



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.3.2006
COM(2006)116 final

2006/0038(CNS)

Proposal for a

COUNCIL REGULATION

on glucose and lactose

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex I to this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EEC) No 2730/75 and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex II to the codified Regulation.

↓ 2730/75 (adapted)

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁵

Having regard to the opinion of the European Economic and Social Committee⁶,

Whereas:

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- (1) Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁷ has been substantially amended several times⁸. In the interests of clarity and rationality the said Regulation should be codified.

↓ 2730/75 Recital 1 (adapted)

- (2) In order to avoid technical difficulties as regards customs treatment, Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ OJ L 281, 1.11.1975, p. 20. Regulation as last amended by Commission Regulation (EC) No 2931/95 (OJ L 307, 20.12.1995, p. 10).

⁸ See Annex I.

nomenclature and on the Common Customs Tariff⁹ groups glucose, glucose syrup, lactose and lactose syrup within one heading and chemically pure glucose and lactose within another.

↓ 2730/75 Recital 2 (adapted)

- (3) However, glucose falling within subheadings 1702 30 91, 1702 30 99 and 1702 40 90 of the combined nomenclature and lactose falling within subheading 1702 19 00 of the combined nomenclature are listed in Annex I to the Treaty and are therefore subject to the system of trade with third countries provided for under the common organisation of the markets to which they belong, while chemically pure glucose and lactose not listed in Annex I to the Treaty are subject to the system of customs duties, the economic incidence of which can be appreciably different.
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↓ 2730/75 Recital 3 (adapted)

- (4) This situation creates difficulties which are all the greater in that the products in question, whatever their degree of purity, are derived from the same basic products. The criterion for customs classification between those products which are and those which are not chemically pure is a 99% degree of purity. In addition, products with a slightly higher or slightly lower degree of purity may have the same economic use. Therefore, the application of different systems leads to distortions of competition which are all the greater because of interchangeability.
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↓ 2730/75 Recital 4 (adapted)

- (5) The only solution to these difficulties is to submit the products to the same economic treatment whatever their degree of purity or, to the extent that this would appear adequate, to harmonise the treatment given to the two groups of products.
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↓ 2730/75 Recital 5 (adapted)

- (6) The Treaty does not specifically provide the authority needed to take such action. In these circumstances the necessary measures should be taken on the basis of Article 308 of the Treaty. In addition, the most appropriate measures are to extend to chemically pure glucose the treatment given to other glucose under Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals¹⁰, and to extend to chemically pure lactose the treatment given to other lactose under Council Regulation
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⁹ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 2175/2005 (OJ L 347, 30.12.2005, p. 9).

¹⁰ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No.1154/2005 (OJ L 187, 19.7.2005, p. 11).

(EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products¹¹,

↓ 2730/75

HAS ADOPTED THIS REGULATION:

↓ 222/88 Art. 7 pt. 1 (adapted)

Article 1

The treatment provided by Regulation (EC) No 1784/2003 and by the provisions adopted for the application of this Regulation for glucose and glucose syrup falling within subheadings 1702 30 91, 1702 30 99 and 1702 40 90 of the combined nomenclature shall be extended to glucose and to glucose syrup falling within subheadings 1702 30 51 and 1702 30 59 of the combined nomenclature.

↓ 222/88 Art. 7 pt. 2 (adapted)
→₁ 2931/95 Art. 2, second indent
→₂ 2931/95 Art. 2, first indent

Article 2

The treatment provided by Regulation (EC) No 1255/1999 and by the provisions adopted for the application of this Regulation for lactose and lactose syrup falling within subheading →₁ 1702 19 00 ← of the combined nomenclature shall be extended to lactose and to lactose syrup falling within subheading →₂ 1702 11 00 ← of the combined nomenclature.

↓ 222/88 Art. 7 pt. 3 (adapted)
→₁ 2931/95 Art. 2, second indent
→₂ 2931/95 Art. 2, first indent

Article 3

When the treatment given to glucose and glucose syrup or to lactose and lactose syrup falling respectively within subheadings 1702 30 91, 1702 30 99, 1702 40 90 and →₁ 1702 19 00 ← of the combined nomenclature is amended pursuant to Article 37 of the Treaty or in accordance with procedures established for the application of that Article, such amendments shall extend as appropriate to glucose and to glucose syrup or to

¹¹ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005, (OJ L 307, 25.11.2005, p. 2.).


lactose or ☒ to ☒ lactose syrup falling respectively within subheadings 1702 30 51, 1702 30 59 and →₂ 1702 11 00 ← of the combined nomenclature, unless, in accordance with the same procedures, other measures are taken for the harmonising of the treatment applicable to these products with the treatment applicable to those already mentioned.



Article 4


Regulation (EEC) No 2730/75 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

 2730/75 (adapted)

Article 5

This Regulation shall enter into force on ☒ the twentieth day following that of its publication in the *Official Journal of the European Union* ☒ .

 2730/75

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*



ANNEX I

Repealed Regulation with its successive amendments

Council Regulation (EEC) No 2730/75

(OJ L 281, 1.11.1975, p. 20)

Commission Regulation (EEC) No 222/88
(OJ L 28, 1.2.1988, p. 1)

only Article 7

Commission Regulation (EC) No 2931/95
(OJ L 307, 20.12.1995, p. 10)

only Article 2

ANNEX II

CORRELATION TABLE

Regulation (EEC) No 2730/75	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	_____
_____	Article 4
Article 5	Article 5
_____	Annex I
_____	Annex II