



**EUROPEAN COMMISSION**  
Secretariat-General

Directorate C - Smart Regulation and Work Programme  
The Director



Brussels,  
C1/IP/mg

Honourable Kate Doust MLC  
Chair  
Standing Committee on Uniform  
Legislation and Statutes Review  
Parliament House  
Perth, Western Australia 6000

**Subject:** Uniform Legislation and Statutes Review (your letter dated 15 October 2014 - Ref:STA)

Honourable Kate Doust,

I am writing in response to your letter of 15 October concerning review of the Statute Book.

Significant efforts of simplification, codification and recast of the existing stock of legislation have been deployed by the Commission since 2000. This work is directed to making EU legislation clearer, more accessible and easier for Member States to implement and stakeholders to understand and respect.

This work is referred to in a series of policy statements adopted by the Commission in the area of Better Regulation, Smart Regulation and REFIT, the Commission's 'Regulatory Fitness and Performance programme':

- COM (2005)97 Better Regulation for Growth and Jobs in the European Union;
- COM (2006)689 A strategic review of Better Regulation in the European Union;
- COM (2007)23 Action Programme for Reducing Administrative Burdens in the European Union;
- COM (2010)543 Smart Regulation in the European Union;
- COM (2012)746 EU Regulatory Fitness;
- COM (2013)685; Regulatory Fitness and Performance (REFIT): Results and Next Steps;
- COM (2014)368 Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook.

Under REFIT, in 2013 and in 2014 the Commission services have mapped and screened the entire EU legislative stock twice to identify burdens, gaps and inefficient or ineffective measures including possibilities for simplification or repeal. In its June 2014 Communication mentioned above the Commission has undertaken to yearly update a detailed scoreboard setting out the state of play in the implementation of each individual REFIT initiative and an indication of further action. More information can be had at: [http://ec.europa.eu/smart-regulation/refit/index\\_en.htm](http://ec.europa.eu/smart-regulation/refit/index_en.htm).

Codification is part of this work. The term "*codification*" in Union law describes a process whereby the provisions of an existing legislative act and all its amendments are brought together in a single new act containing no substantive change to that earlier legislation. The new act passes through the full legislative process and replaces the act being codified, which is therefore repealed. A multi-annual codification programme has been implemented, as foreseen in the Communication of the Commission COM(2001)645 - "Codification of the Acquis communautaire". The project was officially completed in 2009. Codification work continues according to current needs on the basis of a yearly planning. More information can be had at: [http://ec.europa.eu/dgs/legal\\_service/codifica\\_en.htm](http://ec.europa.eu/dgs/legal_service/codifica_en.htm).

Recasting is a legislative technique making it possible to amend an act which is in force, and which may have already been amended by one or more amending acts, while immediately codifying the new amendments with the unchanged provisions of that earlier legislation. It is a well-established tool for the simplification of Union legislation used by the EU institutions for substantially improving the readability of legal acts, in particular those which have been extensively amended. See also [http://ec.europa.eu/dgs/legal\\_service/recasting\\_en.htm](http://ec.europa.eu/dgs/legal_service/recasting_en.htm).

Repeal of obsolete legal acts is an objective set by the European Commission in its Communication COM (2003)71 "Updating and Simplifying the Community acquis", and confirmed in the 2003 Interinstitutional Agreement on Better Law-Making. The latter says in paragraph 35:

"(Simplifying and reducing the volume of legislation) In order to make Community law easier to read and to apply, the three Institutions agree, firstly, to update and condense existing legislation and, secondly, significantly to simplify it. They will take the Commission's multiannual programme as a basis for this task. Legislation will be updated and condensed inter alia through the repeal of acts which are no longer applied and through the codification or recasting of other acts." (OJ 2003/C 321/01)

Repeal removes unnecessary, irrelevant or obsolete legal acts which no longer have real effect, but which remain in force as long as they are not expressly repealed. The process of repeal entails the Commission making a proposal for a legal act by which regulations, directives and decisions concerned are formally repealed and their validity is terminated. To avoid the need for formal repeal the Commission often introduces review, revision or sunset clauses in the legislative proposals, especially in policy areas of rapid technological development.

Two exceptional procedures are also used to streamline the process of updating and condensing legislation, which do not involve formal repeal and which apply to certain types of decision, regulation and directive as well as to non-binding instruments for which a legal basis no longer exists. These actions are relevant, in particular, with regard to acts adopted by the Commission, such as delegated and implementing acts as well as

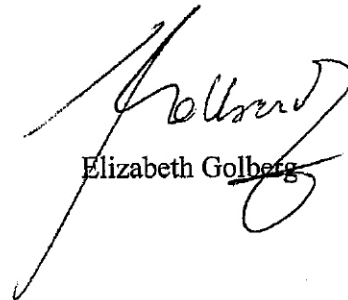
other autonomous acts adopted on the basis of powers conferred on the Commission by the legislative acts adopted by the European Parliament and the Council of the European Union, Those procedures are respectively the declaration of obsolescence, published in the EU Official Journal, and the simple removal from the Directory of EU legislation in force, accessible online in EUR-Lex.

EUR-Lex, managed by the Publications Office, is the central data base providing a single entry-point to EU law and other public EU documents as well as to the authentic electronic Official Journal of the EU. It offers search and reporting facilities for information and monitoring on repeals and acts whose validity has expired.

The review of legislation for the purposes of updating, simplification, amendment, repeals, etc., is decentralised to the Commission services (Directorates General) for the parts of the existing stock of legislation for which they are responsible. It is co-ordinated by the Secretariat General in association with the Legal Service in the framework of the Commission planning process and the preparation of the Commission's Annual Work Programme.

I hope that this information and the documents you can access in the Europa website provide a full picture, but please do come back to us for any further information.

Yours sincerely,



Elizabeth Golberg