Mosaics of Legal Provisions

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A. Mosaic Laws and Arrangements Laws: a Common Respectively Not So Common Practice

It seems to be a common practice for legislators to regularly assemble in one massive law a bulk of unrelated rules modifying numerous existing statutes. They are called 'omnibus laws' or 'mosaic laws' or, when they have a budgetary purpose, 'programme laws' or 'arrangement laws'. According to a survey, performed by the Legal Service of the Belgian House of Representatives, many European and non-European countries are familiar with the technique of 'mosaic laws' in general, less countries use 'arrangement laws' for budgetary purposes.[1] This article will use 'mosaic laws' as overall term[2] and 'arrangement laws' as term to indicate mosaic laws accompanying the budgetary legislation.

The survey identifies out of twenty-seven responding countries eleven countries which make use of mosaic laws: Austria, Belgium, Bosnia-Herzegovina, Cyprus, Estonia, Germany, Israel, Italy, Poland, Slovakia, and, on a more rarely basis, Switzerland. Some of them use them for budgetary as well as for non-budgetary purposes: Belgium, Germany, and, apparently more rarely, Austria. Israel uses them solely for budgetary purposes, however, apparently its arrangement laws regularly contain also provisions that are not budget-related. The other countries never use them for budgetary purposes. A special case is Italy, which Finance Law (*legge finanziaria*) has also many characteristics in common with arrangement laws. The list must be completed with countries that did not respond. In France for example the Council of State complained in its 1991 Report the growing practice of the "*lois fourre-tout*".[3] This has not been put to an end since. Some of

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[1] *See* the annex, 'Note du service juridique à l'attention de la Commission spéciale du règlement' *Parl. Doc.* House of Representatives 2004-2005, 51-51/3. The document is published at www.dekamer.be.

[2] The term 'omnibus law' is also used for comprehensive law books in US literature. The term 'mosaic law' was introduced by J.-C. Savignac and S. Salon, *Des mosaïques legislatives?*, 1 L'Actualité juridique – Droit administrative, 3-9 (1986).

[3] French Council of State, *De la sécurité juridique,* 43 Etudes & Documents 36-37 (1991). The Note, *supra* note 1, at 3 (footnote 2) also notes that France did not respond, but does make use of mosaic and arrangement laws.

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the countries that according to the survey do not use these kinds of laws,[4] do not seem to be so unfamiliar with the technique after all. Only recently, the Dutch draftsman Borman described the practice in the Dutch review *RegelMaat*.[5] The Dutch 'collection laws', however, seem to display more coherence. They adjust for example several existing laws to the introduction of a new term, or to the introduction of the euro. In other cases the mosaic law is meant to repair several minor defects or omissions. With one exception, these 'reparation laws' are limited to laws coming from the same department.[6] In other countries, arrangement laws were current practice, but have been put to a stop. Thus the Spanish government in 2005 has decided to no longer initiate arrangement laws.[7]

Although it seems that only few countries make such extensive use of mosaic laws and arrangements laws as Belgium, many countries do seem to be familiar with the technique to modify with one law a broad range of statutes. According to the survey, these countries meet the same problems as identified in Belgium. In this article, these problems will be analysed (C). First however it will be clarified that there are also advantages attached to mosaic laws, which justify the practice in spite of much criticism (B). This article will therefore not plead for the abolishment of mosaic laws[8] but rather look for means to reduce disadvantages.

B. Advantages of Mosaic Laws and of Arrangements Laws in Particular

I. No More Hidden 'Budgetary Riders'

Arrangement laws are, at least in Belgium and France, in use since the 1970s.[9] In its Report, the French Council of State sketched the appearance of mosaic laws as an alternative for 'budgetary riders' (*cavaliers budgétaires*).[10] A "budgetary rider" is a substantive provision put in the budget proposal. The idea was that a minor correction or adaptation of an existing law had too little substance to justify the introduction of a specific bill. This way however material provisions followed the specific procedure for budget laws. Hidden in budget laws, they can avoid consultation processes or specific parliamentary debates. Mosaic laws were the answer to criticism on the use of budgetary riders. On a regular basis, diverse

[4] Albania, Croatia, the Czech Republic, Finland, Greece, Latvia, Macedonia, Norway, Netherlands, United Kingdom, Russia, Slovenia, Sweden, Ukraine.

[5] T.C. Borman, *Verzamelwetgeving*, 1 RegelMaat 28-38 (2004).

[6] *Id.*, at 29.

[7] 'Note', *supra* note 1, at 46, footnote 3.

[8] Apparently in Armenia a statute can only relate to one subject at the time, 'Note du service juridique à l'attention de la Commission spéciale du règlement', *supra* note 1, at 46.

[9] A. Parisis, *Les lois-programmes en Belgique: tendances et contenu*, 2 Rev.Int.Sc.Adm. 97 (1981) situates the first arrangement law in Belgium in 1973. The French Council of State, *supra* note 3, at 35 situates the development of mosaic laws in a period starting around 1975.

[10] *Supra* note 3, at 35-36. *See also* Savignac & Salon, *supra* note 2, at 3.

provisions modifying a range of laws are gathered in one text which follows the normal procedure, separate from the budget law.

II. Arrangement Laws enable the Control of Public Expenditures

Originally, mosaic laws were related to one specific domain, for example the fiscal or social domain, with the purpose to execute the budget. The idea of such an 'arrangement law' is to enable the executive to realise its social and financial policy, as put in the budget. Arrangement laws provide for legislative measures to ensure respect of the budget and to avoid over-expenditure due to unforeseen circumstances or legislative defects.[11] They give the public an insight in the overall governmental policy to moderate over-expenditure.[12] Arrangement laws make clear which domains are specifically affected, for example social security, medical expenditures or public pensions.[13]

III. Rationalisation of the Legislative Procedure

Mosaic laws, even if they do not serve an explicit budgetary purpose, have the use of efficiency.[14] It is far more efficient to collect several minor or technical modifications in one law and follow one procedure and debate for all of them, instead of starting up a separate procedure for each law that needs modification, amelioration or regularization. This enables rapid legislative response[15] and at the same time leaves time for parliament to focus on more substantial laws. Apparently, governments initiate mosaic laws especially with the purpose to save time.[16]

Mosaic laws are therefore the consequence of recent evolution. As Lavilla Rubira observes, rules change almost daily "due to the need to adapt to technological changes and to the fact that, unlike private law, such rules do not intend to regulate social relationships on the basis of principles of justice and fairness, but are almost always designed to solve particular economic and social problems". The author consequently mentions the appearance of arrangement laws in his description of trends in continental Europe in the 21th century.[17]

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[11] Also the Belgian Council of State thus recognises the use of arrangement laws, *e.g.* Advice of 10 November 1989, *Parl. Doc.* 1989-1990, 806/2, 36.

[12] *See* Parisis, *supra* note 9, at 95.

[13] *Id.*.

[14] *See also* K. Muylle & J. Van Nieuwenhove, *Wijzigingen reglement Kamer met betrekking tot programmawetten en beleidsnota's*, 8 Tijdschrift voor Publiekrecht en Bestuurswetenschappen 525 (2005); J. Van Nieuwenhove, *Programmawetten: voor verbetering vatbaar?*, *in* P. Popelier & J. Van Nieuwenhove (Eds.), Wie maakt de wet? (forthcoming); and the Belgian House of Representatives Commission Report, *Parl.Doc.* 2004-2005, 51-51/3, 4.

[15] *See also* Savignac & Salon, *supra* note 2, at 6 and the Belgian Council of State's Annual Report 1994-1995, 200-201, www.raadvst-consetat.be.

[16] Savignac & Salon, *supra* note 2, at 6 and Belgian House of Representatives Commission Report, *Parl. Doc.* 2004-2005, 51-51/3, 4.

[17] J.J. Lavilla Rubira, *Some Trends in Administrative Law I the 21st Century'*, 36 Texas International Law Journal 599 (2001).

C. Disadvantages of Mosaic Laws

In spite of these advantages, mosaic laws are generally criticized. Mosaic laws are seldom an example of elegant drafting technique. They usually are not transparent, follow a procedure that diminishes the role of Parliament and of advisory bodies and do not meet minimum standards of proper legislation. Moreover, mosaic laws are often abused to rush a bill through Parliament that does not really belong in mosaic laws or arrangement laws.

I. The Citizen's Perspective: Accessibility of the Law

Mosaic laws contain a bulk of provisions, modifying a whole range of various statutes. The Belgian arrangement law of 9 July 2004 contained 319 articles, the arrangement law of 27 December 2004 no less than 513.[18] The inscription of the law – in Belgium "Programme law" or "Law holding diverse provisions", in France "*loi-programme*" – does not indicate the precise content of the Act. The general inscriptions of the chapters do not provide much more information.[19] Amongst technical or minor modifications a substantial provision may be hidden. This is not a problem once the modified laws are edited in a consolidated version. The real problem is that the signal that something in these laws has actually changed, may not reach the citizen on time. Moreover, mosaic laws do not improve the durability of statutes, because the technique makes possible rapid modifications in a short period of time. This makes it often difficult to find out which rules apply to a case and which version of the rule was in force at the relevant time.[20] In its 1991 Report the French Council of State mentioned mosaic laws as encroach upon the citizen's right to legal certainty. In Belgium also, the Council of State, followed by doctrine, criticizes the legal uncertainty induced by mosaic laws.[21] According to the Council of State, the proverb according to which no one should be ignorant of regularly published laws, has become unrealistic.[22]

The complexity and incomprehensibility of mosaic laws is most reprehensible when they contain provisions relating to human rights. For example in the US, the Patriot Act is in fact an omnibus law, consisting mainly of minor revisions of various statutes, written and rushed through Parliament in only six weeks time. Zieske remarks: "Considering the sheer number of such amendments, affecting so many already complex federal statutes with numerous cross references, it

[18] Programme Law of 9 July 2004, *Official Gazette* 15 July 2004, Programme Law of 27 December 2004, *Official Gazette* 31 December 2004, *see* www.moniteur.be.

[19] *See also* Savignac & Salon, *supra* note 2, at 6.

[20] *See also* Lavilla Rubira, *supra* note 17, at 599.

[21] Council of State, Annual Report 1994-1995, 200-201 and Annual Report 1995-1996, 230-231; A. Alen, *De afdeling wetgeving van de Raad van State. Enkele kanttekeningen bij haar adviespraktijk, in* Publiek Recht, Ruim Bekeken 11 (1994); R. Andersen, *La sécurité juridique et la section de législation du Conseil d'Etat', in* La sécurité juridique 205 (1993); H. Cousy, *Over wetgeving gesproken*, 28 Jura Falconis 20 (1991-1992).

[22] Council of State, Annual Report 1994-1995, 200.

requires a long sabbatical of intensive study to learn the Act's full legal impact". Still, he considers the law as "may be the most important legislation in the history of American law enforcement and civil liberties".[23]

The critique should be taken serious. The European Court of Human Rights stresses that the principle of legal certainty is inherent in all provision of the Treaty. The complexity of a regulation can cause a violation of human rights. For example, the Court stated that the legal rules in France, concerning the protection of landscapes and jurisdiction about the classification of administrative acts, were so complex that they brought uncertainty concerning the nature of a rule to classify a domain and the calculation of the term to appeal.[24] Thus the fact that a provision has been published as part of a mosaic law does not suffice; each legal rule must be identifiable and accessible.

II. Parliament's Perspective: the Democratic Quality of the Law

The growing use of mosaic laws is alarming for still another reason. The dominance of government is symptomatic in all western countries. This is especially so in monistic systems, where government emanates from Parliament. Mosaic laws may put this to the extreme. Often, especially in the case of arrangement laws, they are introduced in Parliament under a time limit, too limited for Members of Parliament to carefully scrutinize the many provisions of such laws. These time limits relate also to provisions in the law which are not budget related. Parliamentary debate is thus reduced. Amendments other than initiated by government are not accepted. In Israel, arrangements laws have therefore sometimes been labelled "a democracy bypassing statute".[25]

In Belgium the arrangement law of 12 August 2000 offered a perfect illustration.[26] The law was initiated by governmental bill shortly before parliamentary recess. The bill was adopted by the House of Representatives, next sent to the Senate. The Senate discovered two mistakes of drafting technique – the text contained two identical provisions and an incorrect internal reference, due to modifications in the course of the drafting process. These formal mistakes gave rise to a long, existential debate. What is the use of a second reading in a bicameral system, if the Senate is not able to correct two formal mistakes? Indeed, government's timing didn't allow for the text to be returned to the House of Representatives, which was already in recess that would last for more than two months. The result was that the incorrect internal reference was corrected by means of a contested procedure which involved the agreement of the Houses president but didn't imply

[23] W.F. Zieske, *Demystifying the USA Patriot Act*, 92 Illinois Bar Journal 82 (2004).

[24] *De Geoffre de la Pradelle v. France*, 16 Dec. 1992, ECHR (1992), Series A, No. 253-B.

[25] N. Ziv, *Lawyers Talking Rights and Clients Breaking Rules: Between Legal Positivism and Disctibutive Justice In Israeli Poverty Lawyering*, 11 Clinical Law Review 217, at footnote 21 (2004).

[26] *See* the Senate's Commission Report, *Parl.Doc.* 1999-2000, no. 2-522/3. *See also* the comment by P. Lemmens, *De programmawet van 12 augustus 2000 en de rol van de Senaat in het wetgevingsproces*, 7 Tijdschrift voor Wetgeving I-191-194 (2000).

the adoption of the modified text by the House of Representatives, and that the Senate wittingly adopted a text which contained two identical provisions in two different parts of the statute.

The Belgian arrangement law of 27 December 2005 offers another illustration. Article 159 of this law provides Government with extended powers to modify parliamentary statutes concerning specific pensions. This article was not even inserted in the initial bill, submitted to the Council of State for an urgent advice, but put in an amendment.[27] Government is not obliged to submit amendments to the Council of State for advice and in this case did not do so spontaneously. Parliament hardly took notice of the article.

These anecdotes illustrate that mosaic laws and the timing of their initiation, are often the expression of governmental arrogance towards Parliament. Nonetheless, mosaic laws sometimes result from parliamentary initiative. In Belgium for example there are two laws of 20 July 2005 "containing diverse provisions", one of which results from parliamentary initiative. It is exceptional that a parliamentary initiative with such a technical content is established and voted with such ease and speediness, relying on political consensus and supported by government. The parliamentary initiative was thus most probably a governmental bill in disguise, treated in a procedure parallel with a proper bill leading to the second mosaic law of 20 July 2005. The advantage of such procedure is that in the case of parliamentary initiatives, there is no obligation to ask the advice of the Council of State or other advisory bodies.

III. The Perspective of Proper Legislation: Careful Preparation of the Law

Mosaic laws seldom satisfy minimum requirements for proper legislation. The Spanish Constitutional Court has articulated a principle according to which the law must be coherent.[28] Mosaic laws may easily violate this principle. The complexity of these laws, with its many provisions, each modifying other laws, and the course of the preparatory process in which amendments are included and articles are renumbered, lead to errors and oblivions. One example is given above, where redrafting and renumbering lead to incorrect references and the voting of two identical provisions. Another example is in the Belgian arrangement law of 24 December 2002. Article 80 of this law was originally drafted as an autonomous bill. Later on it was hooked on to the arrangement law bill. The government however forgot to adjust the content of article 80, according to which advice of a Council for supplementary pensions is obligatory for *every* royal decree in execution of "this" law. This would mean, literally, that the Council should give advice about royal decrees relating to, amongst others, the establishment of an isolation programme for residences near Brussels Airport, or the taking over of the National Railway's debts. The same arrangement law contained still other

[27] Parl. Doc. House of Representatives 2005-2006, 51-2097/03. *See* www.dekamer.be.
[28] *See* the Note, *supra* note 1, at 16 and 46.

errors, for example two different provisions each modifying an identical statutory article in two different and irreconcilable ways.

More seriously, the haste that usually accompanies mosaic laws implies that no attention is called to legal defects or considerations of effectiveness and maintenance. Advisory bodies, established to bring these kinds of considerations to the attention of the legislator, are avoided. The French Council of State in its 1991 Report remarked that a growing number of provisions in mosaic laws resulted from amendments, which were not submitted to the Council of State for advice.[29] In Belgium too, obligatory advices are avoided, either through urgency procedures, which leave the advisory bodies insufficient time to analyse thoroughly the extensive mosaic laws, or through amendments, which do not have to be submitted to advisory bodies.[30] For example, in its advice accompanying the latest arrangement law, the Belgian Council of State remarked that urgency was not justified for all articles in the bill and that it could not guarantee thorough advice in these circumstances.[31] Furthermore, many of the provisions in mosaic laws are given retroactive effect.[32] Retroactivity is often the result of hasty work, which has not been prepared timely and carefully. Moreover, urgency and short delays prevent independent advisory bodies such as the Council of State to judge the effects and thus the justifiability of retroactive provisions. Finally, the frequency of mosaic laws, which appear about every six months, induce the law maker to prefer partial modifications above more general reforms.[33] Also, imperfect provisions are accepted with the prospect that a subsequent mosaic law may repair possible defects.

D. Can We Cure Mosaic Laws?

These disadvantages do not seem to restrain government from introducing bills of mosaic laws. In Belgium at the federal level an arrangement law and a more general mosaic law are usually voted at least twice a year, supplemented by mosaic laws relating to a more specific domain, for example public health or fiscal law.[34] Obviously, the advantages and especially the possibility to save time and get a whole train of technical and budgetary adjustments through Parliament, is the most attractive part from government's perspective. In the Belgian context

[29] French Council of State, *supra* note 3, 38.

[30] The Council of State, Division Legislation, complains about time limits, *see* an overview *in* Muylle & Van Nieuwenhove, *supra* note 14. For France, *see* Savignac & Salon, *supra* note 2, at 8.

[31] *See, for example*, its advice of 4, 7 and 8 November, *Parl. Doc.* House of Representatives 2005-2006, 51-2097/1. *See also* Van Nieuwenhove, *supra* note 14.

[32] For example, six chapters in the Belgian Arrangement Law of 11 July 2005, *Official Gazette,* 12 July 2005, are given retroactive effect.

[33] Savignac & Salon, *supra* note 2, at 7.

[34] Sometimes the federal law is split up in two separate laws, one relating to matters which follow the asymmetrical bicameral procedure, the other to matters which follow the symmetrical bicameral procedure, for example the Arrangement Laws I and II of 24 December 2002, *Official Gazette*, 31 December 2002.

another political factor plays a part: mosaic laws guarantee that 'package deals' are voted together and thus ensure a sometimes delicate balance between political parties in a coalition government.

For these reasons mosaic laws are sometimes abused. Important reforms are sometimes hidden in mosaic laws to avoid delays caused by extensive advisory procedures and parliamentary debate. In Israel for example, Ziv notes that the Economic Arrangements Law, "originally used for minor statutory amendments accompanying the budgetary legislation, has become the central legislative vehicle to introduce policy change on a general and comprehensive level."[35] Even autonomous laws are put in mosaic laws for the advantage of speediness, although they do not modify another law. For example, the digital publication of the authentic version of the Belgian official gazette has an arrangement law as only legal ground. This leads to provisions in arrangement laws modifying previous arrangement laws.[36]

However, proposals have been made and attempts have been undertaken to control the use of mosaic laws and of arrangements laws in particular.

I. Separation of Budget Related, Non-Budget Related and Autonomous Provisions in Different Laws

The Belgian Council of State is only given five days time to judge an arrangement law bill. In its advice of 6 and 7 May 2004, it remarked that some provisions however did not have a financial or technical character, but related to fundamental rights. It remarked that government should carefully consider whether each provision in the bill should follow a time-limited procedure.[37]

Thus, the Council of State suggested that budget related arrangement laws should be separated from non-budget related mosaic laws. A separation of provisions in budget related arrangement laws on the one hand and non-budget related mosaic laws on the other, has the advantage that the general mosaic law as a rule does not have to follow an urgent procedure. Apparently in Israel the legal advisor has more power to force the Minister of Finance to remove from an Arrangement Bill those provisions, which are not budget related.[38]

The Flemish Parliaments' Regulation contains an article 58 according to which non budget related provisions in arrangement laws must be lifted out of the bill. Recently, the Regulation of the Belgian House of Representatives moved in the same direction. According to this provision, arrangement laws may only contain budget related provisions. Before a bill is sent to the Houses commission for further treatment, a political party fraction in the House can ask the Houses

[35] *Supra* note 25, at footnote 21.

[36] For example Art. 4 of the mosaic law ("containing diverse provisions") of 20 July 2005, *Official Gazette,* 29 July 2005, modifying and completing the arrangement law of 24 December 2002, *Official Gazette*, 31 December 2002. The 2002 Arrangement Law contained more material regulations, *e.g.* the social statute of artists.

[37] Belgian Council of State, Advice of 6 and 7 May 2004, *Parl. Doc.* House of Representatives 2003-2004, 51-1138/1, 291.

[38] *Parl. Doc.* House of Representatives 2004-2005, 51-51/3, p. 43.

"Conference of party fraction presidents" to decide which provisions must be lifted out of the bill and be treated as one or several separate bills. If no consensus can be reached within the Conference, the plenary assembly will decide.[39] Similar proposals have been introduced in the Senate, but have not yet been discussed.[40]

It seems that Belgian government from now on introduces two bills: one arrangement bill and one or more general mosaic bills.[41] It seems however, alas, that the general mosaic bill also contains budget related provisions and that it is treated in a procedure parallel with the actual arrangement law.[42] Thus it seems that a legal framework in itself does not suffice; government must also change its legal culture and habits.

As for non-budget related mosaic laws, the Belgian Council of State suggested that autonomous provisions should be lifted out of the draft mosaic law or be rewritten as provisions modifying or completing actual laws regarding similar domains.[43] Almost twenty years earlier, Savignac and Salon made the same suggestion in France.[44] This would make legislation more accessible. It would avoid that the content of a certain regulation must be found under the heading of a mosaic law. After having amended various basic laws, mosaic laws should have no further existence in the legal order, with the exception of its transitory provisions.

II. Coordination of Amended Texts and Other Legislative Techniques

The Belgian House of Representatives introduced in its Regulation a provision, obliging the government to accompany a bill with a coordination of statutory provisions amended by the bill.[45] The Regulation makes exception for the budget, but not for arrangement laws, which accompany the budget. Alas, although government as a rule obeys the obligation to draw up a coordination of amended laws, no coordination accompanies arrangement or other mosaic bills. Here as well political culture has not yet come to the level of legal framework. In the Netherlands, the Instructions for Regulation suggest that complex bills modifying other laws, are accompanied by a comparative survey of provisions before and after modification.[46] The Dutch government however is reluctant to do this in the

[39] Art. 72.4 of the House of Representatives' Reglementation. *See* www.dekamer.be.
[40] See *Parl. Doc.* Senate 2004-2005, 4-980/1 and 3-987/1, *see* www.senate.be.
[41] For example, in the Belgian Official Gazette of 30 December 2005 appeared one arrangement law and two general mosaic laws, www.staatsblad.be.
[42] *See* the comments *in* Muylle & Van Nieuwenhove, *supra* note 14, at 527.
[43] Belgian Council of State, Advice of 7 June 2005, *Parl.Doc.* Flemish Parliament 2004-2005, 398/1, 145.
[44] Savignac & Salon, *supra* note 2, at 8.
[45] Art. 74.1 of the House of Representatives' Reglementation, *see* www.dekamer.be.
[46] Instruction 229 of the "Aanwijzingen voor Regelgeving", *see* www.justitie.nl or www.overheid.nl.

case of "collection laws" consisting of more than thousand provisions because of the "disproportionate workload".[47]

Nevertheless, a coordination of amended laws would be useful especially in the case of mosaic laws.[48] It would give advisory bodies and Parliament more information on the bill's content and would save already precious time for them. Of course, for the government's administration a coordination of texts amended by a mosaic bill means substantially more work than drawing up a coordination of a text amended by an ordinary bill. On the other hand, it is difficult to imagine how government can elaborate a mosaic bill without reference to the texts amended by the bill. In other words, the coordination is not merely a document designed to inform Parliament, but a necessary means to elaborate any law, which modifies another law.

There are still other legislative techniques, which help to make mosaic laws more accessible. Mosaic laws contain hundreds of articles, modifying tens of existing laws. Therefore special consideration must be given to a convenient arrangement of the law. In France, Savignac and Salon propose that every provision or group of provisions should be given a title, indicating its content.[49] In the Netherlands, Borman suggests that laws, which are modified should be indicated in bold type.[50] He also suggests that transitory provisions be implemented in the law that is being modified, instead of being put as autonomous provisions in the mosaic law.[51] That way, the basic law informs at once about its content and its application in time. Also a summary accompanying the mosaic law in annex could be helpful.

III. Regulatory Management

The French Council of State insisted in its 1991 Report that government should reduce the frequency of mosaic laws, should diminish the amount of governmental amendments to bills of mosaic laws and should restrain itself from using mosaic laws for important substantial reforms.[52] Self restraint however is difficult for Government when the advantages of mosaic laws are so apparent for its purposes: getting its decisions through Parliament as quickly and smoothly as possible.

A more fundamental regulatory reform might offer a solution. The French Council suggested that an improved legal training of civil servants should help to restrain the use of mosaic laws.[53] In the Belgian case however this would not suffice. Laws are often elaborated in Minister's Cabinets, consisting of the Ministers' personal advisors and collaborators. Regulatory reform therefore

[47] *Kamerstukken II* 2003-2004, 29 421, no. 4. *See also* Borman, *supra* note 5, at 37-38.

[48] *See also* M. Van der Hulst, '*Het parlement als wetgever. Medeverantwoordelijk voor wat misgaat? Ja. Kop van Jut? Nee bedankt!*' *in* P. Popelier & J. Van Nieuwenhove (Eds.), Wie maakt de Wet? (forthcoming 2006).

[49] Savignac & Salon, *supra* note 2, at 9.

[50] *Supra* note 5, at 32.

[51] T. Borman, *Het ambacht. De plaats van het overgangsrecht: back to basics*, 6 RegelMaat 224-225 (2005).

[52] French Council of State, *supra* note 3, at 39-40.

[53] *Id.*, at 40.

should imply more than merely the training of civil servants. The whole procedure should be redesigned aiming at 'better' but also 'swift' regulation, keeping a balance between the general interest in quality control, the democratic interest in parliamentary scrutiny, and the governments' interest in timely intervention.[54] As far as regulatory management is concerned, Belgium is merely a country in development. The introduction of regulatory planning and agendas and a transparent procedure, might help Government to work out laws on time without the need to follow urgent procedures, and thus might reduce the need for an excessive use of mosaic laws.[55]

[54] This could include a revision of the distribution of regulatory powers amongst parliament and government, which is, according to Savignac & Salon, *supra* note 2, at 9, part of the solution.
[55] *See also* Van Nieuwenhove, *supra* note 14.