

Working Group IX

Working document 26

### **Working Group IX on Simplification**

**Subject:**   « Simplifying Legislative Procedures and Instruments »  
                  - Paper by Mr Johannes Voggenhuber

Members of Working Group IX “Simplification” will find hereafter a paper by Mr Johannes Voggenhuber, member of the Convention.

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**Dear Chairman and fellow working group members,**

I submit the following for your attention.

**1. General remarks**

The simplification of the Unions procedures and instruments can only be done in the context of an overall reform of the European Union. This is why before I make some more detailed remarks I would like to outline the framework in which these reforms should take place.

1. The European Community and all areas of intergovernmental collaboration (foreign and security policy, internal security, justice and police) should be consolidated in a Constitution of the European Union, enlarged by an area of security, justice and solidarity, which should acquire a legal personality and a common system of institutions. The Community method (with modifications for the Common Foreign and Security Policy) should apply. A mere formal abolition of the pillars without changing the procedures would be very disappointing with regard to expectations for meaningful reform.
2. The content of the present Treaties, while retaining the same legal force, should be simplified and integrated, depending on its legal nature, into the Constitution proper or into an ordinary Treaty law of the European Union.
3. **The legislators of the European Union** shall be the **European Parliament** and the **Legislative Council** (formed from the existing General Affairs and External Relations Council). Parliament, as the directly elected representative of the citizens, should constitute the first chamber, and the Legislative Council, representing the States, should constitute the second chamber. The current formations of the Council of Ministers should form the Committees of the Legislative Council.
4. The European Parliament should enjoy the unlimited right of codecision in all acts of legislation.
5. The European Parliament should exercise complete budget sovereignty through a codecision procedure (without limitation in respect of compulsory expenditure, which shall be incorporated in the budget).
6. The European Parliament should enjoy, along with the Commission, the right of initiation for European legislation.
7. The Legislative Council should decide on all matters of ordinary legislation by a qualified majority vote.
8. The Legislative Council should observe without restriction the principle of direct public conduct of legislative debate. The representation of members of the Council (e.g. by officials) will not be permitted.
9. The **European Council** should perform its duties in accordance with the current Art. 13 TEU, but should not exercise any legislative functions.

10. **The Commission**, as the Executive of the European Union, should be charged with implementing European laws. The European Parliament and the Legislative Council should monitor the observance of the executive powers (a call back procedure).

## **2. Co-decision procedure**

The co-decision procedure should be called the legislative procedure.

Article 251 should be rephrased in order to ensure, from a linguistic point of view, the equality of the two branches of legislation.

The European parliament should have the final word in the adoption of legislation.

Regarding the voting modalities at the EP (Article 251) the simple majority of the votes cast should apply and not, as is currently the case, the absolute majority of its component members.

## **3. Budgetary procedure**

The financial perspective should be integrated into the Treaty and subject to the legislative procedure (co-decision).

## **4. Distinction between legislative and executive acts**

Legislative acts should be: law, framework laws. These two categories should always be accompanied by the legislative procedure (co-decision procedure). Hidden legislative acts as adopted now in the framework of intergovernmental cooperation should disappear and all legislation should be submitted using the legislative procedure.

Yours Sincerely,

Johannes Voggenhuber