

Common agricultural policy (CAP): repeal of certain obsolete acts

2010/0368(COD) - 20/12/2010 - Legislative proposal

PURPOSE: to repeal certain obsolete Council acts in the field of the common agricultural policy.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

LEGAL BASE: First subparagraph of Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT: a number of 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. Several measures linked to the accession of new Member States provided for transitory measures following directly the time of their accession and by now have become obsolete. 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 also identified a number of Council acts related to the Common Agricultural Policy, which are based upon Article 42 and 43 of the Treaty (former Articles 36 and 37) and two Acts of Accession, 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In the interest of legal certainty, the Commission suggests that the acts listed in this proposal shall be repealed by the Council and the European Parliament.

Regulations (EEC) No 2052/69, (EEC) No 1467/70, (EEC) No 3279/75, (EEC) No 1078/77, (EEC) No 1853/78, (EEC) No 2580/78, (EEC) No 1/81, (EEC) No 1946/81, (EEC) No 2989/82, (EEC) No 3033/83, (EEC) No 564/84, (EEC) No 2997/87, (EEC) No 1441/88, (EEC) No 1720/91, (EEC) No 740/93, (EEC) No 741/93, (EEC) No 744/93, (EC) No 2443/96, (EC) No 2200/97, (EC) No 2330/98, (EC) No 2800/98, (EC) No 2802/98, (EC) No 660/1999, (EC) No 546/2002, (EC) No 527/2003 are repealed.

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.