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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.2.2009
COM(2009) 89 final

2009/0024 (CNS)

Proposal for a

COUNCIL REGULATION

repealing 14 obsolete Regulations in the field of the Common Fisheries Policy

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Commission has launched an initiative aimed at updating and simplifying the Community acquis¹ within the context of the "Better Regulation" programme. One of the main actions relates to the identification of the acquis in force through the screening of the Acts listed in the Directory of the legislation in force. When the screening reveals that legal texts formally in force are no longer active, the Commission will proceed to repeal those Acts, through a formal Commission Act, a Proposal for a Council Act, or a formal recognition of obsolescence, as appropriate, for clarity and legal security's sake. Repeal of acts that have become obsolete in the field of the CFP is foreseen in the Simplification Rolling Programme adopted in the framework of the implementation of the Commission's strategy for simplification of the regulatory environment, document COM (2008) 712 – (annex to the 2009 CLWP).

In particular, the Commission committed to revise the body of the Community law related to this policy when adopting the 2006-2008 Action Plan for simplifying and improving the Common Fisheries Policy².

As revealed by the screening carried out, a number of Acts adopted by the Council are indeed obsolete, though they are still formally in force. In order to remove these Acts from the active acquis, a formal Council Act is required, which shall have the same form of the Act to be repealed (i.e. Decision, Regulation and Directive). However, since only one Directive shall be repealed and the form is close to that of a Decision, this is inserted in the Proposal relating to the repealing of Decisions. The second proposal gathers Council Regulations which should also be repealed as obsolete.

With the adoption of Council and Commission Acts establishing lists of obsolete legal texts, only the active Acts will appear in the Directory of Community law in force, thus making Community legislation clearer, understandable and up-to-date.

¹ COM(2003)71.

² COM(2005)647.

Proposal for a

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repealing 14 obsolete Regulations in the field of the Common Fisheries Policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the Act of Accession of Spain and Portugal and in particular Articles 162, 163 (3), 164 (4), 165 (8), 171, 349 (5), 350, 351 (5), 352 (9) and 358 thereof,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy³, and in particular Article 20 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Improving the transparency of Community law is an essential element of the better lawmaking strategy that Community institutions are implementing. In that context it is appropriate to remove from active legislation those acts which no longer have real effect.
- (2) The following Regulations relating to the common fisheries policy have become obsolete, even though formally they are still in force:
 - Council Regulation (EEC) No 31/83 of 21 December 1982 on an interim common measure for restructuring the inshore fishing industry and aquaculture⁴. That Regulation has exhausted its effects since it concerned Community financing of investment projects under the year 1982;
 - Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines⁵. That Regulation has exhausted its effects since it was intended for application in the transitional period following the accession of Spain to the European Communities;

³ OJ L 358, 31.12.2002, p.59.

⁴ OJ L 5, 7.1.1983, p.1.

⁵ OJ L 297, 9.11.1985, p.1.

- Council Regulation (EEC) N° 3781/85 of 31 December 1985 laying down the measures to be taken in respect of operators who do not comply with certain provisions relating to fishing contained in the Act of Accession of Spain and Portugal⁶. That Regulation has exhausted its effects since it was intended for application in the transitional period following the accession of Spain to the European Communities;
- Council Regulation (EEC) No 3252/87 of 19 October 1987 on the coordination and promotion of research in the fisheries sector⁷. That Regulation has exhausted its effects since the matter is now covered by Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy⁸;
- Council Regulation (EEC) No 3571/90 of 4 December 1990 introducing various measures concerning the implementation of the common fisheries policy in the former German Democratic Republic⁹. That Regulation has exhausted its effects since it was intended for application in the transitional period following the German unification;
- Council Regulation (EEC) No 3499/91 of 28 November 1991 providing a Community framework for studies and pilot projects relating to the conservation and management of fishery resources in the Mediterranean¹⁰. That Regulation has exhausted its effects since the matter is now covered by Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94¹¹;
- Council Regulation (EC) No 1275/94 of 30 May 1994 on adjustments to the arrangements in the fisheries chapters of the Act of Accession of Spain and Portugal¹². That Regulation has exhausted its effects since it was intended for application in the transitional period following the accession of Spain to the European Communities;
- Council Regulation (EC) No 1448/1999 of 24 June 1999 introducing transitional measures for the management of certain Mediterranean fisheries and amending Regulation (EC) No 1626/94¹³. That Regulation has exhausted its effects since the matter is now covered by Regulation (EC) No 1967/2006;
- Council Regulation (EC) No 300/2001 of 14 February 2001 establishing measures to be applied in 2001 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)¹⁴. That Regulation has exhausted its effects since it was intended to be in force during a period which has already expired;

⁶ OJ L 363, 31.12.1985 p. 26.

⁷ OJ L 314, 4.11.1987, p.17.

⁸ OJ L 60, 5.3.2008, p.1.

⁹ OJ L 353, 17.12.1990, p.10.

¹⁰ OJ L 331, 3.12.1991, p. 1.

¹¹ OJ L 409, 30.12.2006, p. 11.

¹² OJ L 140, 3.6.1994, p.1.

¹³ OJ L 167, 2.7.1999, p. 7.

¹⁴ OJ L 044,15.02.2001, p.12.

- Council Regulation (EC) No 2561/2001 of 17 December 2001 aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco¹⁵. That Regulation has exhausted its effects since the national fleet conversion plans to which it applied have ended;
 - Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required¹⁶. That Regulation has exhausted its effects since it was intended to govern fishing activities carried out in the year 2003;
 - Council Regulation (EC) No 2372/2002 of 20 December 2002 instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige¹⁷. That Regulation has exhausted its effects since the national compensation program to which it applied has ended;
 - Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required¹⁸. That Regulation has exhausted its effects since it was intended to govern fishing activities carried out in the year 2004;
 - Council Regulation (EC) No 52/2006 of 22 December 2005 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2006¹⁹. That Regulation has exhausted its effects since it was intended to govern fishing activities carried out in the year 2006;
- (3) For reasons of legal security and clarity, those obsolete Regulations should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1
Regulations to be repealed

Regulations: (EEC) No 31/83, (EEC) No 3117/85, (EEC) No 3781/85, (EEC) No 3252/87, (EEC) No 3571/90, (EC) No 3499/91, (EC) No 1275/94, (EC) No 1448/99, (EC) No 300/2001, (EC) No 2561/2001, (EC) No 2341/2002, (EC) No 2372/2002, (EC) No 2287/2003 and (EC) No 52/2006 are repealed.

Article 2
Entry into force

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

¹⁵ OJ L 344, 28.12.2001, p.17.

¹⁶ OJ L 356, 31.12.2002, p. 12.

¹⁷ OJ L 358, 31.12.2002, p.81.

¹⁸ OJ L 344, 31.12.2003, p. 1.

¹⁹ OJ L 16, 20.1.2006, p. 184.

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

Done at Brussels,

*For the Council
The President*