

CONV 263/02

CONTRIB 91

COVER NOTE

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| from | Secretariat |
| to | The Convention |
| Subject : | "Simplification of Legislative Procedures" – Contribution by Mr Peter Serracino-Inglott, member of the Convention and Mr John Inguanez, alternate member of the Convention |

The Secretary-General of the Convention has received the contribution annexed hereto from Mr Peter Serracino-Inglott, member of the Convention and Mr John Inguanez, alternate member of the Convention.

Contribution by Prof Peter Serracino-Inglott and Mr John Inguanez
Members of the Convention

Simplification of Legislative Procedures

1. In an attempt to render the decision-making process more comprehensible and effective, the legislative procedures should be reduced mainly to consultation and co-decision, together with a limited use of the assent procedure. The co-operation procedure, given its now-limited application, can be done away with altogether. Co-decision should be progressively extended to a greater number of acts covered by qualified majority, and currently subject to simple consultation.
2. With regard to co-decision, streamlining of the procedure in general, as well as a clearer definition and shortening of the time-frames involved, appear desirable. One may consider modifying the various stages of the procedure on the following lines:
 - a) The Commission submits the proposal to the European Parliament and Council;
 - b) Parliament evaluates the Commission's proposal within an initial period of **three months**. During this time, national parliaments are consulted, where applicable, on adherence to the principles of subsidiarity and proportionality (the precise modalities and extent of such consultation would need to be determined);
 - c) Within the same three months, but in no case earlier than the sixth week, Council communicates to Parliament its position on the Commission's proposal;
 - d) Within **six weeks** of receiving Council's position:
 - If Parliament agrees with the Council's position, and has no adverse comments on subsidiarity or proportionality on the basis of the views expressed by national parliaments, the act is adopted.
 - If Parliament rejects the Council's position, or has a fundamental problem with subsidiarity or proportionality, the act is not adopted.

- If Parliament proposes amendments either on the basis of the Council's position, or of subsidiarity and proportionality, the procedure will then continue as at present but with reduced time-frames.
- e) The Commission will deliver an opinion on the amendments within **four weeks**, with the Council having a further **four weeks** to approve the amendments;
 - f) Should the convening of the Conciliation Committee be required, this should take place within **two weeks**, maintaining the current time-limit of **six weeks** for it to reach agreement on a common text;
 - g) In the last instance, the Council and Parliament would have **four weeks** to approve this common text.
3. The steps just outlined would result in a maximum enactment period of thirty-eight weeks for co-decision, representing a significant shortening of the current time-frames, and stipulating a reasonable limit making it easier to follow the entire procedure from beginning to end. It would also set deadlines for the first part of the procedure, which are currently left open. In the first part of this proposal, the Council would reach its position without formally receiving the opinion of parliament. In practice, during the initial six weeks, trialogue meetings should be held to gauge Parliament's opinion on the Commission's proposal, in such a way that this period is utilised to hold consultations between the co-legislators. The total period of thirty-eight weeks should also in general represent the maximum duration of any decision-making procedure.

11 September 2002
