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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Council Directive 76/621/EEC relating to the fixing of the maximum level of erucic acid in oils and fats and Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry

EXPLANATORY MEMORANDUM

Acts which were adopted over the last decades have exhausted all their effects, but remain technically in force. They have become obsolete because of their temporary character or because their content has been taken up by successive acts. 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. 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 identified two Council acts related to the Common Agricultural Policy, which are based upon Article 42 and 43 of the Treaty (former Articles 36 and 37), 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 In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council and the European Parliament.

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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 the first subparagraph of Article 42 and Article 43(2) thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹,
Acting in accordance with the ordinary legislative procedure,

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 legal acts relating to the common agricultural policy have become obsolete, even though formally they are still in force:
 - Council Directive 76/621/EEC². The content of that Directive has been taken up by Commission Regulation (EC) No 1881/2006³.
 - Council Regulation (EC) No 320/2006⁴. The temporary scheme established by that Regulation was applicable only until the marketing year 2009/2010.
- (3) For reasons of legal security and clarity, those obsolete legal acts should be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Directive 76/621/EEC and Regulation (EC) No 320/2006 are repealed.

¹ OJ C , , p. .

² Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats (OJ L 202, 28.7.1976, p. 35).

³ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁴ Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy (OJ L 58, 28.2.2006, p. 42).

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 European Parliament
The President

For the Council
The President