EUROPEAN COMMISSION

Brussels, 17.12.2010
COM(2010) 751 final

Proposal for a

COUNCIL REGULATION

repealing Regulation (EEC) No 3448/80 on the implementation of Article 43 of the 1979 Act of Accession concerning the system of trade applicable to the goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80

EXPLANATORY MEMORANDUM

A number of acts which were adopted over the last decades have exhausted all their effects, but remain technically into 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 have become obsolete following their accession. The European Parliament, the Council and the Commission agreed in their inter-institutional agreement on better law making that Union law should be updated and condensed by repealing acts which are no longer applied.[1] Acts which have no continued relevance should be removed from the 'Union *acquis*', in order to improve transparency and certainty of Union law.

The Commission has carried out several exercises to remove obsolete legislation from the *acquis*, mostly by declaring the relevant Commission acts obsolete. Most recently, the Commission declared some 250 agricultural acts obsolete, some other agricultural acts and some 60 acts in the area of trade in processed agricultural products will be declared obsolete soon.[2]

The Commission identified a Council act in the area of trade in goods resulting from the processing of agricultural products, which is based upon Article 43 of the 1979 accession act, which has exhausted all practical effects, but is formally still in force. It is not within the Commission's powers to declare acts obsolete which were adopted by the Council. In the interest of legal certainty, the Commission suggests that the act listed in this proposal shall be repealed by the Council.

This proposal concerns the repeal of Council Regulation (EEC) No 3448/1980 that implemented Article 43 of the 1979 Act of Accession (Accession of Greece to the EC) concerning the system of trade applicable to processed agricultural products outside annex I to the Treaty. This Regulation provided for transitional measures for trade in such Non Annex I Goods between the EC of Nine and Greece. While Greece is a full Member now, this regulation has become obsolete and should be repealed.

The present proposal is similar to that foreseen for obsolete agricultural acts in the Simplification Rolling Programme adopted in the framework of the implementation of the Commission's strategy for simplification of the regulatory environment, as updated recently - document COM (2008) 712 Annex 2 to the 2009 Commission's Legislative and Work Programme.

[1] OJ C 321, 31.12.2003, p. 1.
[2] OJ C 30, 6.2.2009, p. 18.

Proposal for a

COUNCIL REGULATION

repealing Regulation (EEC) No 3448/80 on the implementation of Article 43 of the 1979 Act of Accession concerning the system of trade applicable to the goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 1979 Act of Accession, and in particular Article 43 thereof,

Having regard to the proposal from the European Commission,

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) Council Regulation (EEC) No 3448/80 of 22 December 1980 on the implementation of Article 43 of the 1979 Act of Accession concerning the system of trade applicable to the goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80[3] provided for transitional measures for trade of Non Annex I Goods between the EC and Greece between 1 November 1981-and 31 July 1982. While Greece is a full Member now, that regulation has become without subject and thus obsolete, and should consequently be withdrawn from the active "Union *acquis"*

(3) For reasons of legal certainty and clarity, Regulation (EEC) No 3448/80 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3448/1980 is 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.*

[3] OJ L 359, 31.12.1980, p.18.

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

Done at Brussels,

For the Council
The President