

Simplifying Procedures

Contribution of Mr. Adrian Severin, MP (Romania) to The European Convention (Brussels, 12-13 September 2002)

As a prelude to the more concrete proposals concerning procedures, I believe that some observations should be made in order to clarify the whole context of our debate:

- a) The Convention has stated its concern for the simplicity, but I believe that this is not all and that simplicity is rather a metaphysical concept about which the citizens do not care very much. **The care for effectiveness** should precede the **care for the simplicity** which tends to become a prejudgment.
- b) The debate seems like aiming to only improve the procedures while assuming that the institutional context will remain unchanged. On the contrary, I believe that one has not only to simplify the procedures, but also **to change the whole UE present institutional system**. That is why **the simplification of the procedures is rather a political matter than a technical one**.
- c) In terms of legal procedures we have to observe the need to **balance the efficiency with the legitimacy and the European interest with the Member States' one**.
- d) At the same time, one must base the procedure on the strict observation of **the principle of separation of powers**. To this end the role of the EP must be increased while the Council should be reformed in such a way as to become a genuine European institution and not just one of the national egoisms.

As a follower of a strong political Europe, I will present some concrete proposals that, in my view, could improve and rationalize the procedures within the present institutional architecture, and, at the same time, could be taken as a starting point for the transition towards another institutional system:

1. **It will be only the European Parliament which will be entitled to adopt laws** (the decisions adopted without the approval of the EP are not laws). The European Parliament should adopt only **laws and framework laws**. The laws could be divided into **ordinary**,

organic, and constitutional laws. The **voting procedure** should be **differentiated accordingly**. At the same time the laws could be divided into “**laws of a direct enforcement**” and “**laws of a indirect enforcement**”. This second category would require laws adopted at the national level which will implement the provisions of the European law to each country’s specificity. This adoption will have a procedural, but not a substantive nature. The framework laws will allow also adoptions of a substantive nature.

2. One should make a distinction between **the intensity of the European intervention** as well as **the constitutional character** of certain laws on one hand, and **the kind of vote** one uses in order to adopt the law, on the other hand. In this respect **the qualified and even a majority vote should be the rule while the unanimity should be the exception**;
3. We need an **institutional split** of the Council according to its **legislative and executive powers**;
4. The **procedure of conciliation** should be simplified and, in order to be more efficient, to be complemented by some kind of **arbitration procedure**, at least in those cases when the decision must be adopted by a unanimous vote;
5. The **right of initiative of the Commission** should be extended to the field of **economic and financial policy**;
6. The **co-decision procedure** should be extended to the adoption of the **budget**;
7. There is a need to make the **procedures consistent within all three pillars**, especially for the pillars 1 and 3;
8. The **prerogative to initiate laws** should be extended to the **European Parliament**.
9. **The Council could overrule the proposals or negative opinions issued by the European Commission only by a unanimous vote.**