



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.12.2003
COM(2003) 737 final

2003/0288 (CNS)

Proposal for a

COUNCIL REGULATION

laying down general rules for the application of measures to improve the production and marketing of honey

(Codified version)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) PV 868.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex I to this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EC) No 1221/97 and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and new numbers is shown in a table set out in Annex II to the codified Regulation.

↓ 1221/97 (adapted)

Proposal for a

COUNCIL REGULATION

laying down general rules for the application of measures to improve the production and marketing of honey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament¹,

Having regard to the opinion of the European Economic and Social Committee²,

Whereas:



- (1) Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey³ has been substantially amended⁴. In the interests of clarity and rationality the said Regulation should be codified.

↓ 1221/97 Recital 1 (adapted)

- (2) The Commission should send periodically to the European Parliament and the Council a discussion paper on European beekeeping explaining the situation and the difficulties of this sector.

¹ OJ C

² OJ C

³ OJ L 173, 1.7.1997, p. 28. Regulation as amended by Regulation (EC) No 2070/98 (OJ L 265, 30.9.1998, p. 1).

⁴ See Annex I.

↓ 1221/97 Recital 2

- (3) Beekeeping is a sector of agriculture, the main functions of which are economic activity and rural development, the production of honey and other products of the hive and the maintenance of ecological balance.

↓ 1221/97 Recital 3

- (4) The sector is marked by diversity of production conditions and yields and by the dispersion and variety of producers and traders. There is an imbalance between supply and demand on the Community market for honey.

↓ 1221/97 Recital 4 (adapted)

- (5) In view of the spread of varroasis in several Member States in recent years and the problems which this disease and ☒ related ☒ diseases cause for honey production, action by the Community is necessary.

↓ 1221/97 Recital 5 (adapted)

- (6) Given these circumstances and in order to improve the production and marketing of honey in the Community, ☒ as defined by Council Directive 2001/110/EC of 20 December 2001 relating to honey⁵, ☒ national programmes should be established each year comprising technical assistance, measures to control varroasis and related diseases, a rationalisation of transhumance, the management of regional beekeeping centres and cooperation on research programmes to improve the quality of honey.

↓ 1221/97 Recital 6 (adapted)

- (7) In order to supplement the statistical data on the ☒ honey ☒ sector, Member States should carry out studies on the structure of the sector, covering production, marketing and price formation.

↓ 1221/97 Recital 7 (adapted)

- (8) Expenditure by the Member States in fulfilment of the obligations arising from this Regulation should be borne by the Community pursuant to Article ☒ 2(2) and (3) ☒ of Council Regulation ☒ (EC) No 1258/1999 of 17 May 1999 ☒ on the financing of the common agricultural policy⁶,

⁵ ☒ OJ L 10, 12.1.2002, p. 47. ☒

⁶ OJ ☒ L 160, 26.6.1999, p. 103 ☒.

↓ 1221/97

HAS ADOPTED THIS REGULATION:

Article 1

↓ 1221/97 (adapted)

1. This Regulation lays down measures for improving the general conditions for the production and marketing of honey as defined by Directive 2001/110/EC . To this end, Member States may lay down national programmes for each year.
2. The measures which may be included in the annual national programmes referred to in paragraph 1 shall be the following:

↓ 1221/97

- (a) technical assistance to members of beekeepers' associations and honey houses with a view to improving the conditions for the production and extraction of honey;
- (b) the control of varroasis and related diseases: improvement of the conditions for the treatment of hives;
- (c) rationalisation of transhumance;
- (d) measures to support laboratories carrying out analyses on the physico-chemical properties of honey;
- (e) cooperation with specialised bodies for the implementation of applied research programmes to improve the quality of honey.

↓ 1221/97 (adapted)

3. The provisions of Article 4 of Council Regulation No 26⁷ shall remain applicable to State aids other than those included in the annual national programmes approved pursuant to Article 4 of this Regulation.

Article 2

In order to be eligible for the part-financing provided for in Article 3 (2) , Member States shall carry out a study of the production and marketing structure in the honey sector in their territory.

⁷ OJ 30, 20.4.1962, p. 993/62.

Article 3

1. Expenditure made in accordance with this Regulation shall be considered as interventions within the meaning of Article 2(2) and (3) of Regulation (EC) No 1258/1999.
2. The Community shall provide part-financing for the annual national programmes referred to in Article 1(1) equivalent to 50 % of the expenditure borne by Member States for the measures referred to in Article 1(2) included in the national programme.

↓ 2070/98 Art. 1 (adapted)

3. Expenditure by the Member States for the measures taken under the annual national programmes referred to in Article 1 (1) must be made by 15 October each year.

↓ 1221/97 (adapted)

Article 4

The annual national programmes referred to in Article 1(1) shall be drawn up in close collaboration with the representative organisations and beekeeping cooperatives. Programmes shall be forwarded to the Commission, which shall approve them in accordance with the procedure referred to in Article 17 (2) of Council Regulation (EEC) No 2771/75⁸.

Measures contained in operational programmes for Objective 1 and 2 regions shall be excluded from those programmes.

Article 5

Detailed rules for the application of this Regulation, in particular those relating to monitoring, shall be adopted in accordance with the procedure referred to in Article 17 of Regulation (EEC) No 2771/75.

Article 6

The Commission shall present to the European Parliament and the Council every three years a report on the application of this Regulation.

⁸ OJ L 282, 1.11.1975, p. 49.



Article 7

Regulation (EC) No 1221/97 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex II.

↓ 1221/97 Art. 7 (adapted)

Article 8

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

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

Done at Brussels, [...]

For the Council
The President
[...]



ANNEX I

Repealed Regulation and its amendment

Council Regulation (EC) No 1221/97

(OJ L 173, 1.7.1997, p. 1)

Council Regulation (EC) No 2070/98

(OJ L 265, 30.9.1998, p. 1)



ANNEX II

CORRELATION TABLE

Regulation (EC) No 1221/97	This Regulation
Articles 1-2	Articles 1-2
Article 3, first paragraph	Article 3(1)
Article 3, second paragraph	Article 3(2)
Article 3, third paragraph	Article 3(3)
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
–	Article 7
Article 7	Article 8
–	Annex I
–	Annex II