

Speech by Mr Józef Oleksy, Representative of the Sejm of the Republic of
Poland at the plenary session of the Convention
Brussels, 17th of March 2003

Mr President,
Dear Colleagues,

The simplification of legislative instruments of the Union is one of the main conditions of reform aiming at more clarity. The current system of EU lawmaking is not easily understood by the citizens. After debating the first 16 articles of the draft constitutional treaty which were more of a general character, we now enter into a highly technical matter. At this stage I would like to highlight some of the points I have submitted in my writing comments.

The changing of the names of the instruments without in fact changing their substance is not, in my view, the best solution. The terminology applied here risks to mislead rather than clarify. Laws will not solely be issued by the Parliament as it is commonly adopted. Although I did not oppose to that terminology in my written amendments, I still want to express my doubts on that issue.

Even if we keep the new terminology concerning european laws and european framework laws in article 24, a clear distinction has to be made between the Union legally binding instruments and those without binding force. Thus, along the list of binding instruments, a separate list could be made for the second category of instruments. That category could then comprise recommendations, declarations, resolutions and interpretative communiqués.

Article 27 describes the important category of delegated regulations. The possibility of delegating acts will surely make the European laws and European framework laws more concrete, shorter and not too much detailed. I would prefer not make a distinction between the essential and non-essential elements of laws and framework laws as it is not clear enough.

Finally, I think that article 28 can be deleted as it is an unnecessary repetition. It deals with implementing acts whereas the obligation to implement legal acts of the Union already derives from the nature of these acts. Furthermore, each legal act contains a norm for its implementation.

Thank you