



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 December 2013  
(OR. en)**

**18057/13**

**AGRI 873  
AGRIORG 181  
AGRISTR 158  
ANIPROD 1  
STATIS 140  
WTO 361**

**COVER NOTE**

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 10 December 2013

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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No. Cion doc.: COM(2013) 874 final

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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND  
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS  
(Objective four of the Communication from the Commission of 11 February  
2003 on updating and simplifying the Union acquis [COM(2003) 71 final])  
Establishing formal recognition that a certain number of acts of Union law  
in the field of agriculture have become obsolete

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Delegations will find attached document COM(2013) 874 final.

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Encl.: COM(2013) 874 final



Brussels, 10.12.2013  
COM(2013) 874 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
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**(Objective four of the Communication from the Commission of 11 February 2003  
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## **A framework for action**

Improving the transparency of Union law is an essential element of the better lawmaking strategy that the Union Institutions are implementing as a result of the requests formulated at the European Councils of Lisbon, Stockholm, Gothenburg and Laeken.

From the early stages of Union law, in the 1950s, the legislative activity of the Union has continually increased the number of legal acts, many of which were adopted without an expiry date of their validity being fixed. These acts remain, therefore, formally in force even though their legal effects have been exhausted, often for a long time.

### **Objective four: Reviewing the organisation and presentation of the *acquis***

Objective four of the Framework for Action for Updating and simplifying the Union *acquis* launched by the Communication from the Commission of 11 February 2003 [COM(2003) 71 final] recognises the fact that the current Union *acquis* contains many texts that are obsolete and of no practical relevance or broader interest, but nevertheless apparently remain in force because an express repeal has not been carried out. Various reasons have provoked this situation. Some legal acts have time-limited application or are applied only at the time of their adoption. Other legal acts continue (formally) to exist even though their legal basis has been altered or repealed. Many acts are addressed exclusively to individual Member States or operators and are therefore of no general interest or relevance.

Whatever the reason for their current lack of direct relevance to Union citizens, such acts should no longer be allowed, by their classification as "acts in force", to complicate and obscure the overall picture of the active *acquis*. Their removal would allow us to have access to an "essential" *acquis* of those acts that are active and generally applicable, thus permitting a more user-friendly presentation and more efficient and time-saving scrutiny of those tools that facilitate access to Union law: CELEX, EUR-Lex and the Directory of Legislation in force.

In some cases the express repeal of such acts would be appropriate. In particular those acts whose contents have been taken up by successive acts, in the interest of the clarity of the legal situation, shall be removed formally from the body of the Union *acquis*. For other acts – the majority – their removal in some other fashion from the active *acquis* would be justified. The above-mentioned Communication proposes that the Institutions should actively explore how best to remove obsolete and potentially misleading information from the *acquis* so as to ensure a clear, logical and relevant presentation.

The acts listed in Annex II have exhausted their effects. The aim of the present Communication is therefore to formally recognise that these acts are obsolete. They were identified according to objective criteria guaranteeing that they have exhausted their effects and that, for example, all their attached obligations have been fulfilled. In particular this implies mainly, but not exclusively, acts falling into the following categories:

- acts relating to the granting of financial contribution from the Union;
- acts granting a statute or a specific exemption limited in the time and expired (derogations);

- acts of a temporary nature (for instance, regulations relating to marketing years, fixing of aid amounts, specific financial assistance, intervention, dates, annual rules related to the management of tariff quotas, establishment of the forecast supply balance for outermost regions, etc.);
- acts relating to the implementation of a basic act that has been repealed;
- temporary or transitional measures linked to the accession of new Member States or acts which have become obsolete because of accession.

The justification of the obsolescence of each act is listed in Annex I to the present communication. This Communication is dealing with acts concerning the following sectors of the common agricultural policy: accountancy data network, beef and veal, cereals, eggs and poultry, milk, oils and fats, outermost regions, pigmeat, potato starch, rice, rural development and agricultural structures, seeds, sheepmeat and goatmeat, sugar and wine. It should however be noted that other acts belonging to the listed sectors or to other sectors and which are not covered by the present Communication may appear to be obsolete. In such case their obsolete character will be recognised in the framework of the next communication of this kind.

### **Conclusion**

Consequently and following the guidelines on the reduction of the active Union *acquis*, in the framework of the simplification action related to Commission acts,

- the acts listed in Annex II shall be removed from the active *acquis*;
- the Publications Office is invited to withdraw these acts from the Directory of Union legislation in force;
- Annex II is to be published in the C series of the *Official Journal of the European Union*.