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PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**FIRST REPORT ON THE IMPLEMENTATION OF THE FRAMEWORK ACTION  
“UPDATING AND SIMPLIFYING THE COMMUNITY ACQUIS”**

{SEC(2003) 1085}

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### ANNEX 1: Scoreboard

The Commission Staff Working Document (SEC(2003)1085), accompanying the present Communication, provides detailed information on Commission work on simplification.

## EXECUTIVE SUMMARY

The present Communication is the first interim report on implementation of the Framework for Action launched in February 2003 on “Updating and simplifying the Community *acquis*”. This initiative implements one of the actions of its “Better Regulation” initiative of June 2002 and aims to secure a clear, understandable, up-to-date and user-friendly body of secondary Community law and responds also to the objective to improve the regulatory environment in which business operate to enhance competitiveness as one of the goal set out in the Lisbon strategy.

Overall, the key actions of reducing the volume of legislation, making it simpler and of making it more accessible and meaningful are well underway, building on the Framework for Action launched in February 2003 and earlier initiatives:

- A horizontal policy for **legislative simplification** is emerging. Commission services are now screening nearly 20 policy sectors for simplification potential which could result in future simplification proposals for Parliament and Council. Around 170 directives and regulations have already been identified as confirmed or potential candidates for simplification and are currently under active examination by the Commission services. Of 23 planned simplification proposals for Phase I (February - September 2003), 14 have been adopted and 4 more are planned before the end of 2003. 4 additional simplification proposals have been adopted in Phase I although not included in the February engagement.
- A vast programme of **consolidation** was launched in 1996 and completed in June 2003 as planned.
- The even more demanding **codification** programme launched in November 2001 is now at cruising speed and is set, despite significant obstacles, to be completed by the end of 2005 as planned. During Phase I the Commission adopted 7 codified Commission acts and 15 proposals for codified acts to be adopted by the European Parliament and the Council. During Phase II (October 2003-March 2004) it plans to adopt or propose some 150 codifications.
- The reinforced efforts to **remove obsolete legislation** through formal repeal or by an additional instrument of “declaration of obsolescence” is beginning to give concrete results, although delays have occurred: Phase I efforts should shortly result in elimination of 30 obsolete legal acts and some 600 more are under consideration and could in part be implemented during Phase II.
- The initiative to develop a more reliable and user-friendly **organisation and presentation of Community law** is being taken forward. Measures to offer a more user-friendly access to consult and use Community law will be enacted before the end of 2003. Subsequent measures include a more focused presentation of the secondary legislation actually in force and of general applicability.

The Commission also reports on important obstacles in implementing the above actions, in particular for simplification and codification work. However, the Commission is satisfied that the process launched in February 2003 is set to continue to produce benefits for citizens and other users of Community legislation in the future. The Commission welcomes that the February Framework for Action is confirmed as the first global and coherent initiative for a policy of

maintenance of Community legislation. It is particularly encouraging that efforts are not concentrated in a few 'stakeholder' sectors but cover a wide range of policy areas.

**“UPDATING AND SIMPLIFYING THE COMMUNITY ACQUIS”  
FIRST REPORT  
ON THE IMPLEMENTATION OF THE FRAMEWORK FOR ACTION**

In the context of its “Better Regulation” initiative of June 2002, the Commission proposed in February 2003 a policy for “Updating and simplifying the Community *acquis*”<sup>1</sup>, aimed at securing a clear, understandable, up-to-date and user-friendly body of EC secondary law to the benefit of citizens, economic operators, public administrations etc.

The Commission’s Communication set out a framework for action to up-date and simplify Community legislation through six lines of action (simplification, consolidation, codification, repeal, obsolescence and organisation & presentation of the *acquis*). Most of the key actions were envisaged to be implemented through 3 phases:

- Phase I: February 2003 - September 2003
- Phase II: October 2003 - March 2004
- Phase III: April 2004 - December 2004

The present report responds to the Commission’s commitment for regular reporting on implementation of the framework for action<sup>2</sup>. This first report covers the implementation of Phase I and the envisaged work for Phase II. It focuses on progress in the Commission’s implementation of the framework for action and presents a *scoreboard*. The Commission will again report on implementation and planned work in April and by the end of 2004. The report covers the broad objectives of the February Communication which can be summarised as follows:

- ***Simplification***: The first objective is to simplify, wherever possible, existing secondary legislation<sup>3</sup>. This action aims to start a process of modernisation and simplification of existing legislation and policies – not to deregulate or cut back the *acquis* but to replace, when possible, past approaches with better adapted regulatory instruments. Simplification is to be understood in a wide sense, covering modification of legislation to apply more efficient or proportional legal instruments, but also simplification of the substance of our policies while preserving their essential elements.
- ***Up-dating and reducing the volume of Community legislation***: The second broad objective is to up-date and reduce the volume of Community legislation. This is pursued through a series of actions which will not change the current law as such: the **consolidation** of the existing

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<sup>1</sup> COM (2003) 71 of 11 February 2003.

<sup>2</sup> The Commission will report more comprehensively on implementation of the Better Regulation Action Plan by the end of the year.

<sup>3</sup> The framework for action launched by the Commission on the 11 February 2003 (COM(2003) 71) defined the target *acquis* for the planned actions to be all secondary legally binding acts. At the end of 2002, this secondary legislation represented a volume of approximately 14.500 legal acts and some 97.000 pages of the Official Journal. This definition of the Community *acquis* includes regulations, directives and decisions (both of the type *Entscheidung*, i.e. binding decisions adopted normally by the Commission and rarely by the Council and addressed to one or several specific addressees, or of the type *Beschluss*, i.e. decisions that are not addressed to one or more specific addressees) within the meaning of Article 249 TEC.

*acquis*; the on-going **codification** initiative; and the **removal of obsolete legislation** through formal repeal or by an additional instrument of “declaration of obsolescence”.

- ***Organisation and presentation of the Community Acquis***: Thirdly, the Commission proposed to develop a more reliable and user-friendly presentation and access to consult and use Community law, in particular the “active and generally applicable *acquis*” which consists of the secondary legislation actually in force and of general applicability.
- ***Transparent and effective implementation***: Finally, the Commission’s Framework for Action aims at providing a coherent framework for all Community action and to provide the technical and political focus required to obtain concrete results. The Commission agreed an inter-institutional agreement on better regulation with the Council and the European Parliament in June 2003 which is set to be formally adopted by the three institutions in autumn. Following the engagement taken in the February Communication, the Commission presents a scoreboard with information on the progress made with regard to the simplification, codification and repeals & declarations of obsolescence.

## 1. SIMPLIFYING THE ACQUIS

In the February Communication, the Commission defined simplification broadly. Simplification can, on the one hand, mean modification of legislation without affecting the substance of the underlying policy. This can be relevant when, for example, more efficient or proportional legislative instruments and techniques are available than those currently used. This approach is neutral to the underlying political choices. On the other hand, simplification can also mean efforts to simplify the substance of a policy, for example its objectives or its scope. In such cases, it may be necessary to adapt or entirely rethink the legislative approach.

With the February Communication, the Commission launched a broad simplification programme to be taken forward in three phases. This simplification programme intends to reinforce the political impetus to achieve simplification and builds on the following key steps:

- first, the development of prioritisation indicators to help select sectors where simplification appears particularly relevant;
- second, based on these priority indicators, the Commission selects policy sectors to be screened for simplification potential. This screening may result in identification of specific legislative acts as candidates for simplification;
- third, legal acts identified as candidates for possible simplification are examined in detail and concrete simplification proposals are developed, using best practice methodology and procedures, in order to arrive at formal Commission proposals for simplification.

The simplification process is long-term work which requires careful planning and important resources. When the Commission launched its February initiative, some Commission departments already had simplification work underway (with SLIM and BEST for example). The methodology launched in February was not intended to stop and re-design all simplification work already underway within the Commission. Nor was it the Commission’s intention to subject all

work to the cycle of the 3 phases. Rather, the intention was encourage and facilitate additional simplification work through a new methodology and to take stock of progress according to the three phases, even if some work will continue into 2005 or 2006.

## 1.1. Phase I

### 1.1.1. Indicators for prioritisation

In the February Communication, the Commission set out a preliminary list of 8 prioritisation indicators<sup>4</sup> to guide the Commission and its services to set priorities for efforts towards simplification of Community legislation.

The Commission specifically invited Council and Parliament to give their views on the proposed indicators for prioritisation. However, neither Parliament nor Council have yet given their views as institutions on the proposed indicators. One Member State, Denmark, submitted an official contribution in June 2003 which welcomes the indicators proposed by the Commission although it also proposes to make the indicators more specific and structured.

Moreover, the Commission launched, in accordance with the general principles and minimum standards for consultation of interested parties<sup>5</sup>, a public consultation<sup>6</sup> on the February 2003

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<sup>4</sup> **A: Importance of a particular policy area, assessed through two specific indicators:**

*1) The policy areas' relative importance within the European economy and the EU Internal Market in terms of growth, competitiveness and jobs; 2) The weight a particular policy area represents in terms of its share of the EU secondary Community law and how significantly its functioning is influenced by EU legislation (for example indicated by the number of legal acts and Official Journal pages) and the level of technical details included in the existing acts in force.*

**B: Where there are indications of potential problems with existing legislation:**

*3) where there are difficulties in implementing the legislation because of successive amendments, overlapping or conflicting requirements and potential legal uncertainty resulting from inconsistent definitions or terminology, or as a result of Member State transposition which has itself added unnecessary, complicated, detailed or excessive provisions; 4) where experience has shown that administrative implementation and compliance costs appear disproportionate in relation to the benefits sought by the EC legislator and achieved; and/or the potential for legislative (and policy) simplification is considerable; 5) where there are potential major risks (fundamental rights, the environment, consumers, health or safety; industries or services, etc.) that are not satisfactorily targeted by existing legislation but which could be addressed in a simplification initiative rather than in a new legislative proposal.*

**C: Where new political initiatives or evolving regulatory practices may justify legislative update and consequently an opportunity to simplify the *acquis*:**

*6) where the application of horizontal initiatives (sustainable development, environmental concerns; safety; fundamental rights, etc.) require updating and amendment in respect of a particular sector; 7) where the legislative approach may no longer be appropriate and could be replaced by more efficient, flexible and proportionate instruments (for example, framework directives, new approach directives or "softer" regulatory alternatives). In addition, evaluation of Community policies should be more systematically used to establish the possible need for simplification; 8) where new obligations (for example, resulting from international agreements) require updated legislation or changes to the legislative format chosen in order to exploit more effectively the potential synergies between overlapping regulatory regimes, or where European legislation refers to international agreements and annexes such agreements to Community legal acts.*

<sup>5</sup> Communication "General principles and minimum standards for consultation of interested parties by the Commission" COM(2002) 704 of 11 December 2002.

<sup>6</sup> Via the Commission's Interactive Policy Making (IPM) on-line consultation website: <http://europa.eu.int/yourvoice/>

Communication in order to enable stakeholders to give their opinion on the proposed prioritisation criteria as well as their views and priorities on policy sectors in need of simplification. The public consultation ended in June and provided 100 responses to a detailed questionnaire asking interested parties to comment on prioritisation indicators and the policy sectors where simplification is needed. 78 contributions came from citizens, 11 from representative organisations. Business and public administrations gave very little response. Although hardly representative, the public consultation, largely confirmed the indicators proposed by the Commission.

The contributions received so far broadly confirm the proposed methodology, in particular the proposed indicators for prioritisation. The Commission is therefore not revising the indicators at this stage.

#### *1.1.2. Progress on sector screening*

Based on the indicators proposed in the February 2003 Communication, the Commission immediately identified 19 policy sectors to be screened for simplification potential<sup>7</sup>. During Phase I, the screening has been taken forward and, in the case of 14 sectors, the screening exercise has now been completed and no further screening is envisaged in these sectors up to end-2004. During Phase I, Commission services also completed screening of 2 additional policy sectors (chemicals and regional policy), although not announced in COM (2003) 71.

All completed screening exercises have resulted in work towards specific proposals for simplification. The following table provides a summary of progress in the screening of policy sectors<sup>8</sup>:

#### **Phase I: Summary on progress of policy sectors screening**

##### **➤ Policy sectors identified for screening in COM(2003)71:**

*Industrial products:* Motor Vehicles type-approval system, Marketing authorisation for medicinal products, Processed agricultural products.

Screening of the very voluminous legislation concerning the **motor vehicle type approval** system was launched in Phase I to identify legal acts to be subject to the first stage of this simplification programme, i.e. codification and recasting (which has in some cases already started). For **marketing authorisation for medicinal products**, the recasting of existing codified legislation started during Phase I in the framework of the review of the pharmaceutical legislation launched in 2001. Screening of legislation on **processed agricultural products** has resulted in identification of 3 Commission regulations to be simplified (Regulations (EC) 1520/2000, 3223/93 and (EEC) 3615/92).

*Agriculture:* CAP reform - a long term perspective for sustainable agriculture, Implementing rules in the rural policy sector, State aids exemption regulations

<sup>7</sup> Policy sectors are not defined uniformly but can represent varying volumes of legislation, see SEC (2003) 1085

<sup>8</sup> See SEC (2003)1085 Table 1 for details.

The Council adopted a political compromise on **CAP reform** in June. Many features of this reform will produce a more efficient and simpler agricultural policy in the longer term, which will be more effective in supporting the farming industry. Concerning the **implementing rules for rural development**, a concrete package of measures has been adopted by the Commission. As regards **State aids exemption regulations**, a draft block exemption regulation has been adopted by the Commission on 19 February 2003, discussed with Member States, on 20 June 2003, and published in the OJ (OJ C 194, 15.8.2003) for comments from third parties. After a second consultation of Member States, the Commission intends to adopt the final text by the end of 2003 and to make it applicable by January 2004.

*Health & food safety:* Feed materials and compound feeds, Food contact materials, Novel foods

The screening of this sector has led to identification of the following simplification initiatives: recast and modernisation of regulations on **feed materials and compound feedingstuffs** by the recast and merging of the Directives 79/373/EEC and 96/25/EC; recast for modernisation of the framework on **food contact materials** (directives 80/590/EEC and 89/109/EEC) and on plastic materials to harmonise and simplify procedures; and the recast for modernisation of Regulation 258/1997 on **novel foods**.

*Taxation and Customs:* Capital duty directive

Commission services have identified the **Capital duty directive** as a possible candidate for simplification. A first round of discussions with experts from Member States took place in April this year. Further discussion will take place during October and November. A first draft proposal for simplification is foreseen for the first half of 2004.

*Empl. & social affairs:* Health and safety at the work place, Equal treatment between men and women

The screening of *legislation* on **health and safety at work place** is well under way and the adoption of a Commission report in this respect is foreseen for October 2003. The report may identify the need to revise, update or simplify existing provisions. The legislation for **equal treatment between women and man**, which is also subject to the new extensive impact assessment tool, is proceeding. A draft options paper has been published and has been put on internet for public consultation.

*Drugs:* European Monitoring Centre for Drugs

A screening exercise has been done for the Regulation 302/93 concerning the European Monitoring Centre for Drugs.

*Competition:* Implementation rules on Merger Regulation, Implementation rules on Antitrust Regulation, State Aids procedures and rules

As to the **implementation rules on the Merger Regulation**, DG COMP is in the process of preparing interpretative acts (Commission Notices) to the proposed Council Regulation recasting Regulation (EEC) No 4064/89. The screening exercise regarding the **implementation rules on the Antitrust Regulation** resulted in the identification of those acts that will be repealed and those that will be replaced by other acts implementing or facilitating the application of Council Regulation 1/2003 on the implementation of Articles 81 and 82 EC. The adoption by the Commission of the replacing acts early 2004 will complete the screening exercise. With regard to **State Aids procedures and rules**, a detailed screening was implemented to identify scope for simplification and elimination of obsolete policy documents.

*Environment:* Waste legislation, Air quality legislation

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<sup>9</sup> Internal Commission Communication on the simplification, clarification, co-ordination and flexibility in the management of the structural policies 2000-2006, C (2003) 1255 of 25 April 2003.

The Commission launched via a Communication (COM(2003)301) a consultation of institutions and interested parties to develop a coherent policy on the prevention and the recycling of **waste**. A thematic strategy will be adopted in 2004 and will imply the simplification of existing legislation. New legislative proposals will be put forward in the framework of the new thematic strategy, but not before 2005. Concerning **Air Quality** legislation, the Commission adopted a Communication on Clean Air for Europe (COM (2001) 245) and in this context the Framework directive 96/62 has been identified for simplification potential.

*European contract law:* Common Frame of Reference

Review is underway of the existing *acquis* contained in some 15 sectoral directives. The process foresees two stages: (1) Elaboration of a **Common Frame of Reference** (CFR) with definitions of basic concepts to be used (2) when reviewing existing *acquis* and preparing new proposals.

➤ ***Additional policy sectors (not announced in COM(2003)71):***

*Structural policy:* Management of the structural funds

Although not announced at the outset of Phase I work, the Commission completed a screening of the regional policy with the adoption of an internal document on the simplification of the procedures concerning the **management of the structural funds**<sup>9</sup>. In the framework of this initiative, the Commission already adopted Regulation 1145/2003 of 27 July 2003 modifying Regulation 1685/2000 simplifying part of the legislation in the field of management of the structural policies.

*Industrial products:* Chemicals

During Phase I, the Commission also completed a screening and review of **chemicals legislation** with the adoption of the White Paper "Strategy for a future Chemicals policy" of 27.2.2001 (COM (2001) 88). A proposal for a regulation setting up the new legislation on chemicals is planned to be adopted by the Commission before the end of 2003.

### *1.1.3. Specific candidates for simplification*

With the February Communication, the Commission clarified that a very significant amount of concrete simplification work is actively underway within Commission services. Thus, the February Communication identified around 140 directives, 30 regulations and a small number of decisions as confirmed or potential candidates for simplification<sup>10</sup>. Moreover, this effort is not concentrated in a few 'stakeholder' sectors but covers a wide range of policy areas.

The bulk of simplification work is underway with target dates for finalisation beyond Phase I. Specifically for Phase I, the Commission took the engagement to adopt 23 formal proposals with simplification implications. By the end of Phase I, 14 of these have been adopted while 4 additional initiatives with simplification implications, not included in the February commitments, have also been adopted. 8 initiatives programmed for Phase I were postponed (of which 4 are still

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<sup>10</sup> The majority of which are initially under a codification process in view of a future simplification relate to the automotive sector.

expected to be adopted in 2003) and one planned simplification initiative was abandoned. Status of this work is reported in the following table<sup>11</sup>.

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<sup>11</sup> See SEC (2003) 1085, Table 2 for details.

## Phase I: Summary on preparation of simplification proposals <sup>12</sup>

### ➤ *Adoption of 14 proposals:*

Directive 70/156 relating to type approval of motor vehicles and their trailers; Sixth VAT Directive, COM (2003) 397 <sup>13</sup>; Regulation 541/95 and 542/95 on marketing authorisation of medicinal product; Regulation 445/2003 implementing rules in the rural policy sector; Common Market Organisation for fresh fruit and vegetables; Regulation 613/91 on the registration of ships; Directive 92/42 concerning on the energetic efficiency of apparatus; Directives concerning pesticides in plant protection (Directives 76/895, 86/362, 86/363, 90/642 and 91/414); Council Merger Regulation 4064/89; Commission Implementing Regulation on Antitrust (27/62); Implementing and interpretative rules related to Antitrust regulation 27/62 (adoption of a number of draft notices); Decisions 94/3 and 94/904 related to waste list and procedures; Regulation 259/93 concerning the transfer of waste; Common Agricultural Policy - State aids exemption regulations.

### ➤ *Adoption of 4 additional simplification initiatives that were not announced in COM(2003)71:*

Regulation 1145/2003 simplifying the legislation in the field of management of the structural policies; two regulations concerning technical control measures for fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources (CCAMLR); simplification proposals for the processed fruit and vegetables sector were adopted at the end of July (Regulation 1535/2003)

### ➤ *Postponement of 8 planned initiatives (in the first 4 cases, the postponement implies less than 6 month delay as adoption is planned by the end of 2003):*

; Regulations 2299/89, 3089/93 and 323/99 on the reservation system in air transport; Regulation 302/93 on the European Monitoring Centre for Drugs; State Aids procedures and rules; Directives on equal treatment between men and women; Pre-packaging legislation (Directives 75/106, 76/211 and 232) will not be adopted by the end of 2003 but by February 2004 (Phase II); Regulations 2407/92, 2408/92 and 2409/92 on the functioning of the aviation market; New directive on driving licences (replacing 6 older acts); Directive 96/67 on access to the ground handling market in Community airports.

### ➤ *Cancellation of 1 planned initiative:*

The planned simplification initiative concerning Directive 88/599 on road and transport procedures has been cancelled.

<sup>12</sup> In this table, the calculation of postponements and cancellations concerns only those simplification initiatives, for which the Commission's Work Programme had announced adoption of final proposals during Phase I. Thus, it does not account for simplification work with later target dates. The planned initiative concerning the simplification of Directive 88/378 on the **safety of toys** constitutes a special case: it was announced in the February Communication for finalisation in 2003 but this initiative has been removed from the Commission Legislative and Work Programme for 2003 (CLWP). As no precise target date was indicated, it has not been counted as a postponement of planned Phase I initiatives. The planned simplification initiatives for the **Common Market Organisations** for the **tobacco** and **cotton** sectors also present special cases (proposals have been already announced in the CLWP 2003 and COM (2003) 71): the Commission adopted on the 23rd September a Communication containing policy options for the reform of these sectors (as well as for the olive oil and the sugar sectors). The Commission has confirmed that simplification proposals will be made following the discussion of this policy document with the other institutions during phase II of the present framework action.

<sup>13</sup> The simplification of the 8<sup>th</sup> VAT directive mentioned in COM (2003) 71 is being discussed in the Council on the basis of a Commission proposal already adopted in 1998 (COM (1998) 377) and for that reason it should not be counted in the framework of the present action.

#### 1.1.4. *Assessment of progress*

The main objective pursued by the Commission is to achieve more simplification of Community legislation. The Framework for Action set up a global and coherent framework with a common methodology to give to the simplification process political impetus; strong commitment by all Commission departments, visibility to citizens, Council, European Parliament, Member States, public administrations and interested parties. The results of the first 6-7 months of implementation (Phase I) are mixed but not unsatisfactory.

The main positive result of this phase of implementation of the framework action is the fact that most of the Commission departments in charge of significant parts of Community legislation are working actively to simplify parts of the Community *acquis*<sup>14</sup>. Moreover, there is also a good spread across policy sectors and departments.

This confirms a shared understanding of the importance of a coherent and transparent approach to improving the quality of Community legislation and a common methodology. The fact that Commission departments continue to identify new policy sectors to be screened and specific candidate acts for simplification, even if not part of prior Commission commitments, is very encouraging and demonstrates that objectives and methodology are being integrated into daily Commission work.

However, Commission departments are also facing difficulties in implementing this new methodology and it will take some time to be uniformly applied. The main reason is that it is the first time that the Commission has undertaken a systematic horizontal screening of the Community *acquis* to identify candidate acts for simplification with the application of specific criteria for prioritising and subject to on-going monitoring in accordance with the 3 phases.

In particular, strict application of the prioritisation indicators and selection of policy sectors for screening has proven a relatively weak point. Although work is progressing, a more structured and consistent application of the methodology set out in February would have been desirable. This aspect will be addressed during the subsequent phases of Commission work. However, it should also be recognised that in several cases, the Commission services already had simplification work under way (mainly preparation of specific simplification proposals) and the new methodology of the Framework for Action has sometimes been seen as more disruptive than helpful for such services who were already actively preparing simplification.

Moreover, it has proved relatively difficult to organise the rhythm of work according to the phased approach of the Framework for Action. Implementation and reporting in accordance with the 3 phases has therefore proved to be difficult. The simplification work under way is, in most cases, long-term work, consisting of different phases, involving consultation of stakeholders and subject mainly to the Commission's annual programming and implementation cycle.

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<sup>14</sup> From the outset, the following policy areas were involved: Enterprise policy, Transport and Energy, Health and Consumer Protection, Agriculture, Taxation and Customs, Competition; Employment and Social Affairs, Environment, Justice and Home Affairs. Subsequently, initiatives have been launched also in the following policy areas: Regional Policies, Fishery, Education and Culture and Statistics.

## 1.2. Phase II

### 1.2.1. Indicators

Neither the Parliament, nor Council have taken the opportunity to comment on the prioritisation indicators proposed in February 2003. As the other comments received (see above) are either supportive or not necessarily representative, the Commission sees no need to review the prioritisation indicators at this point in time. The Commission services will therefore continue to apply the indicators set out in February for work during Phase II.

Nevertheless, the Commission reiterates its invitation to the other institutions and Member States to contribute to the reflection on the indicators for prioritisation.

### 1.2.2. Policy sector screening

Of the original 19 policy sectors identified for screening in the February Communication, the process has been completed for 14 sectors. For the remaining sectors, the screening will continue into Phase II (and in some cases beyond)<sup>15</sup>. Although the methodology and procedures of the Framework for Action are not being applied as systematically as could be, some Commission services have also identified additional policy sectors, on which screening for simplification potential is now being launched.

#### Phase II: New policy sectors for screening

➤ *Agriculture* : Import quotas

The Commission is currently evaluating the management of agricultural **import quotas** in order to determine the potential for simplification. This work should be concluded during Phase II. The Commission is also developing a computerised system for management of agricultural import quotas. This system will both improve and simplify management of quotas for both the Commission and the national administrations. The development, validation and implementation phase should conclude by July 2004, i.e. during Phase III.

➤ *Fishery* : Fishery organisation in the context of NAFO

The Community legislation related to the **North-west Atlantic Fisheries Organisation (NAFO)** will be examined in view of the preparation of a framework regulation covering all aspects of fishing activities in the North-west Atlantic that are actually regulated by several texts. The draft regulation will be presented during phase II

The public consultation held on the February 2003 Communication gave a detailed response concerning the policy sectors where simplification is needed. The following policy sectors were indicated (by percentage of respondents): Employment and Social Affairs come in the first place (42%) followed by Economic and Financial Affairs, Health and Consumer Protection and Justice and Home Affairs (each 36%). Agriculture, Internal Market and Taxation are also considered priority sectors (34%) followed by Environment (32%), Competition (30%), Enterprise (25%), Energy and Transport (23%) and Trade (22%). Although the public consultation cannot be considered as representative of all relevant interests, it largely confirms the priorities identified in the Commission's February 2003 Communication.

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<sup>15</sup> See SEC (2003)1085, Table 1 for details.

### 1.2.3. Work on specific candidates for simplification

As outlined above, the work launched in Phase I on specific simplification candidates was only in part programmed to be completed during Phase I. During Phase II, the Commission will therefore pursue the work, in particular to present the 8 proposals that have been delayed from Phase I.

In addition, the Commission is planning to finalise 9 newly identified candidate acts for simplification. In total, counting initiatives planned for Phase II (6 initiatives), postponed Phase I initiatives and newly identified ones, 23 proposals for simplification of directives and regulations are now planned to be adopted in Phase II.

#### **Phase II: Summary of new specific candidate acts for simplification**

➤ *Industrial products: Chemicals*

In the context of the implementation of the White Paper “Strategy for a future Chemicals policy” of 27.2.2001 (COM (2001) 88), a proposal for setting up the new legislative framework on chemicals will be adopted by the Commission in 2003 (repealing Directive 76/769/EEC).

➤ *Agriculture: Common Market Organisations for sugar, hops, processed citrus fruits, and Promotion of Agricultural Products*

On 23rd September 2003, the Commission adopted a Communication containing policy options for the reform of the tobacco, olive oil, cotton and **sugar** sectors<sup>16</sup>; a further Communication containing policy options for the **hops** sector is to follow soon. It is expected that appropriate legislative proposals will be made in due course, following discussion of these documents in the other Institutions. It is also intended to make simplification proposals relating to the **processed citrus fruits** sector.

Concerning the **Promotion of Agricultural Products**, the Commission will report to Council before the end of 2003 on the application of the basic Regulations. It is expected that this report will be accompanied by proposals for modification, adaptation and simplification of the Commission implementing Regulations 2879/2000 and 94/2002, which have undergone numerous changes and require consolidation.

➤ *Internal Market: 2<sup>nd</sup> Company Law Directive*

Although most of the horizontal internal market legislation has already been simplified (e.g. financial services, company law, professional qualifications, public procurement) thanks to work which predates the launch of the Commission's February 2003 framework of action, the **2<sup>nd</sup> Company Law Directive** has now been identified as a candidate for simplification.

➤ *Statistics: The “statistical law”*

Ongoing revision of present legislation within Eurostat has focused on simplification, applying a general approach with a view to identify simpler ways to regulate current provisions. However, additional proposals focusing specifically on simplification have not been feasible due to lack of resources. A revision of the **statistical law** has been initiated.

➤ *Euratom:*

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<sup>16</sup> Simplification proposals for the tobacco, olive oil and cotton sectors have been announced already in COM (2003) 71 and in the Commission Legislative and Work Programme for 2003 and should not be counted as new proposals for phase II.

The proposal is based on a SLIM report (fifth phase of the SLIM initiative). The objective is to introduce a more comprehensive and simplified (SLIM recommendations) administrative arrangements to allow Member States and third countries to take appropriate measures in case of **shipments of radioactive waste or substances**.

➤ *Audio-visual policy:* Television without frontiers directive

The Commission launched a consultation process on the **Television without frontiers directive** all interested parties are invited to submit written contributions by 15 July 2003. Based on the results of this public consultation, the Commission will publish, at the end of 2003, a communication on the future of audio-visual policy, together with proposals if appropriate. The simplification of the rules on advertising is under discussion.

Starting with the Commission's Legislative and Work Program for 2004, the Commission will set out its annual simplification priorities.

## 2. UP-DATING AND REDUCING THE VOLUME OF THE ACQUIS

### 2.1. Consolidation

Consolidation integrates in a single text the provisions of the original instrument together with all subsequent amendments to it. Although consolidation, unlike codification, is a non-legislative process (i.e. a consolidation does not have formal legal effect), the coherent incorporation of amendments into legislative texts brings benefits to citizens, administrations and business in the form of a more accessible, transparent legislative framework. Moreover, consolidation has the advantage that no legal procedure is necessary and that the cost and delay of publishing in the Official Journal is avoided<sup>17</sup>. Consolidated texts are publicly available through EUR-Lex.

A vast programme aimed at consolidating all existing Community legislation, wherever possible, has been undertaken by OPOCE since 1996 was completed as planned in mid-2003. This represents a major achievement by providing a more accessible and transparent legislative framework.

Having completed the consolidation of the existing *acquis*, OPOCE will now continue to automatically incorporate subsequent legislative changes to any text included in the *acquis*. This is a continuous process that will take place automatically in the future. The Commission will closely monitor and assist in the process to ensure that citizens, administrations and business benefit from up-date information.

### 2.2. Codification

The Commission launched in November 2001 a large programme for codification<sup>18</sup> of all Community secondary legislation which should be completed by the end of 2005<sup>19</sup>. With the

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<sup>17</sup> Some consolidations can, exceptionally, be published in the OJ (C series).

<sup>18</sup> Legislative or official codification refers to the adoption of a new legal instrument, which is published in the L series of the Official Journal, and which incorporates and repeals the previous instruments (i.e. the basic instrument(s) and any amending instruments), without changing their substance. Vertical codification is where the new legal instrument incorporates the basic instrument and any amending instrument in a single legal instrument. Horizontal codification is where the new legal instrument incorporates a number of

February 2003 Communication, this programme was integrated into the wider Framework for Action on Up-date and Simplification of the Community *acquis*, providing for a more structured programming and implementing of the codification programme in accordance with the 3 phases and applying, where possible, prioritisation according to the indicators set out for the Commission's simplification work.

### 2.2.1. Phase I

The Commission had envisaged to propose/adopt<sup>20</sup> 217 codification initiatives during Phase I. However, only 7 codified Commission acts have been adopted, together with 15 proposals for codification of EP/Council acts<sup>21</sup>. 29 planned codification initiatives have been abandoned because the legislation in question has been repealed or is no longer in force. The codification of 166 acts has been suspended because they may either be repealed or amended in the near future. The adoption of the bulk of the Phase II initiatives will be affected by the accession moratorium referred to below. This result is less positive than the expectations for Phase I, as set out in the February Communication.

Codification has encountered several difficulties. Codification involves complex preparatory work (relying also on external contractors) which has, at times been in a precarious situation from the point of view of Community budgets. Moreover, the codification programme requires major organisational and resource allocations in OPOCE and the Commission (in particular in the Legal Service, where a dedicated service has been established) which only became fully operational in July 2002. The Commission and OPOCE have also had to address other logistical and IT obstacles, as well as the need to prepare codifications in nearly twice as many official language versions as of accession in May 2004. In addition, normal legislative activity does not come to a standstill for codification and delays are inevitable where a new amendment is to be adopted which must then be incorporated into the codified text.

However, this delay is less serious in a longer time perspective. The budgetary, logistical and technical obstacles appear to have been resolved and the entire system is now working at cruising speed. This should ensure the continued production during Phase II of adoptions and proposals of codifications. The result of this work will manifest itself as a very significant formal finalisation of codification initiatives as of May 2004, provided the *acquis* is translated into the new official languages in good time.

### 2.2.2. Phase II

While the obstacles encountered in earlier phases appear to have been overcome, the February communication also recalled that enlargement will have an important impact on the implementation of the codification programme. Thus, the formal adoption and publication of

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parallel basic instruments – and any subsequent amendments – in a single instrument covering the same subject.

<sup>19</sup> COM (2001) 645 of 21.11.2001.

<sup>20</sup> For acts adopted by Council/Parliament, the Commission presents proposals for codification, which subsequently require formal adoption by Council/Parliament as appropriate. For Commission acts, the Commission alone adopts codifications.

<sup>21</sup> See Annex 1.

codified texts is suspended during the nine months preceding accession on 1 May 2004 in order to leave the Community acquis stable during the transition phase towards enlargement.

The difficulties encountered in implementing the codification work has led to a revised programming for the subsequent phases. Finalising the backlog from Phase I significantly reduces the number of additional codifications that can be finalised during Phase II. Thus, while the February Communication envisaged finalisation of nearly 600 codification initiatives during Phase II, the delay of Phase I work means that only some 150 codifications can be finalised during Phase II (about 75 carry-overs from Phase I and 75 of the initiatives originally planned for Phase II).

Given this outlook and the importance of the codification programme for the success of the Framework for Action, the Commission is now implementing reinforced monitoring to ensure progress. Despite the above difficulties, the current outlook and programming implies that the Commission is expecting to have adopted/proposed in total some 170 codifications during February 2003 – April 2004 (currently 124 codifications have been completed by the Legal Service and are progressing through the legislative procedure).

Concerning codification proposals to be adopted by Council and Parliament together, the interruption of Parliament's work due to elections in mid-2004 will further delay final adoption of some codifications.

### **2.3. Repeal and declaration of obsolescence**

An important contribution to the cleaning up and reduction of the volume of the Community *acquis* is envisaged to come through repeals and so-called declaration of obsolescence<sup>22</sup>.

The Framework for Action adopted by the College in February 2003 set out a phased approach to repeals and obsolescence; at the beginning of each phase, chef-de-file services identify and announce candidate acts for repeal or declaration of obsolescence. Candidates are subsequently verified by the Legal Service before formal action is taken. This process was envisaged to play out in 3 phases, with candidate acts being announced at the beginning of each phase and confirmed by the end of it.

#### *2.3.1. Phase I*

In its February Communication, the Commission identified 582 legal acts as candidates for either repeal or declaration of obsolescence<sup>23</sup>. A listing of these acts were presented in a separate Commission Staff Working Paper<sup>24</sup>. In the first Phase, the Commission placed emphasis on autonomous acts but also identified Council and Parliament acts as candidates for repeal and declaration of obsolescence and announced its intention to propose action to Parliament and Council.

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<sup>22</sup> Repeal consists of terminating, through a separate new legal act, the validity of a legal act and thus removing it from the body of legislation in force. Declaration of obsolescence does not of itself imply the removal of the legal act but a declaration that it has exhausted its legal effects or is for some reason no longer applied (this fact being indicated in CELEX).

<sup>23</sup> See Annex 1 (*scoreboard*).

<sup>24</sup> SEC (2003) 165, pp. 77 - 124.

To illustrate the significance of this, it is recalled that the volume of Community secondary legislation within the meaning of Article 249 stood at 14.153 legal acts<sup>25</sup> by the end of 2002. The 582 candidate acts identified for Phase I thus amount to approximately 4% of the *acquis* in force by the end of 2002. Of these, 106 represented Council/Parliament acts which require a Commission proposal to the legislator(s).

In February 2003, five Commission services announced planned work for Phase I. The vast majority of planned work (more than 90%) was announced by only two Commission services responsible for agriculture and health & consumer protection. This concentration of work partly reflects the very important volumes of legislation that exists in these policy areas. However, it should also be noted that, when launching the exercise in February 2003, the Commission initially concentrated its efforts in a few key policy areas with the most promising potential while similar exercises in other policy areas were envisaged to take place in subsequent phases.

For Phase I, it is clear that the results obtained are far from those envisaged at the outset. The summary statistics presented in the *scoreboard*<sup>26</sup> demonstrate that only a limited number of these were finalised during Phase I (13 Commission acts have in fact been repealed or declared obsolete during Phase and 17 proposals for repeal of legislative acts have been presented).

Thus, work continues on the original set of candidate acts and it appears that a majority are confirmed or likely to be confirmed as acts suitable for repeal/obsolescence, although others are likely to be withdrawn from the exercise. On the other hand, services have also identified additional candidates that are now under examination. As an additional side benefit from the work of the Commission services to identify acts likely to be repealed or declared obsolete, it has been possible to update, in a very significant number of cases, the indication of end-of-validity of legal acts listed in CELEX.

The Commission services have encountered different types of obstacles both in planning and in executing repeals and declarations of obsolescence. Apart from the need for a careful legal examination of each individual case, these include:

- **The quality of identified candidates:** For operational services, screening for candidates for repeal and obsolescence is a novel approach, for which the organisational framework and working methods are not always in place. Moreover, the legal and logistical support to operational services for programming and identification of candidate acts has proved to be insufficient. Such problems have contributed to slowing down progress during phase I and to a relatively high percentage of aborted candidates. Measures are now being taken to reinforce the support and guidance from horizontal co-ordination services to operational services.
- **Need for involving comitology committees:** Although most candidate acts for repeal and obsolescence are Commission acts, they were originally adopted under delegated implementing powers (so-called “comitology”). Repealing or declaring obsolescent such acts therefore also requires prior consultation of Member States. Due to the many policy sectors

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<sup>25</sup> This volume was estimated by OPOCE in December 2002 on the basis of CELEX (see SEC(2003) 165, p. 11).

<sup>26</sup> See Annex 1.

involved, services have been obliged to consult either a significant number of committees or organise special joint sessions of several committees for the purpose.

- **Scope of application for declaration of obsolescence:** Legal difficulties have been encountered in delimiting the correct use of repeal and declaration of obsolescence. This involves a complex assessment of the legal bases and validity case-by-case.
- **Repeal and declaration of obsolescence for Council/Parliament acts:** Commission departments have focused their initial efforts on identifying candidates for repeal and declaration of obsolescence among Commission acts. Legislative acts, adopted by Council (and in some cases with Parliament) have therefore been given second priority but proposals for repeal/declaration of obsolescence should be forthcoming in Phase II, following initial contacts with these institutions on the appropriate procedures.

However, while the result in terms of completed repeals and declarations of obsolescence is far from the original objective for Phase I, technical work has been progressing and should materialise in formal repeals and declaration of obsolescence during Phase II. Moreover, repeals and declarations of obsolescence have been implemented by Commission departments during Phase I even if these were not included in the original Phase I objectives.

### 2.3.2. Phase II

The **volume** of planned repeals/declaration of obsolescence during Phase II is important. In addition to candidates already identified at the start and during Phase I, some 180 new candidate acts have been identified.

#### Phase II: Planned work on repeal and declaration of obsolescence

	Carry-overs from Phase I	New candidates	Total <sup>27</sup>
Agriculture	33 +	Not yet determined	33 +
Health and Consumer Protection	334	0	334
Enterprise	Not applicable (N/A)	0	0
Environment	4	0	4
Transport & Energy	20 acts (both Commission and Council/EP acts)	27	46
Justice and Home Affairs	N/A	5 conventions and agreements	0
Competition	N/A	17 Commission Communications on state aid	0

<sup>27</sup> Counting only binding legal acts.

Trade	N/A	109 acts	109
Information Society	N/A	1 Council act and 2 Commission Communications	1
Fisheries	N/A	52 Commission acts and 23 Council acts	75
Total <sup>26</sup>	391 +	211	602+

At the outset of Phase I, 4 Commission services presented candidate acts for repeal and obsolescence. While work will now continue in services who have leftover from Phase I, Phase II is also characterised by a **broadening of the range of services participating in the action**. Thus, 5 additional services are now participating in the efforts to eliminate obsolete legislation.

For Phase II, some Commission services have turned attention to **acts which are not legally binding**. Although the thrust of the Framework for Action aims at binding secondary legislation (in accordance with the definition of Article 249), other obsolete texts such as recommendations, interpretative communications by the Commission etc. can also usefully be marked as repealed or obsolete where appropriate. Therefore, the Commission has chosen, in the context of the present exercise, to also report on such actions but in a way that allows repeal/declaration of obsolescence of non-binding texts to be clearly identified separately from binding legislation.

### 3. ORGANISATION AND PRESENTATION OF THE ACQUIS

#### 3.1. Planned work

In February 2003, the Commission announced that it intended to launch initiatives to improve the organisation and presentation of the Community *acquis* to be implemented by the end of 2003. These efforts are therefore not subject to the 3-phase approach retained for other actions such as simplification and repeal/obsolescence.

The announced measures focused on CELEX and EUR-Lex (and products derived from these such as the *Directory of Legislation in Force*), for which the Commission considered that there was a need to improve precision, accessibility and user-friendliness. It was envisaged that collaboration between the institutions could be taken forward through a dedicated inter-institutional task force (with external advice) to examine options and propose initiatives by the end of 2003. As existing collaboration fora may suffice to obtain immediate results, the Commission has not yet taken an initiative to create a dedicated inter-institutional task-force. This could, however, become relevant at a later stage if progress through existing channels is insufficient.

#### 3.2. Progress realised

During Phase I, Commission services and OPOCE have examined the feasibility of various measures that could be taken concerning CELEX and the *Directory of Legislation in Force*. In particular, action has been launched or is under preparation concerning:

- **Errors and anomalies that exist in CELEX:** The screening work that Commission services are carrying out in order to identify candidates for repeal and declaration of obsolescence has resulted in a significant reinforcement of corrections to CELEX, in particular concerning the information on whether legal acts remain valid and in force.
- **Statistical and other summary information concerning secondary legislation:** Statistical and summary information can be very useful for defining the measures required to implement the Framework for Action and for monitoring progress in achieving its objectives. It is possible to obtain from CELEX such information concerning the status of Community legislation. Commission services and OPOCE are currently working to exploit these possibilities more fully.
- **Breakdown of secondary legislation across Commission services:** Indication, for each act in CELEX, of the responsible Commission service is crucial to ensure adequate maintenance and up-date. OPOCE and the Commission services will work together to ensure that this information be included in the near future.
- **Simpler and more transparent presentation of applicable law:** The Commission proposed in its February Communication to offer the general public a more focused presentation of *the active and generally applicable acquis*. Legal acts which have specific importance and relevance only to those entities formally addressed in the instrument concerned are of little or no interest to the vast majority of users and could be clearly delimited from this presentation by means of specific references within CELEX. The Commission services and OPOCE are also currently examining the possibility of revising the *Directory of legislation in force* to limit its scope to secondary legislation generally applicable. Given the inter-institutional nature of the Directory, its revision would require an appropriate inter-institutional procedure.

During autumn 2003, Commission services will continue their informal contacts with OPOCE and the other institutions.

#### 4. TRANSPARENT AND EFFECTIVE IMPLEMENTATION

In its February Communication, the Commission stressed the importance of a highly visible and transparent process with continued political commitment and control.

##### 4.1. The scoreboard

For its own part, the Commission undertook a six-monthly review of progress, in addition to the annual planning cycle. The present Communication responds to the commitment made by the Commission to report every six months on the implementation of the framework for action launched with the February Communication. In particular, the Commission had committed itself to present a *scoreboard* on progress in implementing the Framework for Action.

A first version of this scoreboard is presented in Annex 1. The purpose of such a *scoreboard* is two-fold: first, it is an internal Commission management tool and, secondly, it is intended to keep interested parties and the public informed about progress made.

The *scoreboard* presents a quantified overview of planned work and implementation for the actions of repeal/obsolescence and codification. It will be published regularly on the Commission's pages of the EUROPA server<sup>28</sup> to provide a periodic overview of those parts of the Commission actions on up-date and simplification that can be quantified.

Although a useful tool, it should be recognised that summary quantitative information such as presented in the *scoreboard* does not always provide the full picture of the progress being made to achieve the objectives of the Framework for Action. For example, it is impossible to quantify simplification work or improved user access to Community legislation in a meaningful way.

#### **4.2. Inter institutional co-operation**

In its February 2003 Communication, the Commission stressed that simplifying and reducing the volume of Community legislation requires the full and active co-operation of the European Parliament and the Council for this initiative to succeed. It reiterated that an inter-institutional agreement on better regulation is essential for progress and that, once adopted, it should be accompanied by a genuine effort of each institution and Member State to improve internal procedures and ensure adequate resources.

After approximately one year of negotiation, in June 2003 the European Parliament, the Council and the Commission concluded an Inter-institutional Agreement on Better Regulation. The agreement is set to be formally adopted by each of the institutions by the end of October 2003.

The Commission strongly welcomes this broad agreement. Specifically with respect to the Framework for Action, the inter-institutional agreement should pave the way for more streamlined inter-institutional procedures - within the rules of the Treaty - for adoption of simplification proposals<sup>29</sup>. However, it was not possible to agree on the precise working modalities in the context of the agreement itself. Instead, adaptations of working methods in Parliament and Council will be considered by the two institutions within a six-month period from the entry into force of the inter-institutional agreement.

## **5. CONCLUSION**

The Framework for Action of February 2003 launched, for the first time in the history of the Community, a global policy on the 'maintenance' of the body of Community legislation. This initiative, together with the broad range of other initiatives in the Commission's 2002 Action Plan "Better Regulation", aims to ensure a clear, up-to-date and effective body of law – for the ultimate benefit of citizens.

This is necessarily a long-term effort. But the Framework for Action also set out an ambitious 2-year start-up period with reinforced surveillance. This first interim report, followed by reports in April 2004 and by the end of 2004, will offer insight into the Commission's efforts to realise the

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<sup>28</sup> [http://europa.eu.int/comm/governance/index\\_en.htm](http://europa.eu.int/comm/governance/index_en.htm)

<sup>29</sup> This inter-institutional agreement supplements other existing agreements of relevance, in particular the inter-institutional Agreement on an accelerated Working Method for Official Codification, OJ 1996/C 102/2 of 4.4.1996.

above objectives. Future reports will also progressively focus on the contributions of the other institutions who share the responsibility for the quality of EC legislation.

In the present report, the Commission takes stock of progress since February 2003. The results are mixed but not unsatisfactory. One of the key achievements is the progressive involvement of different services in efforts to simplify legislation because it demonstrates that a change of regulatory culture is taking place. The report also reveals weak points, mainly on the planned short and medium term actions to reduce the volume of Community legislation (codification and elimination of outdated legislation). Having identified the weaknesses, the Commission can now address the underlying obstacles.

The Commission has chosen to be transparent on this long-term project. Such an approach should encourage other interested parties to provide input to the process. In particular, the Commission reiterates its invitation to the institutions to provide their views and contributions to achieve the ultimate goals of this effort.



## SCOREBOARD (page 2)

Results of the **first phase** (February - September 2003).  
Communication from the Commission of 11 February 2003 (COM(2003)71final) and Commission Staff Working Document (SEC(2003)165).

<b>REPEAL/OBSCOLESCENCE (EP AND COUNCIL ACTS)</b>													
<b>February 2003 forecast (SEC(2003)165)</b>							<b>Progress (see NB 1)</b>						
<b>Regulations</b>		<b>Directives</b>		<b>Decisions</b>			<b>Regulations</b>		<b>Directives</b>		<b>Decisions</b>		
Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts			Number of OJ pages	Number of acts			Number of OJ pages
						A	B	C		A	B	C	
<b>AGRI</b>	45		14		16								
<b>SANCO</b>					4							4	
<b>ENV</b>			10		3				9	1		56	3
<b>TREN</b>	9		1		1								
<b>EMPL</b>					3							1	2
<b>COMP</b>	NONE FORECAST						2						
<b>ECFIN</b>	NONE FORECAST						2					2	
<b>TOTAL</b>	<b>54</b>		<b>25</b>		<b>27</b>	<b>2</b>	<b>2</b>		<b>9</b>	<b>1</b>		<b>56</b>	<b>6</b>

A: Operation completed

B: Operation in progress = Confirmation by the Legal Service requested by the responsible DG (and response possibly available).

C: Project dropped from the programme: abandoned or not relevant.

NB 1: None of the acts under "progress" refer to proposals for declaration of obsolescence; all refer to repeals.

NB 2: One of the two decisions under ECFIN, initially intended for codification, will be put on the repeals list (see page 4 of the scoreboard).

NB 3: The three ENV decisions under "February forecasts" of this table were accidentally placed under "Commission Acts" in the repeals section of SEC(2003)165.

## SCOREBOARD (page 3)

Results of the **first phase** (February - September 2003).  
 Communication from the Commission of 11 February 2003  
 (COM(2003)71final) and Commission Staff Working  
 Document (SEC(2003)165).

<b>CODIFICATION (COMMISSION ACTS)</b>																		
<b>February 2003 commitments (SEC(2003)165)</b>						<b>Progress</b>												
<i>Regulations</i>		<i>Directives</i>		<i>Decisions</i>		<i>Regulations</i>			<i>Directives</i>			<i>Decisions</i>						
DG	Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts			Number of OJ pages			Number of acts		Number of OJ pages			
							A	B	C		A	B	C		A	B	C	
AGRI	48				3		3	41	4	681						3		20
SANCO	3		7		52			3		32		5	2	254	2	45	5	814
ENTR																		
ENV																		
TREN	2				1			2		9						1		4
JAI																		
MARKT																		
EMPL																		
TAXUD	2							2		30								
COMP																		
ESTAT	1				3		1			14					1	2		44
<b>TOTAL</b>	<b>56</b>		<b>7</b>		<b>59</b>		<b>4</b>	<b>48</b>	<b>4</b>	<b>766</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>254</b>	<b>3</b>	<b>51</b>	<b>5</b>	<b>882</b>

A: Operation completed (= codification adopted by the Commission).

B: Operation in progress

C: Project dropped from the programme: abandoned or not relevant.

## SCOREBOARD (page 4)

Results of the **first phase** (February - September 2003).  
Communication from the Commission of 11 February 2003  
(COM(2003)71final) and Commission Staff Working Document  
(SEC(2003)165).

<b>CODIFICATION (EP AND COUNCIL ACTS)</b>																	
<b>February 2003 forecasts (SEC(2003)165)</b>							<b>Progress</b>										
<i>Regulations</i>		<i>Directives</i>		<i>Decisions</i>			<i>Regulations</i>			<i>Directives</i>			<i>Decisions</i>				
Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts			Number of OJ pages	Number of acts			Number of OJ pages	Number of acts			
						A	B	C		A	B	C		A	B	C	
<b>AGRI</b>	9			1		2	5	2	389					1		14	
<b>SANCO</b>	3		4	1				3	15	3		1	71	1		5	
<b>ENTR</b>			31							5	22	4	888				
<b>ENV</b>	1		4				1		153		4		48				
<b>TREN</b>	8		9	3			5	3	85	2	7		193	1	2	21	
<b>JAI</b>																	
<b>MARKT</b>			4								2	2	191				
<b>EMPL</b>																	
<b>TAXUD</b>	1		2				1		8		2		13				
<b>COMP</b>																	
<b>ESTAT</b>	4			1			4		75					1		3	
<b>ECFIN</b>	1			1			1		3						1	4	
<b>REGIO</b>	2					1	1		69								
<b>RELEX</b>	2					1	1		38								
<b>TRADE</b>	2			1			2		82					1		9	
<b>TOTAL</b>	<b>33</b>		<b>54</b>	<b>8</b>		<b>4</b>	<b>21</b>	<b>8</b>	<b>917</b>	<b>10</b>	<b>37</b>	<b>7</b>	<b>1404</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>56</b>

A: Operation completed (= adoption by the Commission of a codification proposal).

B: Operation in progress

C: Project dropped from the programme: abandoned or not relevant.

NB 1: The decision under ECFIN, initially intended for codification, will be put on the repeals list (see page 2 of the scoreboard).

## SCOREBOARD (page 5)

Results of the **first phase** (February - September 2003).  
Communication from the Commission of 11 February 2003  
(COM(2003)71final) and Commission Staff Working Document  
(SEC(2003)165).

<b>SUMMARY</b>													
<b>DG</b>	<b>February 2003 forecasts or commitments (SEC(2003)165)</b>				<b>Progress</b>								
	<i>Repeal/obsolescence</i>		<i>Codification</i>		<i>Repeal/obsolescence</i>				<i>Codification</i>				
	Number of acts	Number of OJ pages	Number of acts	Number of OJ pages	Number of acts			Number of OJ pages	Number of acts			Number of OJ pages	
					<b>A</b>	<b>B</b>	<b>C</b>		<b>A</b>	<b>B</b>	<b>C</b>		
<b>AGRI</b>	216		61		7	126			23	5	50	6	1104
<b>SANCO</b>	319		70			334				5	54	11	1191
<b>ENTR</b>			31							5	22	4	888
<b>ENV</b>	24		5		18	4	2		113		5		201
<b>TREN</b>	20		23			9				2	16	5	312
<b>MARKT</b>			4								2	2	191
<b>EMPL</b>	3				1	2							
<b>TAXUD</b>			5								5		51
<b>COMP</b>						5			66				
<b>ESTAT</b>			9							3	6		136
<b>REGIO</b>			2							1	1		69
<b>ECFIN</b>	NONE FORECAST, NO COMMITMENTS		2		4						1	1	7
<b>RELEX</b>			2							1	1		38
<b>TRADE</b>			3								3		91
<b>TOTAL</b>	<b>582</b>		<b>217</b>		<b>30</b>	<b>480</b>	<b>2</b>		<b>202</b>	<b>22</b>	<b>166</b>	<b>29</b>	<b>4279</b>

A: Operation completed

B: Operation in progress

C: Project dropped from the programme: abandoned or not relevant.