

COVER NOTE

from : Secretariat

to : Convention

Subject : European Parliament resolutions forwarded by Mr Íñigo Méndez de Vigo y Montojo
"The role of regional and local authorities in European integration"
"The typology of acts and the hierarchy of legislation in the European Union"

The Secretary-General of the Convention draws its members' attention to the following documents, annexed hereto, which he has received from Mr Íñigo Méndez de Vigo y Montojo, member of the Convention:

- European Parliament resolution of 14 January 2003 on the role of regional and local authorities in European integration;
 - European Parliament resolution of 17 December 2002 on the typology of acts and the hierarchy of legislation in the European Union.
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Role of the regional and local authorities in building Europe
European Parliament resolution on the role of regional and local authorities in European integration (2002/141(INI))

The European Parliament,

- having regard to the Treaty which was signed in Nice on 26 February 2001 and, in particular, to point 6 of Declaration 23 on the future of the Union,
 - having regard to the Declaration on the future of the European Union made on 15 December 2001 by the European Council meeting in Laeken,
 - having regard to the Commission White Paper on European governance¹ and its resolution of 29 November 2001² thereon,
 - having regard to its resolution of 16 May 2002 on the division of competences between the European Union and the Member States³,
 - having regard to the territorial organisation of each of the Member States as laid down in their respective constitutions,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to the Community Charter for Regionalisation⁴,
 - having regard to Article 265 of the Treaty establishing the European Community,
 - having regard to Rules 53 and 163 of its Rules of Procedure,
 - having regard to the opinion of the Committee of the Regions of 21 November 2002 on the role of regional and local authorities in European integration⁵,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Women's Rights and Equal Opportunities (A5-0427/2002),
- A. whereas the European Union is based on the dual legitimacy of the States and of the citizens; noting that, over the past few decades, and in parallel with the process of European integration, a growing tendency towards regionalisation or decentralisation has become apparent in most of the Member States and that this has strengthened the responsibilities of numerous territorial entities in advising on the formulation of EU law and policy, and in their

¹ OJ C 287, 12.10.2001, p. 1.

² OJ C 153 E, 27.6.2002, p. 314.

³ P5_TA(2002)0247.

⁴ Article 23(1) of the Community Charter for Regionalisation, adopted by the European Parliament on 18 November 1988 (OJ C 326, 19.12.1988, p. 289).

⁵ CoR 237/2002.

implementation and monitoring, and given them a new awareness of their role in Europe; noting, further, that institutional practice frequently goes beyond what is laid down in law,

- B. noting that this phenomenon has manifested itself in a rich national, cultural and institutional diversity, as evidenced by the constitutional and administrative law of the Member States,
- C. whereas, in view of the challenges, the potential and the uncertainties of globalisation, the EU must simultaneously develop its capacities both for global intervention and for cohesion and citizens' participation, as guaranteed by the regions and municipalities,
- D. whereas awareness of the functions and autonomy of the various regional and local administrations in the Member States has grown in recent years, whereas regional and local administrations can play an important part in bringing the EU closer to citizens, which is a key point in the Nice process, and whereas the Commission White Paper on European governance calls for closer cooperation between the European institutions, national governments, regional and local administrations and civil society,
- E. whereas the regions and local authorities contribute to the success of European integration in many and various ways, by the application of European law to local and regional matters, by international partnerships and, in border regions, by means of transfrontier cooperation,
- F. recalling the Preamble to the Charter of Fundamental Rights, which reads: "The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels",
- G. aware that the protection and strengthening of regional and local autonomy in the various European countries represents an important contribution to the process of European integration based on the principles of democracy, proximity and decentralisation of power,
- H. noting that every democratic legitimacy conferred upon institutions at all levels of government possesses its own value and merit and that any view of the Union's institutional system as being necessarily hierarchical and pyramid-shaped must be abandoned,
- I. whereas it is appropriate for the European Union to introduce greater participation of regional and local authorities in the European decision-making process, as early as the stage when Community policies and acts are being devised, and whereas the Union must similarly ensure more effective cooperation with the entities which are actually responsible for implementing the decisions of the Union,
- J. whereas Article 203 of the EC Treaty already allows Ministers from regional governments to take part in the Council delegations of their respective Member States, wherever this is in accordance with that State's constitutional distribution of powers,
- K. aware of the call from local and regional authorities for their role in the decision-making process to be enhanced; taking the view that that request must be interpreted and satisfied without calling into question the institutional balance which has, to date, formed the basis of the success of the Community and of the Union and which must be consolidated in the light of the enlargement of the Union to encompass 25, or even more, Member States,

- L. reaffirming the legitimacy of and the crucial role played by the Committee of the Regions as the institutional interlocutor of local and regional authorities in the Union,
- M. aware of the commitment to Europe of regional and local assemblies, which must also seize the opportunity to express their views on European projects;
- N. having regard to the importance of the work carried out by the Conference of Local and Regional Authorities in Europe (CLRAE), the Assembly of European Regions (ARE), the Association of European Border Regions (AEBR), the Conference of Peripheral Maritime Regions (CPMR), the Council of European Municipalities and Regions (CEMR), and by Eurocities, which promote democratic local and regional structures and transfrontier and interregional cooperation at European level,

Bringing the Union closer to its citizens

- 1. Considers that, with a view to bringing the European Union closer to its citizens, the Union must devise new methods of participation that acknowledge the key role to be played by regional and local bodies, in particular in the process for the drawing-up of Community decisions and in the implementation of Community policies, since that will increase the support of the Union's citizens for further progress in European integration;
- 2. Calls for the relevant provisions of the European Constitution to recognise the role of the regions, provinces, communes and any regional or local organisation which forms part of the Member States in the pursuit of the objectives of the European Union; calls accordingly for the European Constitution to define precisely the exercise, application and monitoring of the subsidiarity principle; calls also, where the transposition of directives into national law falls within the competence of the regions, for the latter to enjoy the same flexibility as regards the choice of methods as the national authorities when they are competent; moreover urges the Member States *to* strengthen the internal mechanisms which provide for participation by the regions and territorial authorities, in particular those endowed with legislative powers¹, in all aspects of the process of formation of State policy in the field of European affairs that are of specific interest to them;

Participatory representation

- 3. Supports the call from the Committee of the Regions for the new constitutional framework of the European Union to incorporate the European Charter of Local Self-Government into the *acquis communautaire*, with a view to constructing a Union based on the principles of democracy and transparency² and involving dialogue and cooperation;
- 4. Calls on the Commission to involve, on a full and regular basis, those who will be required to implement them in the preparation of legislative acts and in the devising of Community policies, with the national structure determining the arrangements for the involvement of regional and local authorities in such preparatory work; trusts that the resolve to simplify the way in which the Union operates will be compatible with the opening-up of new avenues of participation for all players, current or aspiring, on the European stage;

¹ See Convention, Summary Report, plenary meeting of 3-4 October 2002 (CONV 331/02, p. 9).

² Opinion of the Committee of the Regions, CoR 237/2002, § 1.21.

5. Confirms its support for the concept set out in the Commission White Paper on European governance which sees the regions and municipalities acting as intermediaries between the individual and the European institutions; hopes that alongside the direct consultation of regional and local interests, consultation will principally take place via the Committee of the Regions or via the most representative European associations for the defence of regional, urban and local interests; calls on the Commission, therefore, to act on the appropriate proposals of principle set out in the White Paper on European governance;
6. Welcomes the submission of Commission proposals on the possibility of introducing "tripartite contracts" involving the Union, the Member States and the territorial authorities appointed by them and will subject them to detailed scrutiny, in particular from the point of view of the prerogatives of the European Parliament;
7. Proposes that cooperation be stepped up between regional assemblies and the European Parliament, in particular through its Committee on Regional Policy, Transport and Tourism;

Access to the Court of Justice

8. Calls on the Convention to ensure that regions and other territorial entities, in the light of the principle of subsidiarity and if their prerogatives have been directly infringed by a Community act, may defend their rights before the Court of Justice under the authority of the Member State concerned, according to its constitutional or national legislation;
9. Points out that, in any event, the task of determining the respective powers and responsibilities of the Member States and of the regions in specific cases lies exclusively with the constitutional courts or with other bodies designated for that purpose under the Member States' constitutional law;
10. Proposes that the Committee of the Regions should be given the right to bring a matter before the Court of Justice in the event of a presumed violation of the subsidiarity principle or in order to defend its prerogatives;

Transfrontier cooperation

11. Recalls that transfrontier cooperation is a European task and a political objective of the EU; calls on the Commission, in close cooperation with the Member States and with regional and local authorities, to encourage transfrontier cooperation at all levels, above all between neighbouring regions; calls on the Commission to draw up a draft statute to facilitate the implementation of such transfrontier cooperation;

Convention

12. Welcomes the debate arranged by the Praesidium of the Convention on the role of regions and local authorities to be held on 6 and 7 February 2003;
13. Proposes the following amendments to the Treaties:
 - (a) in the first subparagraph of Article 2 of the TEU, insert the objective "to promote territorial cohesion";
 - (b) Article 6(3) of the TEU to read: "The Union shall respect the national identities of the

Member States, their domestic structure and the autonomy of the regions and municipalities;

- (c) in the second paragraph of Article 5 of the EC Treaty, after the words "Member States", insert: "or by the regional and local authorities on the basis of the powers conferred on them by laws of the Member State in question." (remainder unchanged);
 - (d) the first sentence of the first paragraph of Article 10 of the EC Treaty to read: "Member States, together with their local and regional authorities where their constitutional provisions so require, shall, within their respective remits, take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community.";
 - (e) insert in the EC Treaty the following new Article 10a: "In the areas provided for by national legislation, the regional and local authorities of the Member States shall be involved in attaining the objectives and enhancing the action of the Union.";
 - (f) insert in the EC Treaty the following new Article 151a: "The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation between Member States and utilising other appropriate instruments in the furtherance of this objective.";
 - (g) at the end of Article 158 of the EC Treaty, add a third paragraph reading: "The Member States shall undertake to promote transfrontier cooperation at their internal and external borders, to create the requisite legal framework for that purpose and to apply the statute for transfrontier cooperation.";
 - (h) at the end of Article 211 of the EC Treaty, add the following new indent: "carry out its activities in a spirit of mutual partnership with the Member States and their local and regional authorities.";
 - (i) add the following new paragraph after the third paragraph of Article 230 of the EC Treaty: "The Court of Justice may also rule on proceedings brought by the Committee of the Regions for annulment of acts which might infringe the principle of subsidiarity or in order to defend its prerogatives.";
 - (j) at the end of Article 265 of the EC Treaty, add the following new paragraph: "The Council and the Commission shall regularly adopt a reasoned report on the measures taken in response to opinions delivered by the Committee of the Regions.";
14. Hopes that Article 299(2) of the EC Treaty, which concerns the outermost regions, will be consolidated;
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15. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the parliaments of the Member States and candidate countries, and the European Convention.

Typology of acts and hierarchy of legislation in the European Union

European Parliament resolution on the typology of acts and the hierarchy of legislation in the European Union (2002/2140(INI))

The European Parliament,

- having regard to the declaration of the Laeken European Council of 15 December 2001 on the future of the European Union¹,
- having regard to its resolution of 18 April 1991 on the nature of Community acts²,
- having regard to its resolution of 13 April 2000 containing its proposals for the Intergovernmental Conference³,
- having regard to its resolution of 29 November 2001 on the constitutional process and the future of the Union⁴,
- having regard to its resolution of 29 November 2001 on the Commission White Paper on European governance⁵,
- having regard to its resolution of 5 February 2002 on the implementation of financial services legislation⁶,
- having regard to its resolution of 16 May 2002 on the division of competences between the European Union and the Member States⁷,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A5-0425/2002),

A. whereas there are two separate hierarchies of legislative acts in the Union:

- a horizontal hierarchy, covering Union acts and those of the Member States, which is based on three principles: competence under the ordinary law rests with the Member States; the competences allocated to the Union are based on the principles of subsidiarity and proportionality; Community legislative acts take precedence over those of the Member States,
- a vertical hierarchy, covering the various categories of Union legislative acts: Treaties, directives, regulations, individual decisions,

B. whereas, subject to certain minor modifications, coordination between Union acts and those

¹ Presidency Conclusions - Annex I.

² OJ C 129, 20.5.1991, p. 136.

³ OJ C 40, 7.2.2001, p. 409.

⁴ OJ C 153 E, 27.6.2002, p. 310.

⁵ OJ C 153 E, 27.6.2002, p. 314.

⁶ P5_TA(2002)0035.

⁷ P5_TA(2002)0247.

of the Member States is satisfactory, and whereas the range of legislative instruments provided for by the EC Treaty enables the Union to respond effectively when needs arise, in that it is based on a dual distinction:

- between directives, which lay down the objectives of Union action, but which leave the Member States free to choose and implement the methods to achieve those objectives, and regulations, which are binding in their entirety and directly applicable,
- and between binding acts, i.e. directives and regulations, and acts which lay down guidelines, such as opinions and recommendations,

C. whereas, however, there is a need

- to revise the procedure for determining the Union's competences by giving institutional status to a body, such as the European Convention, which is more directly representative of Union citizens than the national governments alone and better able than those governments to take account, when laying down competences, of the dual imperatives of subsidiarity and proportionality, and by allocating that body a greater role in the exercise of constitutional power,
- to specify more effectively the purpose of the existing legislative instruments, the directive and the regulation, with a view to taking greater account, in the Union's actions, of the criterion of degree,
- to establish instruments for coordinating national policies with a view to making the "strategies" laid down by the European Council more effective,

D. whereas, in contrast, the coordination of the legislative acts drawn up by the Union institutions is highly unsatisfactory, primarily for two reasons:

- the existence of two parallel sets of instruments by means of which the Union can take action, provided for by the EC Treaty and by the EU Treaty, in particular Title VI thereof,
- the fundamental lack of consistency in the various categories of Community acts, which stems from the failure to lay down a standard scope, a uniform adoption procedure and a specific designation for the acts in each category,

E. whereas, therefore, a complete recasting of the nomenclature of Union acts is required with a view to:

- unifying the legislative instruments provided for by the EC and EU Treaties,
- establishing more uniform categories of legislative acts, defined by their function, the procedure for their adoption, and their designation: constitutional acts, legislative acts, including budgetary acts, and implementing acts,

F. whereas the unprecedented increase in the number of Member States and the need to reaffirm the existence of a legislative authority comprising two arms, the European Parliament and the Council, acting under the codecision procedure, together justify a thoroughgoing revision of the arrangements for the exercise of implementing power, as laid down, in particular, in Article 202 of the EC Treaty, on the basis of the following two principles:

- executive power must not be exercised by the Council, which, with each successive enlargement, is turning into a parliamentary assembly, but rather by the Commission and, within the limits of their territorial jurisdiction, the Member States, or even, by way of derogation, a specialist agency or a self-regulating body,
 - implementing power must be exercised on the basis of the procedures and within the limits laid down by the legislative authority and under the supervision of the two arms of that authority,
1. Recommends the introduction of a completely revamped typology of Union acts based on the following three principles:
 - a principle of simplification, entailing the abolition of the dual sets of legislative instruments provided for by the EU and EC Treaties and the establishment of a single legal order based on the replacement of the specific instruments currently in force under Titles V and VI of the EU Treaty by Community instruments, since only Community procedures, such as the Commission's right to propose legislation, decision-making by means of qualified-majority voting, codecision and legal review by the European Court of Justice, offer all the requisite guarantees of effectiveness, democracy and legal safety,
 - a principle of specialisation, based on the rule of "one act, one procedure, one name", entailing the establishment of a classification of Union acts on the basis of function – constitutional, legislative, and implementing – and of a strict correlation between the substance, the procedure for the adoption and the designation of the acts falling into those three categories,
 - a principle of democratisation, which presupposes that the revision of the legal nomenclature should not be carried out on the basis of a consolidation of established law, but should result in significant progress towards greater democracy: the decision-making power of the representatives of the people elected by universal suffrage must be systematically strengthened by means of appropriate procedures covering both the drafting of constitutional and legislative acts, including budgetary acts, and the scrutiny of implementing acts adopted on the basis of enabling power granted by the legislative authority; in particular, this principle would rule out the adoption of a legislative, budgetary or implementing act under a procedure which does not respect the equality between the two arms of the legislative authority, the Council and Parliament;
 2. Urges the European Convention, therefore, to incorporate into the future Union Constitution three categories of acts, each with relatively uniform adoption procedures and specific and readily intelligible designations;

The constitutional bloc

Composition

3. Proposes that the constitutional bloc should comprise a single act divided into two parts: Part A, the Constitution, should lay down the fundamental rights applicable in the Union, the Union's objectives and the principles governing its work, the competences allocated to the Union, and details of the institutions and the procedures governing their work; it should incorporate the Charter of Fundamental Rights; Part B should consist of all the provisions currently set out in the Treaty which would be neither incorporated into the constitutional part

nor rendered obsolete, in particular provisions setting out the principles governing the Union's sectoral policies; Parts A and B should be subject to different amendment procedures;

Form

4. Notes that the Constitution should remain an act governed by international law signed by the Member States and ratified in accordance with their respective constitutional procedures; it can thus only take the form of a constitutional Treaty;

Procedure

5. Takes the view that the procedure for the revision of the Treaties should be modified with a view to consolidating the democratic advance represented by the decisive role allotted to a Convention, a majority of whose members were representatives of the people elected by universal suffrage, in the drafting of the Constitution; it should be stipulated that the European Council must approve the draft amendments to the constitutional Treaty drawn up by a Convention constituted along the lines of the current European Convention; should the European Council wish to amend the draft text put to it, the proposed changes would have to be submitted to the Convention;

The legislative bloc

Composition

6. Proposes that the legislative bloc should comprise all the acts adopted under the codecision procedure by the two arms of the legislative authority, the European Parliament and the Council, acting by a qualified majority on a proposal from the Commission; these acts would fall into the following categories:
 - laws, which would be binding in their entirety and directly applicable; they would necessarily lay down the basic principles underpinning the general guidelines for and the essential features of the measures to be taken to implement them; they would lay down, in particular, the rights and obligations of natural and legal persons and the nature of the safeguards they must enjoy in every Member State; laws would lay down the purpose and scope of the measures in respect of which they delegate implementing powers¹; the laws which lay down the legal and financial framework and the timetable for Union action programmes and stipulate the volume and breakdown of and the disbursement schedule for the requisite appropriations would be termed 'coordinating laws'²;
 - framework laws, which would be binding on the Member States as regards the results required, but which would leave national bodies free to choose the methods employed to achieve those results³; save where explicitly provided otherwise by the legislative authority, the European institutions would not adopt measures to implement framework

¹ Laws would replace the current regulations, with the exception of those governing Community intervention programmes.

² Coordinating laws would replace the regulations governing Community action programmes in areas such as structural development, research or higher education and the mobility of persons.

³ Framework laws would replace the current directives.

laws, given that these fall within the exclusive sphere of competence of the Member States;

- institutional laws, which would lay down provisions fundamental to the smooth functioning of the institutions, but which would call for flexible adoption procedures incompatible with the constitutional procedure: the own-resources decision, the Financial Regulation, the provisions governing the electoral and voting procedures for the election of the European Parliament, the Statutes of the Court of Justice and the Court of Auditors, the provisions set out in certain interinstitutional agreements and the acts adopted on the basis of the current Article 308;
- the finance laws, which would comprise two types of acts:
 - the law relating to the financial perspective, which would lay down details of the Union's financial programming for a five-year period and fix the overall ceiling for authorised annual expenditure, the sectoral ceilings for the whole of the programming period, the nomenclature for the sectoral headings and the conditions governing budgetary discipline;
 - the annual finance laws, which would take the name 'Union budget', and the amending finance laws, which would keep the name 'supplementary and amending budgets (SABs)'; these would be the acts by means of which the budgetary authority authorises the collection of resources and the disbursement of expenditure over a 12-month financial year and the changes made to the initial finance law during that year;

Procedure

7. Proposes that the various types of legislative acts should be adopted by means of codecision in accordance with the following procedures:

- The laws and framework laws would be adopted by means of codecision in accordance with the procedure laid down by the current Article 251 of the Treaty, which would, however, benefit from being simplified and clarified;
- The institutional laws should be adopted on the basis of procedures which are democratic, entailing participation by the European Parliament under the codecision procedure, effective, entailing a stipulation that the unanimity rule may not be invoked, and formal, entailing a central decision-making role for the Council meeting at the level of the Heads of State or Government; accordingly, the procedure chosen for the adoption of these laws should be the basic procedure laid down for the adoption of legislative acts under the codecision procedure, subject to the following changes:
 - the Commission would be able to exercise its right to propose legislation only at the express request of the European Council;
 - the laws would be adopted by an enhanced qualified majority both in Parliament and in the Council;
 - the Council's final decision would be taken at the level of the Heads of State or Government, which body would also have the power to call on the institutions to repeat the procedure from whatever stage it judges most appropriate;

8. As regards the finance laws, takes the view that:
- the laws relating to the financial perspective should be adopted under the codecision procedure by the two arms of the budgetary authority, in accordance with the same arrangements as those employed for legislative acts;
 - the annual initial or amending budget should be adopted in accordance with a more transparent and simpler codecision procedure which is identical as regards both revenue and total expenditure, there being no reason to retain the distinction between compulsory and non-compulsory expenditure; the budget should also incorporate the expenditure and resources of the EDF, which should no longer be the subject of a separate budget;
9. Takes the view, however, that the budgetary codecision procedure should differ in one respect from the legislative codecision procedure, in that, since the budget must be adopted in accordance with strict deadlines, the possibility of the ultimate rejection of the finance law as a result of a disagreement between the Council and Parliament cannot be countenanced; emphasises the need to simplify the annual budgetary procedure and make it more transparent, which might make it possible to concentrate the procedure over a shorter period; notes that a number of possible options could be explored with a view to overcoming any disagreement between the two arms of the budgetary authority; provision should, for example, be made either for a mechanism for the automatic entry in the budget of the appropriations required to cover the Union's legislative and contractual commitments, or the award of a "final say" to Parliament, on the basis of a strict maximum rate for the increase in expenditure, determined heading by heading, over the previous financial year; these two approaches could be combined;
10. Calls, in that connection, on the Committee on Budgets to draw up without delay a report on the reform of the budgetary procedure;

Hierarchy

11. Takes the view that institutional laws should be consistent with the Constitution and that laws, framework laws and finance laws should be consistent with the Constitution and the institutional laws;
12. Points out, however, that budgetary acts pose four specific problems with regard to the issue of a hierarchy of legislation, in particular:
- the finance laws relating to the financial perspective and the budget must be consistent with the provisions of the institutional law establishing the Financial Regulation;
 - budgetary decisions concerning revenue should comply with the provisions of the institutional law governing the own-resources system, i.e. the maximum amount which may be levied, the nature of, the assessment basis for, the arrangements for the collection of and, possibly, the maximum rates of fiscal revenue and contributions to the Union budget; however, that institutional law should be flexible enough to allow the budgetary authority sufficient leeway to fix the revenue required to cover expenditure in each financial year;

- the "amounts deemed necessary" laid down in legislative acts should be partially binding on the budgetary authority; save in exceptional cases justified by the need to honour the spirit of the legislative act in question, the budgetary authority should be required to abide by the amounts laid down in the act, but should be authorised not to enter such amounts in full in the finance law, where it regards this as necessary;
- in the annual budgets, the budgetary authority should respect the ceilings fixed by the law relating to the financial perspective, subject to the strict proviso that the law in question has been adopted under the codecision procedure; the budget may be amended in accordance with the same procedure;

The implementing bloc

13. Takes the view that implementing powers should be exercised in such a way as to ensure that the provisions of legislative acts are put into effect; accordingly, takes the view that such powers should rest with the Commission and, within their respective territorial jurisdictions, the Member States; considers, however, that the legislative authority, constituted by the Council and Parliament, may delegate to a specialist agency or a self-regulating body the task of laying down certain technical measures to implement laws;
14. Points out that all implementing acts should be consistent with the corresponding legislative acts and subject to a general review of their lawfulness carried out by the Court of Justice;
15. Points out that the wording of Article 202 should be amended in order to stipulate that the legislative authority is responsible, on the basis of complete equality in terms of rights between the European Parliament and the Council, for laying down the terms of the statutory authorisation granted to the executive authority and for scrutinising the exercise of the powers conferred on that authority, and that, to that effect, a control mechanism in the form of a right of 'call-back' should also be introduced;

Composition

16. Proposes that implementing acts should be divided into two categories:
 - executive provisions, intended to lay down the procedural conditions in accordance with which legislative and budgetary acts are implemented; the executive provisions should not lay down provisions supplementary or additional to the corresponding legislative act; it would represent the ordinary law instrument which the Community executive can employ in order to implement laws; executive provisions would fall within the exclusive sphere of competence of the Commission, which might decide to draw on the assistance of an advisory committee comprising representatives of the Member States;
 - delegated regulations, which would lay down, in accordance with the law and the limits fixed by it, provisions supplementing those adopted by the legislator; delegated regulations of this nature should be adopted only on the basis of the authorisation granted by and subject to scrutiny by the two arms of the legislative authority; the authorisation should lay down the substance, principles, objectives and scope of the delegation; it might place a time-limit on the delegation; the legislative authority would scrutinise delegated regulations;

Procedure

17. Takes the view that the procedure for the adoption and scrutiny of delegated regulations should differ depending on whether the legislative authority confers responsibility for that task on the Commission or on a separate authority, a specialist agency or a self-regulating body; in that connection, proposes the following guidelines:
- the delegated regulation for which responsibility is conferred on the Commission should be forwarded to the Council and to the European Parliament; should the Council, acting by a qualified majority, or Parliament, acting by a majority of its Members, object within three months to a delegated regulation, then the text in question would be the subject of a legislative procedure (codecision) to confirm, amend or repeal the regulation, unless the Commission withdraws it;
 - the delegated regulation for which responsibility is conferred on a technical or professional body, which might be termed a 'technical implementing regulation', would be submitted to the two arms of the legislative authority in the same way as a Commission delegated regulation; however, the Commission would enjoy the same right as the two arms of the legislative authority to oppose the draft text;

Special cases

Legislative acts under Title VI of the EU Treaty

18. Calls for the legally binding acts provided for in Article 34 of the EU Treaty to be abolished and replaced by legislative acts; notes that provisions in certain particularly sensitive areas, including criminal law matters, which are currently the subject of provisions adopted in the form of conventions, may justify the introduction, in a manner consistent with the codecision principle, of certain specific procedural provisions concerning, for example, the right to propose legislation or the majorities required for the adoption of the acts in question;

International agreements

19. Takes the view that international agreements concluded by the Union concerning:
- the establishment of an association with one or more third States or international organisations,
 - the establishment of a specific institutional framework through the organisation of cooperation procedures,
 - the common commercial policy,
 - matters covered by the legislative or budgetary codecision procedure,
- should be adopted by the Council acting by a qualified majority after Parliament has given its assent; the negotiations should be conducted by the Commission on the basis of a mandate issued by the Council after consulting Parliament;
20. Regards it as essential, given the fact that international agreements have greater legal force than all the Union's internal legislative acts, that the consistency of such agreements with the Constitution and institutional acts should be subject to strict review; proposes that the right of

referral to the Court of Justice with a view to securing an opinion on the consistency of an international agreement with the Union's Constitution and its institutional acts should be extended to cover Parliament and even a significant minority of its constituent Members;

Agreements between management and labour provided for in Article 139 of the EC Treaty

21. Takes the view that the agreements provided for in Article 139 of the Treaty should be approved by the Commission at the request of management and labour; considers, however, that no such approval may be given should the two arms of the legislative authority, Parliament and the Council acting by a qualified majority, oppose such a step;
22. Points out that the agreements between management and labour should be consistent with the Constitution and the institutional acts;

Interinstitutional agreements

23. Reiterates that interinstitutional agreements have an important role to play in coordinating and organising working relations among the institutions; takes the view that such agreements should be consistent with the Union's constitutional and institutional provisions; takes the view that, in order to enable the Court of Justice to exercise its review function more effectively, the right to refer such acts to the Court for an opinion should be extended so that such referrals can be made by a significant number of MEPs acting together;

Coordination of national policies

24. Regards its as essential that the procedures concerning the measures taken to coordinate national policies provided for in the Treaties should be rationalised and given a proper structure; proposes, in particular in those cases where the coordinating competence rests with the Union:
 - that binding measures should take the form of a framework law;
 - that non-binding measures in areas which fall within the sphere of competence of the Member States should be adopted by the two arms of the legislative authority in the form of "recommendations of the legislative authority"; this should apply to the broad economic policy guidelines, which should be proposed by the Commission and approved by the Council and Parliament under an appropriate procedure;
25. Calls on the Member States to draw up a political agreement separate from the Treaty formalising their cooperation procedures in areas covered by their competences; endorses the arrangement whereby intervention by the Commission in this area may be requested by the European Council and reiterates Parliament's right to be provided with all the requisite information, given that such cooperation procedures inevitably have a bearing on the implementation of the Community strand of the joint strategy;

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26. Instructs its President to forward this resolution to the Council, the Commission, the parliaments of the Member States and applicant countries, and the European Convention.