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Report

drawn up on behalf of the Committee on Agriculture

on the proposals from the Commission of the European Communities to the
Council (Doc. 372/74) for /

- I. a regulation on the common organization of the market in eggs
- II. a regulation on the common organization of the market in poultry meat

Rapporteur: Mr Ralph HOWELL

By letter of 21 November 1974 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposals from the Commission of the European Communities to the Council for

- I a regulation on the common organization of the market in eggs;
- II a regulation on the common organization of the market in poultry meat.

On 26 November 1974 the President of the European Parliament referred these proposals to the Committee on Agriculture as the committee responsible.

The Committee on Agriculture appointed Mr R. HOWELL rapporteur on 28 November 1974.

It considered these proposals at its meeting of 23 and 24 January 1975.

At the same meeting the committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr Houdet, Chairman; Mr Laban, Vice-chairman; Mr Howell, Rapporteur; Lord Bessborough (deputizing for Lord St. Oswald), Mr Bourdellès, Mr Frehsee, Mr Fröh, Mr Gibbons, Mr Hunault, Mr De Koning, Mr Laudrin (deputizing for Mr Baas), Mr Lemoine, Mrs Orth and Mr Schwabe (deputizing for Mr Kavanagh).

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The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I a regulation on the Common organization of the market in eggs
- II a regulation on the Common organization of the market in poultry meat

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 43(2) of the EEC Treaty (Doc. 372/74),
 - having regard to the report of the Committee on Agriculture (Doc. 468/74),
 - having regard to the proposal from the Commission of the European Communities to the Council for a regulation establishing a procedure of consolidation (Doc. 203/73),
 - having regard to the report of the European Parliament on that proposal drawn up by Mr L. Memmel (Doc. 46/74),
 - having regard to the proposals for the consolidation of legislative texts relating to the Common Agricultural Policy contained in the Commission's memorandum on the Improvement of the Common Agricultural Policy (Doc. 251/73),
 - having regard to the report of the European Parliament on that memorandum drawn up by Mr J. Scott-Hopkins (Doc. 337/73),
1. Welcomes the Commission's proposals, which consolidate existing regulations;
 2. Wishes to make clear that the approval of these measures to achieve greater clarity is not intended as a judgement on their content;

¹ OJ No. C 156, 10 December 1974, p.31 and 38

EXPLANATORY STATEMENTThe purpose of the Commission's proposals

1. The purpose of the present proposal is to consolidate into codified texts the basic regulations and subsequent amendments relating to:

- the common organization of the market in eggs;
- and the common organization of the market in poultry meat.

The consolidation of texts relating to the Common Agricultural Policy

2. The common market organizations of the various agricultural sectors covered by the Common Agricultural Policy, are laid down in a number of 'basic regulations'. The earliest of these still in force dates from 1966.

In the course of the years since the basic regulations were adopted, it has been found necessary to supplement the original provisions and instruments and adapt them to changing market conditions.

To this end, amending regulations have been periodically adopted by the Council modifying and deleting existing articles of the basic regulation, or introducing new articles. In some cases, a large part of a basic regulation may be laid down in amending regulations published in the Official Journal on dates determined by their adoption and, as a consequence, scattered throughout the Archives. This has rendered extremely difficult the task of knowing which provisions are in force and those no longer applicable.

3. Consequently, the Commission, in its memorandum on the improvement of the Common Agricultural Policy, stated that 'the publication of codified texts of the applicable acts relating to the Common Agricultural Policy could well help to improve considerably accessibility of Community legislation in this field and thus facilitate its implementation by the official departments and the producers and dealers'.¹

4. This proposal was welcomed by the European Parliament in the report drawn up by Mr J. Scott-Hopkins.²

¹ Doc. 251/73, paragraph 28.

² Doc. 337/73.

7. The Commission, in the explanatory memorandum attached to the proposal under consideration, states that the simplified procedures, without consultation of Parliament, may be employed in the future.

Each procedure has its merits. The simplified 'consolidation' of texts has a number of advantages, the principal being that it would be more rapid and would avoid the political compromises of the past, often reached with great difficulty, being jeopardised if a more general discussion were to develop.

There are certain disadvantages to this method, however, for while the new instrument would in practice take the place of the old, and all subsequent references and amendments would relate to it, the old instrument would alone have legal force : in the case of conflict between the two instruments, the old would prevail.

8. The problems are made clearer if one bears in mind that a new text, in addition to formal adjustments to the title and numbering of articles, would involve in many cases textual adjustments, especially in the case where several parallel texts were to be combined into a single text¹. It is evident that in such consolidation modifications may be introduced which go beyond mere redrafting.

This problem is most evident in the agricultural sector, where the earliest 'basic regulations' date back to 1966 and the subsequent amendments are numerous.

Consequently, it is essential that the European Parliament be consulted on any future proposals for the codification of 'basic regulations', and in this light the 'legislative' rather than the 'informative' procedure is preferable for such proposals.

¹ For instance Regulation (EEC) No 1035/72 mentioned above.