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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.7.2009
COM(2009) 377 final

2009/0103 (CNS)

Proposal for a

COUNCIL REGULATION

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 are still 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 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 Community 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 '*acquis communautaire*', in order to improve transparency and certainty of Community law.

The Commission has carried out several exercises to remove obsolete legislation from the *acquis*, partly through the traditional repeal procedure, partly by declaring the relevant Commission acts obsolete. Most recently, the Commission declared some 250 agricultural acts obsolete.² In its Communication "A simplified CAP for Europe - a success for all" of 18 March 2009, the Commission confirmed its intention to clean up agricultural rules.³ The present proposal is foreseen 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".

The Commission has identified a number of Council acts related to the Common Agricultural Policy, which have exhausted all practical effects. It is not within the Commission's powers to declare Council acts obsolete. In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council.

¹ OJ C 321, 31.12.2003, p. 1.

² OJ C 30, 6.2.2009, p. 18.

³ COM(2009) 128 final, 18.3.2009.

Proposal for a

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repealing certain obsolete Council acts in the field of the Common Agricultural Policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission⁴,

Having regard to the opinion of the European Parliament⁵,

Whereas:

- (1) Improving the transparency of Community law is an essential element of the better lawmaking strategy that Community 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 and Decision relating to the Common Agricultural Policy have become obsolete, even though formally they are still in force:
 - Council Regulation (EEC) No 2602/69 of 18 December 1969 on retaining the Management Committee procedure⁶. That Regulation has exhausted its effects since its content has been taken up by successive acts;
 - Council Regulation (EEC) No 922/72 of 2 May 1972 laying down general rules for granting aid in respect of silkworms for the 1972/73 rearing year⁷. That Regulation has exhausted its effects since it only covered the years 1972 and 1973;
 - Council Regulation (EEC) No 3570/90 of 4 December 1990 on derogations in respect of agricultural statistical surveys in Germany in connection with the unification of Germany⁸. That Regulation has exhausted its effects since it was intended for application during the transitional period following the German unification;

⁴ OJ C , , p. .

⁵ OJ C , , p. .

⁶ OJ L 324, 27.12.1969, p.23.

⁷ OJ L 106, 5.5.1972, p.1.

⁸ OJ L 353, 17.12.1990, p. 8.

- Council Regulation (EC) No 2611/95 of 25 October 1995 establishing the possibility of national aid being granted in compensation for losses of agricultural income caused by monetary movements in other Member States⁹. That Regulation has exhausted its effects since it concerned the possibility of granting three year aid to be notified before 30 June 1996;
- Council Regulation (EC) No 1107/2007 of 26 September 2007 derogating from Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as regards set-aside for the year 2008¹⁰. That Regulation has exhausted its effects since it only covered the year 2008.
- Council Decision 85/360/EEC of 16 July 1985 on the restructuring of the system of agricultural surveys in Greece¹¹. That decision has exhausted its effects since it covered the period between 1986 and 1996.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 2602/69, (EEC) No 922/72, (EEC) No 3570/90, (EC) No 2611/95 and (EC) No 1107/2007 and Decision 85/360/EEC 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 Brussels,

For the Council
The President

⁹ OJ L 268, 10.11.1995, p. 3.

¹⁰ OJ L 253, 28.9.2007, p. 1.

¹¹ OJ L 191, 23.7.1985, p. 53.