

EUROPEAN PARLIAMENT

Working Documents

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Report

on behalf of the Committee on Agriculture

on the proposals from the Commission of the European Communities to the Council (Doc. 382/74) for/

- I. a regulation laying down conditions for applying protective measures on the market in pigmeat
- II. a regulation on the common organization of the market in pigmeat

Rapporteur: Mr C. LABAN

By letter of 26 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 proposal from the Commission of the European Communities to the Council for

- I. a regulation laying down conditions for applying protective measures in the market in pigmeat
- II. a regulation on the common organization of the market in pigmeat.

The President of the European Parliament referred these proposals to the Committee on Agriculture.

On 28 November 1974 the Committee on Agriculture appointed Mr Laban rapporteur.

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

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

Present: Mr Houdet, chairman; Mr Laban, vice-chairman and rapporteur; Lord Bessborough (deputizing for Lord St. Oswald), Mr Bourdellès, Mr Della Briotta, Mr Frehsee, Mr Gibbons, Mr Hansen, Mr Howell, Mr Hunault, Mr De Koning, Mr Laudrin (deputizing for Mr Baas), Mr Lemoine, Mr Liogier and Mrs Orth.

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 laying down conditions for applying protective measures in the market in pigmeat
- II. a regulation on the common organization of the market in pigmeat

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 of the EEC Treaty (Doc. 382/74),
 - 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 on this subject (Doc. 46/74),
 - having regard to the proposal for consolidation of the instruments of the Common Agricultural Policy, formulated in the memorandum from the Commission on the improvement of the Common Agricultural Policy (Doc. 251/73),
 - having regard to the report on this memorandum (Doc. 337/73),
 - having regard to the report of the Committee on Agriculture (Doc. 469/74),
1. Approves the Commission's proposals, while noting for the sake of clarity that this approval does not relate to the content of the provisions;
 2. Supports the efforts of the Commission, by means of consolidation of the texts, to increase certainty in the law and to facilitate the application of Community agricultural legislation for those concerned;
 3. Stresses the necessity for a procedure to be followed, in regard equally to future proposals for consolidation of Community legislation, such that the European Parliament is consulted;

¹ OJ No. C 156, 10 December 1974, p.44

4. Points out that amendments have been made to the proposed basic regulations which are in some instances changes of a purely formal nature and in others relate to regulations that are now obsolete; the content of the text, however, remains unaffected;
5. Regrets, furthermore, that the list of texts of existing regulations that have been incorporated is far from complete and does not give a clear over-all picture of the consolidated texts, thus substantially hindering a proper assessment of this proposal;
6. Urges the Commission to press ahead with this work of modifying Community legislation in other sectors of the Common Agricultural Policy, though without in any way departing from the principle -- essential for scrupulously accurate consolidation -- of identity of the material content of the new text and of existing texts;
7. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

EXPLANATORY STATEMENT

1. There can be no doubt that Community legislation has not been clearly set out up to now, and is therefore often not readily accessible to those affected by it.

The original basic regulations have, through changes in the economic situation, quickly become out of date, and innumerable amendments and additions have been published in different issues of the Official Journal, making it difficult to locate the correct and most recent text.

The initiative taken by the Commission to bring about an improvement in this state of affairs, and to attempt to bring together a number of legislative texts, to redraft them and to arrange them in a systematic way is therefore to be welcomed.

2. The Commission made a start on this as long ago as 1971, in the case of the common organization of the market in vegetables and fruit¹.

The Commission has now redrafted a number of Council regulations on the market in pigmeat, two of which have been submitted to the European Parliament for its opinion.

3. In the case in point the Commission has opted for the method of redrafting the legislative instrument that had become unclear through the accretion of numerous amendments; the new version supersedes the previous text. The advantage of this 'constitutive consolidation' is that it provides a maximum of certainty in the law, since there is then only one text having force of law, i.e. the new instrument. Any contradictions between the old and new texts are settled in favour of the new text, the previous text being rendered totally inoperative.

4. As this procedure means that, formally, a completely new instrument comes into being, the European Parliament has to be consulted. It must be kept in mind that when this consolidation takes place the material content of the instruments must not be altered, and formal identity between the proposed new text and those that existed previously must be ensured.

5. It is not, in fact, the intention that the rewritten regulations should be discussed afresh.

¹ Regulation (EEC) 1035/72 of 18.5.72, OJ L 118, 20.5.72

The task of the European Parliament is therefore limited to making a formal inquiry as to whether the texts in question agree with each other. This study brings the conclusion that the new regulation laying down conditions for applying protective measures in the market in pigmeat is wholly unchanged, and that the regulation on the common organization of the market in pigmeat has in a number of places undergone amendments of a purely formal nature, while certain provisions relating to the transitional period have been omitted.

6. Attention must be drawn to the fact that the annex listing the regulations incorporated in the new basic regulation is far from complete and includes a number of errors; this is unwarrantable if a proper examination is to be made by the European Parliament. The Committee on Agriculture therefore asks that in future a clear and complete list be presented to the European Parliament of all the instruments that have been brought into the consolidation.

7. The Committee on Agriculture further feels it necessary for the European Parliament also to be involved when there are future proposals for consolidation. It is extremely important, in view of the range of political implications of the Common Agricultural Policy, that the European Parliament be in a position to follow the development of consolidation of Community legislation affecting agriculture.

8. The Committee on Agriculture expresses its approval of the Commission proposals, and urges that consolidation be rapidly brought about in other sectors of the Common Agricultural Policy as well.