Interinstitutional agreement on a more structured use of the recasting technique for legal acts

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PURPOSE : to conclude an Agreement on a more structured use of the recasting technique for legal acts. CONTENT : the aim of this Agreement is to lay down procedural rules enabling a more structured use to be made of the recasting technique pursuant to the Community's normal legislative process. Recasting shall consist in the adoption of a new legal act which incorporates in a single text both the substantive amendments which it makes to a earlier act and the unchanged provisions of that act. The new legal act replaces and repeals the earlier act. Moreover, a proposal for recasting submitted by the Commission shall deal with the substantive amendments which it makes to an earlier act. On a secondary level, the proposal shall include the codification of the unchanged provisions of the earlier act with those substantive amendments. A new legal act shall not constitute a recast act if, with the exception of standarised provisions or wordings, it makes substantive amendments to all the provisions of the earlier act, which it replaces and repeals. It should also be noted that the Community's normal legislative process shall be complied with in full. In addition, to ensure clarity and legal certainty, all recasting acts shall comply inter alia with the following rules of legislative drafting: - the first recital shall indicate that the new legal act constitutes a recasting of the earlier act; - the act repealing the earlier act shall provide that references to that act shall be regarded as references to the recasting act and should be read in accordance with a correlation table annexed to the recasting act. Moreover, in an act recasting a Directive the repealing article shall provide that Member States' obligations arising from the transposition period and, where appropriate, the implementation period as set out in the Directive repealed by the recasting act shall not be affected by such repeal; the abovementioned period shall be set out in an annex in the form of a table; the article relating to the obligation to transpose into national law a recast Directive shall refer only to those provisions which have undergone substantive amendment and which have been precisely identified as such. Those provisions which remain unchanged in the recast Directive shall be transposed in accordance with earlier Directives. Finally, a Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission shall examine the proposal for recasting.