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ANNEX 5

ANNEX

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

Commission Work Programme 2017

Delivering a Europe that protects, empowers and defends

{SWD(2016) 400 final}

Annex V: Repeals

Nº	Policy Area	Title	Reasons for repeal
1.	Agriculture	Horizontal action replacing a number of outdated Commission Regulations in the area of agricultural markets	The aim of this action is on the one hand to adapt pre-Lisbon Commission Regulations to the rules on the common organisation of the markets in agricultural products as laid down in Regulation (EU) No 1308/2013 and, on the other hand and to the extend possible, to simplify the existing rules. As a result, a number of Commission Regulations in the area of agricultural markets will be repealed and replaced by new delegated and implementing acts.
2.	Employment	Commission Implementing Decision (EU) No 2012/733 of 26 November 2012 implementing Regulation (EU) No 492/2011 of the European Parliament and of the Council as regards the clearance of vacancies and applications for employment and the re-establishment of EURES	Replaced by Regulation (EU) No 2016/589, as set out in Chapter II of Regulation (EU) No 492/2011.
3.	Energy	Regulation (EU) No 256/2014 of the European Parliament and of the Council of 26 February 2014 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96	The Regulation provides no added value and overlaps significantly with other legal acts as shown by the Fitness Check of the Reporting, Planning and Monitoring obligations in the EU Energy Acquis. In addition, the REFIT Scoreboard 2015 already identified the regulation as a candidate for repeal.
4.	Food Safety	Commission Decision (EEC) No 92/176 of 2 March 1992 concerning maps to be provided for use for the Animo network	The Decision has since been replaced by the Trade Control and Expert System (TRACES) online management tool covering all sanitary requirements on intra-EU trade and importation of animals, semen and embryo, food, feed and plants.

Nº	Policy Area	Title	Reasons for repeal
5.	Food Safety	Commission Decision (EC) No 2002/623 of 24 July 2002 establishing guidance notes supplementing Annex II to Directive (EC) No 2001/18 of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive (EEC) No 90/220	Commission Decision (EC) No 2002/623 provides guidance on the Environmental Risk Assessment (ERA) of GMOs referred to in Annex II to Directive (EC) No 2001/18 on the deliberate release of GMOs into the environment. In 2017, the Commission will adopt a new Directive which will integrate key elements of the comprehensive EFSA guidelines of 2010 on ERA in Annex II to Directive (EC) No 2001/18 as required by Directive (EU) No 2015/412. As a result, Decision (EC) No 2002/623 will become outdated. For the sake of simplification for operators and national authorities, it is appropriate to repeal Decision (EC) No 2002/623 in parallel to adopting the new Directive.
6.	Food safety	Commission Decision (EC) No 2005/463 of 21 June 2005 establishing a network group for the exchange and coordination of information concerning coexistence of genetically modified, conventional and organic crops	It is proposed to disband this expert group, in the light of, in particular, the revised horizontal Commission rules on the creation and operation of Commission expert groups adopted in May 2016 and the inactivity of this expert group in the last 5 years.
7.	Internal Market	Council Directive (EEC) No 73/361 of 19 November 1973 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the certification and marking of wire-ropes, chains and hooks	The act as it stands today no longer contains any substantive rules that are still applicable, as some of its provisions were repealed by Council Directive (EEC) No 91/368 amending the previous Machinery Directive (EEC) No 89/392, and others repealed or replaced by Annex III of Council Regulation (EC) No 807/2003. The remaining provisions are obsolete and the relevant safety provisions have been included in the Lifts Directive (EU) No 2014/33.
8.	Internal Market	Commission Decision (EC) No 2009/767 of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the ‘points of single contact’ under Directive (EC) No 2006/123 of the European Parliament and of the Council on services in the internal market	The obligations and technical specifications set out in Decision (EC) No 2009/767 are now covered by Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive (EC) No 1999/93, and by the Commission Implementing Decisions (EU) No 2015/1505 and (EU) No 2015/1506. Therefore, the Decision (EC) No 2009/767 has become obsolete.

Nº	Policy Area	Title	Reasons for repeal
9.	Internal Market	Commission Decision (EU) No 2011/130 of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive (EC) No 2006/123 of the European Parliament and of the Council on services in the internal market	The obligations and technical specifications set out in Decision (EU) No 2011/130 are now covered by Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive (EC) No 1999/93, and by the Commission Implementing Decisions (EU) No 2015/1505 and (EU) No 2015/1506. Therefore, the Decision (EU) No 2011/130 has become obsolete.
10.	Taxation and Customs	Commission Regulation (EEC) No 3510/80 of 23 December 1980 on the definition of the concept of originating products for purposes of the application of tariff preferences granted by the European Economic Community in respect of certain products from developing countries	This Commission Regulation is obsolete following successive reforms of the preferential rules of origin. The latest and up-to-date preferential rules of origin are now in Regulation (EU) No 952/2013 (Union Customs Code), Delegated Regulation (EU) No 2015/2446 and Implementing Regulation (EU) No 2015/2447 (the latter two Regulations replacing the implementing provisions of the previous Customs Code from 1992).
11.	Taxation and Customs	Council Regulation (EC) No 1147/2002 of 25 June 2002 temporarily suspending the autonomous Common Customs Tariff duties on certain goods imported with airworthiness certificates	The repeal of this Council Regulation will be proposed with the new proposal for a Council Regulation temporarily suspending the autonomous Common Customs Tariff duties on certain goods imported with authorised release certificates.
12.	Taxation and Customs	Commission Regulation (EC) No 209/2005 of 7 February 2005 establishing the list of textile products for which no proof of origin is required on release for free circulation in the Community	This Commission Regulation was an implementing act to Council Regulation (EC) No 1541/98 of 13 July 1998, which itself has been repealed in 2011.
13.	Taxation and Customs	Decision (EC) No 70/2008 of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade	The evolution of the customs law and the large degree of detail and harmonization in which the legal obligation to use electronic systems has been established, have rendered the e-customs Decision of 2008 superfluous. The core provisions of the Decision are now superseded with the exception of Art. 4(4)-(7) of the Decision concerning the Single Window. Preparations for a new legal basis for the Single Window have started and a proposal will be made in parallel with the proposal to repeal Decision (EC) No 70/2008.
14.	Taxation and Customs	Commission Implementing Decision (EU) No 2011/544 of 16 September 2011 on establishing a common fiscal marker for gas oils and kerosene	The Implementing Decision will be replaced with a new one as from 2017 and therefore simultaneously repealed.

Nº	Policy Area	Title	Reasons for repeal
15.	Transport	Council Directive (EEC) No 89/629 of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes	This Directive has become redundant since the adoption and transposition of Directive (EC) No 2006/93, which provides for a more extensive and stricter approach. Directive (EEC) No 89/629 allowed for noisy aircraft to continue operation, if they had already been entered in the national registers. But it was no longer allowed to include any new registration of such noisy aircraft (non-addition rule). Older and noisy aircraft could therefore still be used. Directive (EC) No 2006/93 introduced a complete phase-out for all noisy aircraft, including all those covered by Directive (EEC) No 89/629 regardless of whether they were already registered or not, meaning that sub-standard aircraft are no longer allowed to fly in EU skies and had to be removed from the national registers.
16.	Transport	Council Regulation (EEC) No 3572/90 of 4 December 1990 amending, as a result of German unification, certain Directives, Decisions and Regulations relating to transport by road, rail and inland waterway	The legal acts amended by the Regulation have been or are in the process of being repealed. Once the Regulation has thus become obsolete, it should be repealed.