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

2002/2140(INI) - 17/12/2002 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Jean-Louis BOURLANGES (EPP-ED, France) on the typology of acts and the hierarchy of legislation in the EU. (Please refer to the document dated 27 /11/02.) The resolution was adopted by 364 votes for, 149 against and 16 abstentions. On the question of implementing acts, Parliament proposed that these be divided into two categories: -executive provisions, intended to lay down the procedural conditions in accordance with which legislative and budgetary acts are implemented; -delegated regulations, which would lay down in accordance with the law and the limits fixed by it, previsions supplementing those adopted by the legislator. The procedure for the adoption and scrutiny of implementing measures should differ depending on whether the legislative authority confers responsibility for the task on the Commission or on a separate authority, a specialist agency or a self-regulating body. Parliament proposed guidelines on this. On the special cases discussed in the resolution, Parliament proposed as follows: -legislative acts under Title VI of the EU Treaty: Legally binding acts provided for in Article 34 of the EU Treaty should be abolished and replaced by legislative acts. Provisions in certain particularly sensitive areas, including criminal law matters 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 concluded by the Union, including the common commercial policy, and 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. -agreements between management and labour provided for in Article 139 of the EC Treaty should be approved by the Commission at the request of management and labour. 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. -interinstitutional agreements should be consistent with the Union's constitutional and institutional provisions. 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: Parliament proposed, in particular in those cases where the coordinating competence rests with the Union that binding measures should take the form of a framework law. Non-binding measures in areas which fall within the competence of 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 appropriateprocedure.