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EUROPEAN COMMISSION

Brussels, 16.12.2010
COM(2010) 756 final

2010/0367 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Regulation (EEC) No 429/73 making special provisions for imports into the Community of certain goods coming under Regulation (EEC) No 1059/69 and originating in Turkey and Regulation (EC) No 215/2000 renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products

EXPLANATORY MEMORANDUM

A number of acts which were adopted over the last decades have exhausted all their effects, but remain technically into force. They have become obsolete because of their temporary character or because their content has been taken up by successive acts. Several measures linked to the accession of new Member States have become obsolete following their accession. The European Parliament, the Council and the Commission agreed in their inter-institutional agreement on better law making that Union law should be updated and condensed by repealing acts which are no longer applied.¹ Acts which have no continued relevance should be removed from the 'Union *acquis*', in order to improve transparency and certainty of Union law.

The Commission has carried out several exercises to remove obsolete legislation from the *acquis*, mostly by declaring the relevant Commission acts obsolete. Most recently, the Commission declared some 250 agricultural acts obsolete, some other agricultural acts and some 60 acts in the area of trade in processed agricultural products will be declared obsolete soon.²

The Commission identified two Council acts in the area of trade in goods resulting from the processing of agricultural products, which are based upon Article 207 of the Treaty on the Functioning of the European Union (formerly art 133 of the Treaty establishing the European Community and before art 113 of the Treaty establishing the European Community), which have exhausted all practical effects, but are formally still in force. It is not within the Commission's powers to declare acts obsolete which were adopted by the Council. In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council.

This proposal concerns the repeal of Council Regulation (EEC) No 429/73 that determines the reduced fixed component of the import duties for processed agricultural products originating in Turkey. Its provisions became obsolete because Decision No 1/95 of the EC Turkey Association Council of 22 December 1995 on implementing the final phase of the Custom Union has eliminated Customs duties for goods originating in Turkey.

This proposal concerns also the repeal of Council Regulation (EEC) No 215/2000 that renewed preferential tariff quotas only for the year 2000 and that has exhausted all its effects

The present proposal is similar to that foreseen for obsolete agricultural acts in the Simplification Rolling Programme adopted in the framework of the implementation of the Commission's strategy for simplification of the regulatory environment, as updated recently - document COM (2008) 712 Annex 2 to the 2009 Commission's Legislative and Work Programme.

¹ OJ C 321, 31.12.2003, p. 1.

² OJ C 30, 6.2.2009, p. 18.

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repealing Regulation (EEC) No 429/73 making special provisions for imports into the Community of certain goods coming under Regulation (EEC) No 1059/69 and originating in Turkey and Regulation (EC) No 215/2000 renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products

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 article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

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) Regulation (EEC) No 429/73 of the Council of 5 February 1973 making special provisions for imports into the Community of certain goods coming under Regulation (EEC) No 1059/69 and originating in Turkey³ was adopted in order to determine the reduced fixed component of the import duties for processed agricultural products originating in Turkey and imported in the framework of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey, signed on 23 November 1970.
- (3) Since Decision No 1/95 of the EC Turkey Association Council of 22 December 1995 on implementing the final phase of the Custom Union⁴ eliminated Customs duties for goods originating in Turkey, Regulation (EEC) No 429/73 has become obsolete.
- (4) Council Regulation (EC) No 215/2000 of 24 January 2000 renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural

³ OJ L 59, 5.3.1973, p.85.

⁴ OJ L 35, 13.2.1996, p.1.

products⁵ had a temporary character, was only applicable in the year 2000 and has exhausted all its effects.

- (5) For reasons of legal certainty and clarity, Regulations (EEC) No 429/73 and (EC) No 215/2000 should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 429/73 and (EC) No 215/2000 are repealed.

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

⁵ OJ L 24, 29.1.2000, p.9.