

Statement by Mr Henrik Hololei
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on Simplification of Legislative Procedures
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When discussing the simplification of procedures, most of the distinguished speakers have brought in the dimension of democratic legitimacy. However, I believe that the task of simplification is monumental in its size and complexity even without that and we should keep the discussions on the reduction of legislative procedures and increasing democracy (e. g. by extending the scope of co-decision procedure). One should keep in mind that if we would really manage a significant reduction in the complexity of EU decision-making as a result of the work of this Convention, we will have achieved something quite significant. This would enable us to increase the understanding of people in the working of the Union and thus automatically foster its legitimacy.

How could we achieve that? First of all, the number of legislative procedures should be reduced. Abolishing the co-operation procedure by extending the co-decision procedure to the field of the EMU seems the first and most straightforward solution here. Further extension of the use of the co-decision procedure should be debated but not at the cost of over-burdening the European Parliament with technical legislation. Rather one should clarify the existing system of legal instruments by creating some kind of a hierarchy of norms similar to the distinction between parliamentary and implementing acts in domestic legislative systems. This distinction would enable the European Parliament to concentrate on the more important initiatives for the citizens while leaving the acts of technical nature to the Council working groups and to the Commission. This would also increase the legal certainty of the subjects of law. Also one would have to see that the regulations and directives would really fulfil their aims – where directives are considered to be more useful than some real scope of choice should be left for member states in their application.

As concerns the European Parliament then it should obtain budgetary powers similar to the parliaments of member states. The Parliament should be able to rule over the whole budget of the Union without a distinction being made between the compulsory and non-compulsory expenses.

Qualified majority voting in the Council has been developed into a common pattern. Clearly, there will always remain constitutional issues, where unanimity will remain unavoidable. However, one should really look at the list of policies still subject to unanimity after Nice and try to further reduce its length. At the same time there is not too much reason for exaggerated optimism here as the list has got really short already.

We all know that the Union is constantly deepening and widening simultaneously. These internal developments are accompanied by trends of globalisation and deregulation. This means that governments have less and less leverage over the economic and other domains and that at the same time more and more rapid action and reaction is expected of the governments. It is my firm belief that new initiatives

enlisted for instance in the Commission White Paper *On European Governance* and already in use in some areas as the open method of co-ordination, co-regulation or exchange of best practices. These may be more suitable tools for regulating the economies – too uniform approach can sometimes have unwanted side effects.

I am glad that there is more consensus in the field of simplification than the usual "we will have to do something about it" and I am sure that these ideas will find their way to the final document of the Convention.