The typology of acts and the hierarchy of norms in the European Union

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The committee adopted the own-initiative report by Jean-Louis BOURLANGES (EPP-ED, F) proposing a complete overhaul of the names for the various types of EU law. The key ideas behind the changes were "simplification, democratisation and specialisation" and the basic rule would be "one act, one procedure, one name", entailing a classification of EU acts by function: constitutional, legislative and implementing. The new classification would be as follows: - a constitutional bloc comprising a single act divided into two parts: (1) the Constitution, incorporating the Charter of Fundamental Rights; and (2) all provisions currently set out in the Treaty which were not included in the constitutional part (these would mainly be the principles governing common policies). For any revision of the constitutional treaty, the European Council would have to approve a draft text drawn up by a Convention constituted along the lines of the current Convention on the Future of Europe. Any changes proposed by the Council would also have to be submitted to the Convention for approval; - a legislative bloc comprising all acts adopted under the codecision procedure, i.e. (1) laws, which would be binding in their entirety and directly applicable; (2) framework laws, replacing the present directives, which would be binding on the Member States as regards the results required but would leave national bodies free to choose the methods employed to achieve those results; (3) "organic laws", laying down provisions necessary for the smooth functioning of the institutions but which call for flexible adoption procedures that are incompatible with the constitutional procedure (e.g. the own-resources decision, the Financial Regulation, the rules on electoral and voting procedures for European Parliament elections, the Statutes of the Court of Justice and Court of Auditors); and (4) the finance laws, comprising the "law relating to the financial perspective" and the "annual finance laws" (the EU budget) together with the supplementary and amending budgets. The committee said that the laws relating to the financial perspective should be adopted under codecision procedure in accordance with the same arrangements applicable to legislative acts, while the annual initial or amending budget should be adopted under a more simple and transparent procedure which would be identical as regards both revenue and total expenditure. However, budgetary codecision procedure should differ in one respect from the legislative codecision procedure in that the possibility of the ultimate rejection of the finance law as a result of a disagreement between the Council and Parliament "cannot be countenanced". The Budgets Committee was therefore asked to draw up a report on reforming the budgetary procedure; - an implementing bloc, designed to ensure that the provisions of legislative acts are put into effect, and consisting of decisions (intended to lay down the procedural conditions for implementing legislative and budgetary acts) and implementing measures, which would lay down, in accordance with the law in question and the limits fixed by it, any provisions supplementing those adopted by the legislator. Other areas dealt with in the report included cooperation in justice and home affairs, international agreements, agreements between the social partners and interinstitutional agreements.