



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 February 2013

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**Interinstitutional File:
2013/0030 (NLE)**

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ACCTR 1**

PROPOSAL

from:	European Commission
dated:	8 February 2013
No Cion doc.:	COM(2013) 51 final
Subject:	Proposal for a Council Regulation adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of Croatia

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 51 final



Brussels, 8.2.2013
COM(2013) 51 final

2013/0030 (NLE)

Proposal for a

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adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of Croatia

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The proposal for a Council Regulation is necessitated by the upcoming accession of the Republic of Croatia to the European Union.

The Treaty concerning the accession of the Republic of Croatia to the European Union¹ was signed by all Member States of the European Union and the Republic of Croatia at Brussels on 9 December 2011.

Article 3 (3) of the Treaty of Accession provides that it shall enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.

Article 3(4) of the Treaty of Accession enables the institutions of the Union to adopt before accession measures referred to, inter alia, in Article 50 of the Act concerning the conditions of accession of the Republic of Croatia². These measures shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

Article 50 of the Act of Accession provides that where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, the Council or the Commission (if the original acts were adopted by the Commission) shall adopt the necessary acts.

Point 2 of the Final Act³ refers to the political agreement on a set of adaptations to acts adopted by the institutions which was reached between the Member States and Croatia in the context of the approval of the Treaty of Accession; the High Contracting Parties of the Treaty of Accession invited the Council and the Commission to adopt these adaptations before accession in accordance with Article 50 of the Act of Accession, completed and updated where necessary to take account of the evolution of the law of the Union.

The present proposal regroups the technical adaptations to all Council regulations and decisions as well as to all European Parliament and Council regulations and decisions which require technical adaptation by reason of the accession of Croatia, into a single Council regulation.

Alongside this proposal for a Council Regulation, the Commission transmits a series of separate proposals for several Council directives to the Council which cover technical adaptations to Council directives as well as to European Parliament and Council directives which also need technical adaptation by reason of the accession of Croatia. Each of these separate proposals for Council directives regroups the technical adaptations which correspond to different negotiation chapters. This

¹ OJ L 112, 24.4.2012, p. 10.

² OJ L 112, 24.4.2012, p. 21.

³ OJ L 112, 24.4.2012, p. 95

structure is designed to facilitate the transposition of the directives by Member States into their respective legal orders, and is in line with the approach which was taken in view of the accession of Bulgaria and Romania⁴.

It is foreseen that all the legal acts included in this package will be published in the *Official Journal of the European Union* at the same date.

The present proposal and the other proposals included in this package will take into account technical adaptations to the *acquis* which were published in the Official Journal of the European Union until 1 September 2012. The reasons for this are to provide sufficient time for the legislative processes involved on the one hand, and for the fulfilment of the ensuing transposition and notification obligations by Member States as regards directives on the other hand. Adaptations which may be necessary to the *acquis* published in the Official Journal of the European Union after 1 September 2012 will be foreseen in the relevant acts themselves or done at a later stage through the appropriate procedure. In addition, the Commission intends to informally provide a list of such legislation to Member States in early July 2013.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

As this proposal is of a purely technical nature and does not involve any political choices, consultations with interested parties or impact assessments would not have made sense.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis for the proposal is Article 50 of the Act concerning the conditions of accession of the Republic of Croatia.

The principles of subsidiarity and proportionality are fully respected.

The action of the Union is necessary under the principle of subsidiarity (Article 5 (3) TEU) because it concerns technical adaptations to legal acts which were adopted by the Union. The proposal respects the principle of proportionality (Article 5 (4) TEU) because it does not go beyond what is necessary to reach the objective pursued.

4. BUDGETARY IMPLICATIONS

This proposal has no budgetary implications.

⁴ OJ L 363, 20.12.2006, p. 1.

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adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of Croatia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty of Accession of the Republic of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 50 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 50 of the Act of Accession, where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the Council, acting by qualified majority on a proposal from the Commission, shall, to this end, adopt the necessary acts, if the original act was not adopted by the Commission.
- (2) The Final Act of the Conference which drew up the Treaty of Accession indicated that the High Contracting Parties had reached political agreement on a set of adaptations to acts adopted by the institutions required by reason of accession and invited the Council and the Commission to adopt these adaptations before accession, completed and updated where necessary to take account of the evolution of the law of the Union.
- (3) The following Regulations should therefore be amended accordingly:
 - in the field of the free movement of goods: Regulations (EC) No 1907/2006¹, (EC) No 1272/2008², (EC) No 78/2009³ and (EU) No 1007/2011⁴,

¹ OJ L 396, 30.12.2006, p. 1.

² OJ L 353, 31.12.2008, p. 1.

³ OJ L 35, 4.2.2009, p.1.

⁴ OJ L 272, 18.10.2011, p.1.

- in the field of the freedom of movement of persons: Regulation (EC) No 883/2004⁵,
- in the field of company law: Regulation (EC) No 2157/2001⁶,
- in the field of competition policy: Regulation (EC) No 659/1999⁷,
- in the field of agriculture: Regulations (EC) No 834/2007⁸, (EC) No 1234/2007⁹, (EC) No 73/2009¹⁰ and (EC) No 1217/2009¹¹
- in the field of food safety, veterinary and phytosanitary policy: Regulations (EC) No 1760/2000¹², (EC) No 999/2001¹³, (EC) No 998/2003¹⁴, (EC) 2160/2003¹⁵, (EC) 21/2004¹⁶, (EC) No 853/2004¹⁷, (EC) No 854/2004¹⁸, and (EC) No 882/2004¹⁹,
- in the field of transport policy: Regulations (EEC) No 1192/69²⁰, (EEC) No 1108/70²¹ and (EEC) No 3821/85²², (EC) No 1071/2009²³, (EC) No 1072/2009²⁴ and (EC) No 1073/2009²⁵,
- in the field of taxation: Regulations (EU) No 904/2010²⁶ and (EU) No 389/2012²⁷,
- in the field of statistics: Regulations (EEC) No 2658/87²⁸, (EC) No 2223/96²⁹, (EC) No 1221/2002³⁰, (EC) No 437/2003³¹, (EC) No 1059/2003³² and (EC) No 1177/2003³³, (EC) No 501/2004³⁴, (EC) No 1222/2004³⁵, (EC) No

⁵ OJ L 166, 30.4.2004, p. 1.
⁶ OJ L 294, 10.11.2001, p. 1.
⁷ OJ L 83, 27.3.1999, p. 1.
⁸ OJ L 189, 20.7.2007, p. 1.
⁹ OJ L 299, 16.11.2007, p. 1.
¹⁰ OJ L 30, 31.1.2009, p. 16.
¹¹ OJ L 328, 15.12.2009, p. 27.
¹² OJ L 204, 11.8.2000, p. 1.
¹³ OJ L 147, 31.5.2001, p.1.
¹⁴ OJ L 146, 13.6.2003, p. 1.
¹⁵ OJ L 325, 12.12.2003, p. 1.
¹⁶ OJ L 5, 9.1.2004, p. 8.
¹⁷ OJ L 139, 30.4.2004, p. 55.
¹⁸ OJ L 139, 30.4.2004, p. 206.
¹⁹ OJ L 165, 30.4.2004, p. 1.
²⁰ OJ L 156, 28.6.1969, p. 8.
²¹ OJ L 130, 15.6.1970, p. 4.
²² OJ L 370, 31.12.1985, p. 8.
²³ OJ L 300, 14.11.2009, p.51.
²⁴ OJ L 300, 14.11.2009, p. 72.
²⁵ OJ L 300, 14.11.2009, p. 88.
²⁶ OJ L 268, 12.10.2010, p. 1.
²⁷ OJ L 121, 8.5.2012, p.1.
²⁸ OJ L 256, 7.9.1987, p. 1.
²⁹ OJ L 310, 30.11.1996, p. 1.
³⁰ OJ L 179, 9.7.2002, p. 1.
³¹ OJ L 66, 11.3.2003, p. 1.
³² OJ L 154, 21.6.2003, p. 1.
³³ OJ L 165, 3.7.2003, p. 1.
³⁴ OJ L 81, 19.3.2004, p.1.

1161/2005³⁶, (EC) No 1921/2006³⁷, (EC) No 716/2007³⁸, (EC) No 295/2008³⁹, (EC) No 216/2009⁴⁰, (EC) No 217/2009⁴¹, (EC) No 218/2009⁴², (EU) No 1337/2011⁴³ and (EU) No 70/2012⁴⁴,

- in the field of judiciary and fundamental rights: Regulation (EU) No 211/2011⁴⁵,
- in the field of justice, freedom and security: Regulations (EC) No 1683/95⁴⁶, No 1346/2000⁴⁷, (EC) No 44/2001⁴⁸, (EC) No 539/2001⁴⁹, (EC) No 1896/2006⁵⁰, (EC) No 861/2007⁵¹, (EC) No 1393/2007⁵² and (EC) No 4/2009⁵³,
- in the field of environment: Regulation (EC) No 1221/2009⁵⁴,
- in the field of customs union: Regulations (EEC) No 2913/92⁵⁵ and (EC) No 1528/2007⁵⁶,
- in the field of external relations: Regulations (EEC) No 3030/93⁵⁷, (EC) No 517/94⁵⁸, (EC) No 2368/2002⁵⁹, (EC) No 1236/2005⁶⁰ and (EC) No 1215/2009⁶¹,
- in the field of foreign, security and defence policy: Regulations (EC) No 2488/2000⁶², (EC) No 2580/2001⁶³, (EC) No 881/2002⁶⁴, (EC) No 147/2003⁶⁵,

³⁵ OJ L 233, 2.7.2004 p.1 and OJ L 333M, 11.12.2008, p. 1,

³⁶ OJ L 191, 22.7.2005, p. 22.

³⁷ OJ L 403, 30.12.2006, p. 1.

³⁸ OJ L 171, 29.6.2007, p. 17.

³⁹ OJ L 97, 9.4.2008, p. 13.

⁴⁰ OJ L 87, 31.3.2009, p. 1.

⁴¹ OJ L 87, 31.3.2009, p. 42.

⁴² OJ L 87, 31.3.2009, p. 70.

⁴³ OJ L 347, 30.12.2011, p. 7.

⁴⁴ OJ L 32, 3.2.2012, p. 1.

⁴⁵ OJ L 65, 11.3.2011, p. 1.

⁴⁶ OJ L 164, 14.7.1995, p. 1.

⁴⁷ OJ L 160, 30.6.2000, p. 1.

⁴⁸ OJ L 12, 16.1.2001, p. 1.

⁴⁹ OJ L 81, 21.3.2001, p. 1.

⁵⁰ OJ L 399, 30.12.2006, p. 1.

⁵¹ OJ L 199, 31.7.2007, p. 1.

⁵² OJ L 324, 10.12.2007, p. 79.

⁵³ OJ L 7, 10.1.2009, p. 1.

⁵⁴ OJ L 342, 22.12.2009, p. 1.

⁵⁵ OJ L 302, 19.10.1992, p. 1.

⁵⁶ OJ L 348, 31.12.2007, p.1.

⁵⁷ OJ L 275, 8.11.1993, p. 1.

⁵⁸ OJ L 67, 10.3.1994, p. 1.

⁵⁹ OJ L 358, 31.12.2002, p. 28.

⁶⁰ OJ L 200, 30.7.2005, p. 1.

⁶¹ OJ L 328, 15.12.2009, p. 1.

⁶² OJ L 287, 14.11.2000, p. 19.

⁶³ OJ L 344, 28.12.2001, p. 70.

⁶⁴ OJ L 139, 29.5.2002, p. 9.

⁶⁵ OJ L 24, 29.1.2003, p. 2.

(EC) No 1210/2003⁶⁶, (EC) No 131/2004⁶⁷, (EC) No 234/2004⁶⁸, (EC) No 314/2004⁶⁹, (EC) No 872/2004⁷⁰, (EC) No 174/2005⁷¹, (EC) No 560/2005⁷², (EC) No 889/2005⁷³, (EC) No 1183/2005⁷⁴, (EC) No 1184/2005⁷⁵, (EC) No 305/2006⁷⁶, (EC) No 765/2006⁷⁷, (EC) No 1412/2006⁷⁸, (EC) No 329/2007⁷⁹, (EC) No 194/2008⁸⁰, (EU) No 1284/2009⁸¹, (EU) No 356/2010⁸², (EU) No 667/2010⁸³, (EU) No 101/2011⁸⁴, (EU) No 204/2011⁸⁵, (EU) No 270/2011⁸⁶, (EU) No 359/2011⁸⁷, (EU) No 753/2011⁸⁸, (EU) No 36/2012⁸⁹, (EU) No 267/2012⁹⁰ and (EU) No 377/2012⁹¹,

- in the field of institutions: Regulation (EEC) 1/58⁹².

(4) The following Decisions should therefore be amended accordingly:

- in the field of food safety, veterinary and phytosanitary policy: Decisions 2003/17/EC⁹³, 2005/834/EC⁹⁴, 2006/545/EC⁹⁵, 2008/971/EC⁹⁶ and 2009/470/EC⁹⁷,
- in the field of transport policy: Decisions 2012/22/EU⁹⁸ and 2012/23/EU⁹⁹,
- in the field of energy: Decisions 2006/1364/EC¹⁰⁰ and 2008/114/EC, Euratom¹⁰¹,

⁶⁶ OJ L 169, 8.7.2003, p. 6.

⁶⁷ OJ L 21, 28.1.2004, p. 1.

⁶⁸ OJ L 40, 12.2.2004, p. 1.

⁶⁹ OJ L 55, 24.2.2004, p. 1.

⁷⁰ OJ L 162, 30.4.2004, p. 32.

⁷¹ OJ L 29, 2.2.2005, p. 5 and OJ L 333M, 11.12.2008, p. 1019.

⁷² OJ L 95, 14.4.2005, p. 1 and OJ L 159M, 13.6.2005, p. 347.

⁷³ OJ L 152, 15.6.2005, p. 1.

⁷⁴ OJ L 193, 23.7.2005, p. 1 and OJ L 352M, 31.12.2008, p. 231.

⁷⁵ OJ L 193, 23.7.2005, p. 9 and OJ L 352M, 31.12.2008, p. 239.

⁷⁶ OJ L 51, 22.2.2006, p. 1 and OJ L 334M, 12.12.2008, p. 948.

⁷⁷ OJ L 134, 20.5.2006, p. 1 and OJ L 352M, 31.12.2008, p. 432.

⁷⁸ OJ L 267, 27.9.2006, p. 2 and OJ L 352M, 31.12.2008, p. 470.

⁷⁹ OJ L 88, 29.3.2007, p. 1 and OJ L 352M, 31.12.2008, p. 1033.

⁸⁰ OJ L 66, 10.3.2008, p. 1.

⁸¹ OJ L 346, 23.12.2009, p. 26.

⁸² OJ L 105, 27.4.2010, p. 1.

⁸³ OJ L 195, 27.7.2010, p. 16.

⁸⁴ OJ L 31, 5.2.2011, p. 1.

⁸⁵ OJ L 58, 3.3.2011, p. 1.

⁸⁶ OJ L 76, 22.3.2011, p. 4.

⁸⁷ OJ L 100, 14.4.2011, p. 1.

⁸⁸ OJ L 199, 2.8.2011, p. 1.

⁸⁹ OJ L 16, 19.1.2012, p. 1.

⁹⁰ OJ L 88, 24.3.2012, p. 1.

⁹¹ OJ L 119, 4.5.2012, p. 1.

⁹² OJ 17, 6.10.1958, p. 385.

⁹³ OJ L 8, 14.1.2003, p. 10.

⁹⁴ OJ L 312, 29.11.2005, p. 51 and OJ L 175M, 29.6.2006, p. 90.

⁹⁵ OJ L 215, 5.8.2006, p. 28.

⁹⁶ OJ L 345, 23.12.2008, p. 83.

⁹⁷ OJ L 155, 18.6.2009, p. 30.

⁹⁸ OJ L 8, 12.1.2012, p. 1.

⁹⁹ OJ L 8, 12.1.2012, p. 13.

- in the field of trans-European networks: Decision 661/2010/EU¹⁰²,
- in the field of judiciary and fundamental rights: Decision 96/409/CFSP¹⁰³,
- in the field of justice, freedom and security: Decision SCH/Com-ex (94) 28 rev.¹⁰⁴
- in the field of environment: Decision 97/602/EC¹⁰⁵,
- in the field of customs union: Decision 2001/822/EC¹⁰⁶,
- in the field of foreign, security and defence policy: Decision No 2011/292/EU¹⁰⁷,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following Regulations shall be amended as set out in the Annex:
 - (a) in the field of the free movement of goods: Regulations (EC) No 1907/2006, (EC) No 1272/2008, (EC) No 78/2009 and (EU) No 1007/2011,
 - (b) in the field of the freedom of movement of persons: Regulation (EC) No 883/2004,
 - (c) in the field of company law: Regulation (EC) No 2157/2001,
 - (d) in the field of competition policy: Regulation (EC) No 659/1999,
 - (e) in the field of agriculture: Regulations (EC) No 834/2007, (EC) No 1234/2007, (EC) No 73/2009 and (EC) No 1217/2009,
 - (f) in the field of food safety, veterinary and phytosanitary policy: Regulations (EC) No 1760/2000, (EC) No 999/2001, (EC) No 998/2003, (EC) No 2160/2003, (EC) No 21/2004, (EC) No 853/2004, (EC) No 854/2004, and (EC) No 882/2004,
 - (g) in the field of transport policy: Regulations (EEC) No 1192/69, (EEC) No 1108/70 and (EEC) No 3821/85, (EC) No 1071/2009, (EC) No 1072/2009 and (EC) No 1073/2009,
 - (h) in the field of taxation: Regulations (EU) No 904/2010 and (EU) No 389/2012,

¹⁰⁰ OJ L 262, 22.9.2006, p. 1.

¹⁰¹ OJ L 41, 15.2.2008, p. 15.

¹⁰² OJ L 204, 5.8.2010, p. 1.

¹⁰³ OJ L 168, 6.7.1996, p. 4.

¹⁰⁴ OJ L 239, 22.9.2000, p. 463.

¹⁰⁵ OJ L 242, 4.9.1997, p. 64.

¹⁰⁶ OJ L 314, 30.11.2001, p.1.

¹⁰⁷ OJ L 141, 27.5.2011, p. 17.

- (i) in the field of statistics: Regulations (EEC) No 2658/87, (EC) No 2223/96, (EC) No 1221/2002, (EC) No 437/2003, (EC) No 1059/2003 and (EC) No 1177/2003, (EC) No 501/2004, (EC) No 1222/2004, (EC) No 1161/2005, (EC) No 1921/2006, (EC) No 716/2007, (EC) No 295/2008, (EC) No 216/2009, (EC) No 217/2009, (EC) No 218/2009, (EU) No 1337/2011 and (EU) No 70/2012,
- (j) in the field of judiciary and fundamental rights: Regulation (EU) No 211/2011,
- (k) in the field of justice, freedom and security: Regulations (EC) No 1683/95, No 1346/2000, (EC) No 44/2001, (EC) No 539/2001, (EC) No 1896/2006, (EC) No 861/2007, (EC) No 1393/2007 and (EC) No 4/2009,
- (l) in the field of environment: Regulation (EC) No 1221/2009,
- (m) in the field of customs union: Regulations (EEC) No 2913/92 and (EC) No 1528/2007,
- (n) in the field of external relations: Regulations (EEC) No 3030/93, (EC) No 517/94, (EC) No 2368/2002, (EC) No 1236/2005 and (EC) No 1215/2009,
- (o) in the field of foreign, security and defence policy: Regulations (EC) No 2488/2000, (EC) No 2580/2001, (EC) No 881/2002, (EC) No 147/2003, (EC) No 1210/2003, (EC) No 131/2004, (EC) No 234/2004, (EC) No 314/2004, (EC) No 872/2004, (EC) No 174/2005, (EC) No 560/2005, (EC) No 889/2005, (EC) No 1183/2005, (EC) No 1184/2005, (EC) No 305/2006, (EC) No 765/2006, (EC) No 1412/2006, (EC) No 329/2007, (EC) No 194/2008, (EU) No 1284/2009, (EU) No 356/2010, (EU) No 667/2010, (EU) No 101/2011, (EU) No 204/2011, (EU) No 270/2011, (EU) No 359/2011, (EU) No 753/2011, (EU) No 36/2012, (EU) No 267/2012 and (EU) No 377/2012,
- (p) in the field of institutions: Regulation (EEC) 1/58.

2. The following Decisions shall be amended as set out in the Annex:

- (a) in the field of food safety, veterinary and phytosanitary policy: Decisions 2003/17/EC, 2005/834/EC, 2006/545/EC, 2008/971/EC and 2009/470/EC,
- (b) in the field of transport policy: Decisions 2012/22/EU and 2012/23/EU,
- (c) in the field of energy: Decisions 2006/1364/EC and 2008/114/EC, Euratom,
- (d) in the field of trans-European networks: Decision 661/2010/EU,
- (e) in the field of judiciary and fundamental rights: Decision 96/409/CFSP,
- (f) in the field of justice, freedom and security: Decision SCH/Com-ex (94) 28 rev.,
- (g) in the field of environment: Decision 97/602/EC,
- (h) in the field of customs union: 2001/822/EC,

- (i) in the field of foreign, security and defence policy: Decision No 2011/292/EU.

Article 2

This Regulation shall enter into force subject to, and as from the date of the entry into force of the Treaty of Accession of the Republic of Croatia.

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

Done at Brussels,

For the Council
The President