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EUROPEAN COMMISSION

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on repealing certain obsolete Council acts

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 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 Union 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. The Commission also identified a number of Council acts related to the Common Agricultural Policy, but which are based upon Article 207 of the Treaty (former Article 133), 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 In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council and the European Parliament.

¹ OJ C 321, 31.12.2003, p. 1.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on repealing certain obsolete Council acts

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission²,

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

Having regard to the opinion of the European Economic and Social Committee³,

Acting in accordance with the ordinary legislative procedure⁴,

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 acts relating to the common commercial policy have become obsolete, even though formally they are still in force:
 - Council Regulation (EEC) No 1471/88 of 16 May 1988 concerning the arrangements applicable to imports of sweet potatoes and manioc starch intended for certain uses and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁵ has exhausted its effects since its content has been taken up by successive acts.
 - Council Regulation (EEC) No 478/92 of 25 February 1992 opening an annual Community tariff quota for dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and an annual Community tariff quota for fish food falling within CN

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 134, 31.5.1988, p. 1.

code ex 2309 90 41, originating in, and coming from, the Faroe Islands⁶ was intended to open a tariff quota for the year 1992 and has therefore exhausted its effects.

- Council Regulation (EEC) No 3125/92 of 26 October 1992 on the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia⁷ dealt with a temporary situation and has therefore exhausted its effects.
- Council Regulation (EC) No 2184/96 of 28 October 1996 concerning imports into the Community of rice originating in and coming from Egypt⁸ was meant to grant customs duty reductions resulting from an international agreement which was subsequently replaced by another agreement entered into with Egypt and has therefore exhausted its effects.
- Council Regulation (EC) No 2398/96 of 12 December 1996 opening a tariff quota for turkey meat originating in and coming from Israel as provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁹ has exhausted its effects since it was based on the Association Agreement signed in the year 1995 which was subsequently replaced by the Association Agreement which entered into force on the 1st of January 2010 and which provided for new tariff rate quotas.
- Council Regulation (EC) No 1722/1999 of 29 July 1999 on the import of bran, sharps and other residues of the sifting, milling or other working of certain cereals originating in Algeria, Morocco and Egypt and the import of durum wheat originating in Morocco¹⁰ has exhausted its effects since it was meant as an interim instrument for the period prior to the entry into force of Association Agreements with Algeria, Morocco and Egypt which has taken place in the meantime.
- Council Regulation (EC) No 2798/1999 of 17 December 1999 laying down general rules for the import of olive oil originating in Tunisia for the period 1 January 2000 to 31 December 2000 and repealing Regulation (EC) No 906/98¹¹ introduced a measure applicable only in the year 2000 and has therefore exhausted its effects.
- Council Regulation (EC) No 215/2000 of 24 January 2000 renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products¹² only covered the year 2000 and has therefore exhausted its effects.

⁶ OJ L 55, 29.2.1992, p. 2.

⁷ OJ L 313, 30.10.1992, p. 3.

⁸ OJ L 292, 15.11.1996, p. 1.

⁹ OJ L 327, 18.12.1996, p. 7.

¹⁰ OJ L 203, 3.8.1999, p. 16.

¹¹ OJ L 340, 31.12.1999, p. 1.

¹² OJ L 24, 29.1.2000, p. 9.

- Council Decision 2004/910/EC of 26 April 2004 on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, of the one part, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Surinam, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 2003/2004 and 2004/2005 delivery periods¹³ had a temporary character and has therefore exhausted its effects.
 - Council Regulation (EC) No 1923/2004 of 25 October 2004 establishing certain concessions for the Swiss Confederation in the form of Community tariff quotas for certain processed agricultural products¹⁴ introduced a measure applicable from 1 May to 31 December 2004 and has therefore exhausted its effects.
 - Council Decision 2007/317/EC of 16 April 2007 establishing the position to be adopted, on behalf of the Community, within the International Grains Council with respect to the extension of the Grains Trade Convention 1995¹⁵ has exhausted its effects since its content has been taken up by a successive act.
- (3) The following acts concerning certain countries have become obsolete following the accession of those countries to the European Union:
- Council Decision 98/658/EC of 24 September 1998 on the conclusion of the Additional Protocol to the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part, and to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part¹⁶.
 - Council Regulation (EC) No 278/2003 of 6 February 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Poland¹⁷.
 - Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary¹⁸.
 - Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural

¹³ OJ L 391, 31.12.2004, p. 1

¹⁴ OJ L 331, 5.11.2004, p. 9.

¹⁵ OJ L 119, 9.5.2007, p. 30.

¹⁶ OJ L 314, 24.11.1998, p. 6.

¹⁷ OJ L 42, 15.02.2003, p. 1.

¹⁸ OJ L 146, 13.6.2003, p. 10.

products originating in Estonia and the exportation of certain agricultural products to Estonia¹⁹.

- Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia²⁰.
- Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia²¹.
- Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania²².
- Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic²³.
- Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic²⁴.

(4) For reasons of legal certainty and clarity, those obsolete acts should be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 1471/88, (EEC) No 478/92, (EEC) No 3125/92, (EC) No 2184/96, (EC) No 2398/96, (EC) No 1722/1999, (EC) No 2798/1999, (EC) No 215/2000, (EC) No 278/2003, (EC) No 999/2003, (EC) No 1039/2003, (EC) No 1086/2003, (EC) No 1087/2003, (EC) No 1088/2003, (EC) No 1089/2003, (EC) No 1090/2003, (EC) No 1923/2004 and Decisions 98/658/EC, 2004/910/EC, 2007/317/EC are repealed.

¹⁹ OJ L 151, 19.6.2003, p. 1.

²⁰ OJ L 163, 1.7.2003, p. 1.

²¹ OJ L 163, 1.7.2003, p. 19.

²² OJ L 163, 1.7.2003, p. 38.

²³ OJ L 163, 1.7.2003, p. 56.

²⁴ OJ L 163, 1.7.2003, p. 73.

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
The President

For the Council
The President