminal matters are not suitable for the present stage of integration.

The constitutional nature of the Treaties would be beneficial both for the simplification of the procedures and of the instruments. In the past there were proposals concerning the introduction of the hierarchy of acts that I think should be re-discussed. In our opinion, the following categories of acts are suitable for the future Union:

- the constitutional treaty (having two parts – basic provisions, amended through ratification and other provisions, whose amendment will follow an easier procedure);
- the legislative acts (laws), which could be adopted as a rule by qualified majority in the Council and co-decision procedure; these legislative acts will be of more general, “framework” character;
- when and where necessary the Council may adopt other rules concerning the application of the laws;
- recommendations, issued by the Council which will not have legally binding character;
- regulatory acts issued by the Commission, which will have the main responsibility for the application of laws;
- and acts of administrative character.

I am convinced that the introduction of the above proposals will contribute both to the transparency and the efficiency of the Union.

Thank you for your attention.