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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.7.2009
COM(2009) 375 final

2009/0102 (ACC)

Proposal for a

COUNCIL REGULATION

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 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 identified a number of Council acts related to the Common Agricultural Policy, but which are based upon Article 133 of the Treaty, which have exhausted all practical effects, but are 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 In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council.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

COUNCIL REGULATION

repealing certain obsolete Council acts

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission⁴,

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) Council Decision 91/373/EEC of 8 July 1991 on the conclusion by the European Economic Community of an Agreement in the form of an Exchange of Letters between the European Economic Community and the Union of Soviet Socialist Republics on a credit guarantee for exports of agricultural products and foodstuffs from the Community to the Soviet Union⁵ and Council Regulation (EEC) No 599/91 of 5 March 1991 introducing a credit guarantee for exports of agricultural products and foodstuffs from the Community to the Soviet Union⁶ should be repealed, as the agreement was meant to deal with a temporary situation and has lost all its effects.
- (3) Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV.6 consequent upon the accession of Austria, Finland and Sweden to the European Union⁷ has been incorporated into Council Regulation (EEC) No 2658/87 of 23 July 1987, as amended, on the tariff and statistical nomenclature and on the Common Customs Tariff⁸ and has as a result exhausted its effects.
- (4) Council Regulation (EC) No 1804/98 of 14 August 1998 establishing an autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and introducing a tariff rate quota on imports of residues from the manufacture of starch from maize (corn gluten feed) falling within

⁴ OJ C , , p. .

⁵ OJ L 202, 25.7.1991, p. 39.

⁶ OJ L 67, 14.3.1991, p. 21.

⁷ OJ L 334, 30.12.1995, p. 1.

⁸ OJ L 256, 7.9.1987, p. 1.

CN codes 2303 10 19 and 2309 90 20 originating in the United States of America⁹ was adopted in the framework of a trade dispute with the United States of America. As that dispute has been settled, Council Regulation (EC) No 1804/98 has no longer any practical relevance.

- (5) Council Regulation (EC) No 2249/1999 of 22 October 1999 opening a Community tariff quota for the import of meat of bovine animals, boneless, dried¹⁰ had a temporary character and has exhausted all its effects.
- (6) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco fixing, from 1 January 1994, the additional amount to be deducted from the levy or the customs duties on imports into the Community of untreated olive oil originating in Morocco and the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco derogating temporarily, as regards the importation into the Community of tomatoes originating in Morocco, from Agricultural Protocol No 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, have exhausted all their effects. Therefore, Council Decision 96/620/EC¹¹ of 1 October 1996 on the first agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco and Council Decision 2002/958/EC of 28 November 2002¹² on the conclusion of the second agreement should be repealed.
- (7) The following measures linked to the accession of new Member States have become obsolete following such accession: (i) Council Decision 85/211/EEC of 26 March 1985 concerning the conclusion of an exchange of letters extending the arrangement relating to clause 2 of the Agreement between the European Economic Community and the Socialist Republic of Romania on trade in sheep meat and goat meat¹³; (ii) Council Decision 93/722/EC of 23 November 1993 concerning the conclusion of an Agreement between the European Community and Republic of Bulgaria on the reciprocal protection and control of wine names¹⁴; (iii) Council Decision 93/724/EC of 23 November 1993 concerning the conclusion of an Agreement between the European Community and Republic of Hungary on the reciprocal protection and control of wine names¹⁵; (iv) Council Decision 93/726/EC of 23 November 1993 concerning the conclusion of an Agreement between the European Community and Romania on the reciprocal protection and control of wine names¹⁶; (v) Council Regulation (EC) No 933/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain wines originating in Bulgaria, Hungary and Romania¹⁷; (vi) Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products

⁹ OJ L 233, 20.8.1998, p. 1.

¹⁰ OJ L 275, 26.10.1999, p. 2.

¹¹ OJ L 277, 30.10.1996, p. 35.

¹² OJ L 333, 10.12.2002, p. 21.

¹³ OJ L 96, 3.4.1985, p. 30.

¹⁴ OJ L 337, 31.12.1993, p. 11.

¹⁵ OJ L 337, 31.12.1993, p. 93.

¹⁶ OJ L 337, 31.12.1993, p. 177.

¹⁷ OJ L 96, 28.4.1995, p. 1.

and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations¹⁸; (vii) Council Regulation (EC) No 410/97 of 24 February 1997 on certain procedures for applying the Interim Agreement on Trade and Trade-Related Measures 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 part¹⁹; (viii) Council Regulation (EC) No 2658/98 of 19 January 1998 concerning the approval of an exchange of letters between the European Community and the Republic of Hungary on certain import arrangements for agricultural products²⁰; (ix) Council Decision 1999/86/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements²¹; (x) Council Regulation (EC) No 678/2001 of 26 February 2001 concerning the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria, the Republic of Hungary and Romania on reciprocal preferential trade concessions for certain wines and spirits, and amending Regulation (EC) No 933/95²²; (xi) Council Decision 2002/63/EC of 23 October 2001 relating to the conclusion of a Protocol adjusting trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements²³; (xii) Council Decision 2003/18/EC of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions²⁴; (xiii) Council Decision 2003/285/EC of 18 March 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions²⁵; (xiv) Council Decision 2003/463/EC of 18 March 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account

¹⁸ OJ L 254, 8.10.1996, p. 1.

¹⁹ OJ L 62, 4.3.1997, p. 5.

²⁰ OJ L 336, 11.12.1998, p. 1.

²¹ OJ L 29, 3.2.1999, p. 9.

²² OJ L 94, 4.4.2001, p. 1.

²³ OJ L 27, 30.1.2002, p. 1.

²⁴ OJ L 8, 14.1.2003, p. 18.

²⁵ OJ L 102, 24.4.2003, p. 32.

of the outcome of negotiations between the parties on new mutual agricultural concessions²⁶; (xv) Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions²⁷; (xvi) Council Decision 2003/298/EC of 14 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions²⁸; (xvii) Council Decision 2003/299/EC of 14 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions²⁹; (xviii) Council Decision 2003/452/EC of 26 May 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions³⁰; (ixx) Council Decision 2004/484/EC of 22 September 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions³¹; (xx) Council Regulation (EC) No 1361/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania³²; (xxi) Council Regulation (EC) No 1037/1999 of 17 May 1999 on the application of specific measures for the import of grape juice and must originating in Cyprus.³³

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

²⁶ OJ L 156, 25.6.2003, p. 31.

²⁷ OJ L 102, 24.4.2003, p. 60.

²⁸ OJ L 107, 30.4.2003, p. 12.

²⁹ OJ L 107, 30.4.2003, p. 36.

³⁰ OJ L 152, 20.6.2003, p. 22.

³¹ OJ L 162, 30.4.2004, p. 78.

³² OJ L 198, 27.7.2002, p. 1.

³³ OJ L 127, 21.5.1999, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 599/91, (EC) No 933/95, (EC) No 3093/95, (EC) No 1926/96, (EC) No 410/97, (EC) No 1804/98, (EC) No 2658/98, (EC) No 1037/1999, (EC) No 2249/1999, (EC) No 678/2001 and (EC) No 1361/2002 and Decisions 85/211/EEC, 91/373/EEC, 93/722/EC, 93/724/EC, 93/726/EC, 96/620/EC, 1999/86/EC, 2002/63/EC, 2002/958/EC, 2003/18/EC, 2003/285/EC, 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/452/EC, 2003/463/EC and 2004/484/EC 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
[...]