

Abstract

Title of thesis: Rationalization of European regulation framework

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The purpose of my thesis is to analyse European legal system and evaluate positive aspects of Better Regulation Strategy on the rationalization of European legal system. Main shortcomings of the current European legal system are identified in enormous number of legal acts that are low quality, misunderstandable, inconsistent and incoherent in parallel. These features have a negative impact on implementation of individual legal obligations and on low effectiveness of the European legal system.

The thesis is composed of three chapters. Chapter One is introductory and describes the Legal framework for the Approximation of Laws according to Chapter III of Title VII “Common Rules on Competition, Taxation and Approximation of Laws in the Treaty on the Functioning of the European Union (hereinafter “TFEU“). Part Two deals with methodologies that are applied for the Approximation of Laws. Part Three focuses on the division of Legislative powers between EU institutions and Member States.

Chapter Two provides an outline for secondary legislation with its distinction based on whether or not legally binding legal acts are. The special emphasis is devoted to the role of soft law in the European legal order and modifications that were brought by the Lisbon Treaty. The essential benefit of the TFEU is the obligation of the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act and to adopt delegated acts.

Chapter Three concentrates on initiatives integrated into the Better Regulation Strategy. First initiative is Regulation Impact Assessment. Its aim is to improve and extend the use of impact assessment for new proposals. Other initiatives aiming to simplification of regulatory environment are included into the Rolling programme.

Simplification methods are drawing on techniques such as repeal, codification, recasting and changing implementing methods. As to the legislative method there is a clear preference for essential requirements rather than technical specifications, an increased use of co-regulation, promotion and increased use of information technologies. Each initiative is described in terms of its content, achieved results and benefits for the European legal order. Its outline also contains next steps that are planned in respect of the European regulatory environment rationalization