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Le secrétaire général de la Convention a reçu la contribution figurant en annexe de M. Timothy Kirkhope, membre de la Convention.

Giving the European Parliament the Right of Initiative: Proposals for a New European Legislative Process

A Contribution by Timothy Kirkhope MEP, Member of the Convention on the Future of Europe

The legislative process is at the heart of the European Union. However, a thorough overhaul of the legislative process is necessary if the Convention is to achieve its desired result of bringing Europe closer to its people. The current legislative process was designed for a Europe of considerably fewer Member States. Now, as we stand on the brink of enlargement, we should review and reassess its legislative procedures, streamlining them and making them more transparent for a Europe of 25.

In draft Articles 24 - 33 submitted by the Praesidium on 26 February (CONV 571/03), the current process is simplified a little but not enough. In my amendments to these articles I have proposed a complete overhaul of the current system.

Legislative Acts

The key to reorganisation of the legislative acts is simplification. It is for this reason that I have slimmed the corpus of legal acts to just two:

European Community Law - This shall be a legislative act having general application. It shall be binding in its entirety and directly applicable to all Member States.

European Community Opinion - This shall have no binding force.

This simplification will clarify the legislative process for Europe's citizens. If they think a particular law is good, they will know who to congratulate. If they think it is wrong, they will know who is responsible. Accountability will therefore be enhanced.

In addition, the abolition of framework laws will reduce the amount of 'gold-plating' by Member States' governments, most notably the British Government.

Distribution of Powers

The second key element of reform of the legislative process is the distribution of powers within it. I propose that the right of initiative should reside with the European Parliament and that the Commission should become a non-political civil service. This change would go a long way to redress the perceived democratic deficit in the Community, as a democratically elected body would propose legislation, as is the case in most Member States.

Similarly, the national parliaments would play a key role in the new system. After a proposal has been approved by the European Parliament and by the Council, national parliaments would have to approve it (by qualified majority voting when the proposal falls in the category of exclusive competences and by unanimity when the proposal falls in any other category).

Amended Legislative Process

1. National parliaments, national governments, civil society and members of the public – in fact, any EU citizen – could have the right to suggest new European proposals to their MEP. This would also expand the existing right of petition.
2. If a national delegation decided to support the proposal, or included the proposal in a larger package of measures, they would then need the support of at least 10% of MEPs representing a minimum of 5 Member States for the proposal to be considered in Committee. This would ensure

that committees are not overloaded by unpopular proposals that do not have the necessary support to proceed with a real prospect of success.

3. If a majority of the Members of a Committee supported the proposal – which could be amended by the Committee – it would then be considered in a plenary session of the European Parliament.

4. If a majority of the total number of MEPs in a plenary vote supported the amended proposal, it would then be forwarded to the European Council.

5. In the Council a qualified majority would be required for it to be considered by the national parliaments. The proposal could not be amended by the Council.

This change would not imply abolishing the veto, because national parliaments would have an enhanced right to veto all new European proposals that are not exclusive competences of the Community and exclusive competences are already decided by qualified majority voting.

6. New proposals falling under the exclusive competence of the Community (i.e. matters relating to the customs union, Article 11), would require a qualified majority of the national parliaments to become a European Community law or an opinion.

New proposals under the shared competence of the Community (Article 12) or areas for supporting action (Article 15) would require the unanimous support of the national parliaments for approval.

7. If a national parliament rejected the new proposal, a Mediation Committee would be formed to include representatives of the national parliament, the national government, the European Parliament and the current Presidency.

8. If a proposal was then approved, a joint committee of MPs and MEPs would be formed to oversee the implementation of this new European law.

If mediation failed, or if the proposal failed at any other legislative stage, it would be rejected as a European law, but Member States would be free to adopt it on a bilateral or multilateral basis as they chose.

The Amended Legislative Process

