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2010/0368 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on repealing certain obsolete Council acts in the field of the common agricultural policy

EXPLANATORY MEMORANDUM

A number of acts which were adopted over the last decades have exhausted all their effects, but remain technically in force. They have become obsolete because of their temporary character or because their content has been taken up by successive acts. Several measures linked to the accession of new Member States provided for transitory measures following directly the time of their accession and by now have become obsolete. The European Parliament, the Council and the Commission agreed in their inter-institutional agreement on better law making that Community law should be updated and condensed by repealing acts which are no longer applied. Acts which have no continued relevance should be removed from the 'acquis communautaire', in order to improve transparency and certainty of Union law.

The Commission has carried out several exercises to remove obsolete legislation from the acquis, partly trough the traditional repeal procedure, partly by declaring the relevant Commission acts obsolete. The Commission also identified a number of Council acts related to the Common Agricultural Policy, which are based upon Article 42 and 43 of the Treaty (former Articles 36 and 37) and two Acts of Accession, which have exhausted all practical effects, but are formally still in force. It is not within the Commission's powers to declare obsolete acts which were adopted by the Council. In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council and the European Parliament.

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on repealing certain obsolete Council acts in the field of the common agricultural policy

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, first subparagraph of Article 42 and Article 43(2) thereof,

Having regard to the 1979 Act of Accession, and in particular Article 60, Article 61 point 5 and Article 72(1) thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234(3) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Improving the transparency of Union law is an essential element of the better lawmaking strategy that Union institutions are implementing. In that context it is appropriate to remove from active legislation those acts which no longer have real effect.

(2) The following Regulations relating to the Common Agricultural Policy have become obsolete, even though formally they are still in force:

– Regulation (EEC) No 2052/69 of the Council of 17 October 1969 on the Community financing of expenditure arising from the implementation of the Food Aid Convention[3]. That Regulation has exhausted its effects since its content has been taken up by successive acts.

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1 OJ C , , p. .
2 OJ C , , p. .
3 OJ L 263, 21.10.1969, p. 6.

– Regulation (EEC) No 1467/70 of the Council of 20 July 1970 fixing certain general rules governing intervention on the market in raw tobacco[4]. That Regulation has exhausted its effects since its content has been taken up by successive acts.

– Regulation (EEC) No 3279/75 of the Council of 16 December 1975 on the standardization of the treatment applied by the individual Member States to imports from non-member countries of live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage[5]. That Regulation has exhausted its effects since its content has been taken up by successive acts.

– Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds[6]. That Regulation introduced measures applicable until 31 March 1978 and has therefore exhausted its effects.

– Council Regulation (EEC) No 1853/78 of 25 July 1978 adopting general rules in connection with special measures for castor seeds[7]. That Regulation introduced measures for the application of Council Regulation (EEC) No 2874/77 of 19 December 1977 laying down special measures in respect of castor seeds[8] whose validity ended on 30 September 1984, and has therefore exhausted its effects.

– Council Regulation (EEC) No 2580/78 of 31 October 1978 extending the 1977/78 marketing year for olive oil, providing for special measures for this sector, and amending Regulation (EEC) No 878/77 as regards the exchange rates to be applied in agriculture[9]. That Regulation only covered the 1977/78 and 1978/79 marketing years and has therefore exhausted its effects.

– Council Regulation (EEC) No 1/81 of 1 January 1981 laying down general rules for the system of accession compensatory amounts for cereals[10]. That Regulation was intended for application in the transitional period following the accession of Greece to the European Communities and has therefore exhausted its effects.

– Council Regulation (EEC) No 1946/81 of 30 June 1981 restricting investment aids for milk production[11]. That Regulation has exhausted its effects since its content has been taken up by successive acts.

– Council Regulation (EEC) No 2989/82 of 9 November 1982 on the granting of aid for the consumption of butter in Denmark, Greece, Italy and Luxembourg[12]. That Regulation introduced only temporary measures and has therefore exhausted its effects.

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4 OJ L 164, 27.7.1970, p. 32.
5 OJ L 326, 18.12.1975, p. 1.
6 OJ L 131, 26.5.1977, p. 1.
7 OJ L 212, 2.8.1978, p. 1.
8 OJ L 332, 24.12.1977, p. 1.
9 OJ L 309, 1.11.1978, p. 13.
10 OJ L 1, 1.1.1981, p. 1.
11 OJ L 197, 20.7.1981, p. 32.
12 OJ L 314, 10.11.1982, p. 25.

– Council Regulation (EEC) No 3033/83 of 26 October 1983 abolishing the 'accession' compensatory amount applicable to liqueur wines[13]. That Regulation was intended for application in the transitional period following the accession of Greece to the European Communities and has therefore exhausted its effects.

– Council Regulation (EEC) No 564/84 of 1 March 1984 on suspension of aids for investments in the field of milk production[14]. That Regulation only covered the year 1984 and has therefore exhausted its effects.

– Council Regulation (EEC) No 2997/87 of 22 September 1987 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production[15]. That Regulation introduced a special measure applicable until the year 1990 and has therefore exhausted its effects.

– Council Regulation (EEC) No 1441/88 of 24 May 1988 amending Regulation (EEC) No 822/87 on the common organization of the market in wine[16]. That Regulation gave the Council power to adjust certain transitory provisions resulting from the accession of Portugal to the European Communities and has therefore exhausted its effects.

– Council Regulation (EEC) No 1720/91 of 13 June 1991 amending Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats[17]. That Regulation introduced several exceptional measures in the common organization of the market in oils and fats, which were applicable until 30 June 1992 at the latest, and has therefore exhausted its effects.

– Council Regulation (EEC) No 740/93 of 17 March 1993 setting Community compensation for definitive discontinuation of milk production in Portugal[18]. That Regulation introduced a special measure to be implemented until 1996 and has therefore exhausted its effects.

– Council Regulation (EEC) No 741/93 of 17 March 1993 on application of the common intervention price for olive oil in Portugal[19]. That Regulation was intended for application in the transitional period following the accession of Portugal to the European Communities and has therefore exhausted its effects.

– Council Regulation (EEC) No 744/93 of 17 March 1993 laying down general rules for applying the supplementary trade mechanism to deliveries in Portugal of products other than fruit and vegetables[20]. That Regulation concerned applicability to Portugal of Council Regulation (EEC) No 3817/92 of 28 December 1992 laying down general rules for applying the supplementary trade mechanism to imports into Spain of products other

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13 OJ L 297, 29.10.1983, p. 1.
14 OJ L 61, 2.3.1984, p. 34.
15 OJ L 284, 7.10.1987, p. 19.
16 OJ L 132, 28.5.1988, p. 1.
17 OJ L 162, 26.6.1991, p. 27.
18 OJ L 77, 31.3.1993, p. 5.
19 OJ L 77, 31.3.1993, p. 7.
20 OJ L 77, 31.3.1993, p. 11.

than fruit and vegetables[21] which was subsequently repealed and has therefore exhausted its effects.

– Council Regulation (EC) No 2443/96 of 17 December 1996 providing for additional measures for direct support of producers' incomes or for the beef and veal sector[22]. That Regulation only covered the year 1997 and has therefore exhausted its effects.

– Council Regulation (EC) No 2200/97 of 30 October 1997 on the improvement of the Community production of apples, pears, peaches and nectarines[23]. That Regulation was intended to introduce a special premium for the 1997/1998 marketing year and has therefore exhausted its effects.

– Council Regulation (EC) No 2330/98 of 22 October 1998 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade[24]. That Regulation covered only a special temporary measure and has therefore exhausted its effects.

– Council Regulation (EC) No 2800/98 of 15 December 1998 on transitional measures to be applied under the common agricultural policy with a view to the introduction of the euro[25]. That Regulation was meant to provide only for transitional measures and has therefore exhausted its effects.

– Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation[26]. That Regulation was intended to provide for a singular one-off measure and has therefore exhausted its effects.

– Council Regulation (EC) No 660/1999 of 22 March 1999 amending Regulation (EEC) No 2075/92 and fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 1999, 2000 and 2001 harvests[27]. That Regulation only covered the 1999, 2000 and 2001 harvests and has therefore exhausted its effects.

– Council Regulation (EC) No 546/2002 of 25 March 2002 fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92[28]. That Regulation only covered the 2002, 2003 and 2004 harvests and has therefore exhausted its effects.

– Council Regulation (EC) No 527/2003 of 17 March 2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No

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21 OJ L 387, 31.12.1992, p. 12.
22 OJ L 333, 21.12.1996, p. 2.
23 OJ L 303, 6.11.1997, p. 3.
24 OJ L 291, 30.10.1998, p. 4.
25 OJ L 349, 24.12.1998, p. 8.
26 OJ L 349, 24.12.1998, p. 12.
27 OJ L 83, 27.3.1999, p. 10.
28 OJ L 84, 28.3.2002, p. 4.

1493/1999[29]. That Regulation was intended to introduce derogation applicable only until 30 September 2003 and has therefore exhausted its effects.

(3) For reasons of legal security and clarity, those obsolete Regulations should be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 2052/69, (EEC) No 1467/70, (EEC) No 3279/75, (EEC) No 1078/77, (EEC) No 1853/78, (EEC) No 2580/78, (EEC) No 1/81, (EEC) No 1946/81, (EEC) No 2989/82, (EEC) No 3033/83, (EEC) No 564/84, (EEC) No 2997/87, (EEC) No 1441/88, (EEC) No 1720/91, (EEC) No 740/93, (EEC) No 741/93, (EEC) No 744/93, (EC) No 2443/96, (EC) No 2200/97, (EC) No 2330/98, (EC) No 2800/98, (EC) No 2802/98, (EC) No 660/1999, (EC) No 546/2002, (EC) No 527/2003 are repealed.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at […],

For the European Parliament	*For the Council*
The President	*The Presiden*

[29] OJ L 78, 25.3.2003, p. 1.