

**Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs**

*Official Journal L 186 , 30/06/1989 P. 0023 - 0026*

*Finnish special edition: Chapter 13 Volume 19 P. 0047*

*Swedish special edition: Chapter 13 Volume 19 P. 0047*

COUNCIL DIRECTIVE of 14 June 1989 on the official control of foodstuffs (89/397/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas trade in foodstuffs is one of the most important aspects of the common market; whereas all the Member States must endeavour to protect the health and economic interests of their citizens; whereas the protection of health must be given unconditional priority and whereas, therefore, official control of foodstuffs must be harmonized and made more effective;

Whereas, however, the differences between national legislations with respect to this type of control are such as to represent barriers to the free movement of goods;

Whereas it is therefore necessary to approximate these legislations;

Whereas, first of all, the general principles governing the carrying-out of such control must be harmonized;

Whereas specific provisions, in addition to the general principles, may, if necessary, be adopted subsequently;

Whereas the subject of this Directive is verification of the compliance of foodstuffs with legislation on foodstuffs; whereas such legislation contains provisions on health, rules on composition and rules on quality designed to protect consumers' economic interests as well as provisions on consumer information and fair commercial transactions;

Whereas, at the same time as foodstuffs, materials and articles intended to come into contact with such foodstuffs should be controlled;

Whereas for the purposes of the completion of the internal market, foodstuffs intended to cross intra-Community

frontiers must be inspected with the same care as those intended for marketing in the Member State of production;

Whereas inspection must therefore be based in principle on the provisions in force in the Member State of production; whereas, however, such a principle should not apply where it has been established to the satisfaction of the inspecting authority by appropriate means, including the submission of commercial documents, that the product in question is intended for consignment to another Member State and that it complies with the provisions in force in that Member State;

Whereas, to be effective, inspections must be carried out regularly; whereas they must not be limited as to the subject, stage or moment at which it is convenient to carry them out, and whereas they must take the most suitable forms to guarantee their effectiveness;

Whereas in order to ensure that inspection procedures are not evaded, it is necessary to provide that Member States shall not exclude a product from appropriate inspection on the grounds that it is intended for export outside the Community;

Whereas the inspectors must be granted adequate powers;

Whereas although, on the one hand, undertakings should not have the right to oppose the inspections, on the other hand their legitimate rights must be preserved, in particular the right to manufacturing secrecy and the right of appeal;

Whereas the authorities made responsible for the control of foodstuffs may differ from one Member State to another; whereas it is, therefore, desirable to publish a list of the competent authorities in the field in each Member State, with an indication of the territories for which they are competent, and approved laboratories for the analyses to be carried out in connection with such control;

Whereas official controls should contribute effectively to the prevention of food law infringements; whereas to that end programmes should be drawn up on the basis of appropriate criteria;

Whereas, although it is primarily for Member States to lay down their inspection programmes, it is necessary, with a view to the completion and operation of the internal market, to arrange also for coordinated programmes at Community level;

Whereas simultaneous implementation of national programmes and coordinated programmes will provide

experience which is still widely lacking at present; whereas, in the light of that experience, it may prove necessary to revise this Directive to improve the arrangements which it introduces;

Whereas Member States should be allowed a certain degree of freedom as to the practical means of carrying out inspections so as not to interfere with systems of proven worth which are best suited to the particular situation in each Member State,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive lays down the general principles for the performance of official control of foodstuffs.

2. For the purposes of this Directive 'official control of foodstuffs' - hereinafter called 'control' - means an inspection by the competent authorities of the compliance:

- of foodstuffs,
- of food additives, vitamins, mineral salts, trace elements and other additives intended to be sold as such,
- of materials and articles intended to come into contact with foodstuffs,

with provisions aimed at preventing risks to public health, guaranteeing fair commercial transactions or protecting consumer interests, including provisions on consumer information.

3. This Directive shall apply without prejudice to the provisions adopted in the context of more specific Community rules.

4. This Directive shall not apply to metrological control.

#### Article 2

1. Member States shall take all necessary measures to ensure that control is carried out in accordance with this Directive.

2. Member States shall ensure that products intended for consignment to another Member State are inspected with the same care as those intended for marketing on their own territory.

#### Article 3

Member States shall not exclude a product from appropriate control on the grounds that it is intended for export outside the Community.

#### Article 4

1. Inspections shall be carried out:

(a) regularly;

(b) where non-compliance is suspected.

2. Inspections shall be carried out using means proportionate to the end to be observed.

3. Inspection shall cover all stages of production, manufacture, import into the Community, processing, storage, transport, distribution and trade.

4. As a general rule, inspections shall be carried out without prior warning.

5. As a general rule, inspections shall, in each case, select the stage or stages which it considers the most appropriate for its examination from those listed in paragraph 3.

#### Article 5

Control shall comprise one or more of the following operations in accordance with the conditions laid down in Articles 6 to 9 and in the light of the examination to be carried out:

1. inspection;

2. sampling and analysis;

3. inspection of staff hygiene;

4. examination of written and documentary material;

5. examination of any verification systems set up by the undertaking and of the results obtained.

#### Article 6

1. The following shall be subject to inspection:

(a)

the state and use which is made at the different stages enumerated in Article 4 (3) of the site, premises, offices, plant surroundings, means of transport, machinery and equipment;

(b)

raw materials, ingredients, technological aids and other products used for the preparation and production of foodstuffs;

(c)

semi-finished products;

(d)

finished products;

(e)

materials and articles intended to come into contact with foodstuffs;

(f)

cleaning and maintenance products and processes and pesticides;

(g)

processes used for the manufacture or processing of foodstuffs;

(h)

labelling and presentation of foodstuffs;

(i)

preserving methods.

2. The operations enumerated in paragraph 1 may, where necessary, be supplemented by:

- interviews with the head of the inspected undertaking and with persons working for that undertaking,
- the reading of values recorded by measuring instruments installed by the undertaking,
- inspections carried out by the competent authority, with its own instruments, of measurements taken with the instruments installed by the undertaking.

#### Article 7

1. Samples of the products enumerated in Article 6 (1) (b) to (f) may be taken for the purposes of analysis.

Member States shall take the necessary steps to ensure that those subject to inspection may apply for a second opinion.

2. The analyses shall be carried out by official laboratories.

Member States may also empower other laboratories to carry out these analyses.

#### Article 8

Persons who, in the exercise of their activity, come into contact, whether directly or indirectly, with the materials and products referred to in Article 6 (1) (b) to (f) shall be subject to the hygiene inspection referred to in Article 5 (3).

The purpose of this inspection shall be to check that the health standards concerning personal cleanliness and clothing are respected. It shall be carried out without prejudice to medical examinations.

#### Article 9

1. Inspectors may take note of written and documentary material held by the natural and legal persons at the various stages enumerated in Article 4 (3).

2. Inspectors may also make copies or take extracts of written and documentary material submitted to them for examination.

#### Article 10

Where inspectors discover or suspect an irregularity, they shall take the requisite measures.

#### Article 11

1. Member States shall ensure that inspectors have the right to carry out the operations provided for in Articles 6 to 10.

2. Member States shall prescribe that the natural and legal persons concerned shall be obliged to undergo any inspection carried out in accordance with this Directive and to assist inspectors in the accomplishment of their tasks.

#### Article 12

1. Member States shall take the measures necessary to ensure that natural and legal persons concerned by the inspection have a right of appeal against measures taken by the competent authority for the purpose of inspection.

2. They shall prescribe that inspectors shall be bound by professional secrecy.

#### Article 13

In order to ensure that the application of this Directive is uniform throughout the Member States, the Commission shall, within one year of its adoption, make a report to the European Parliament and to the Council on:

(a) the current standard of training provision for food inspectors in the Member States;

(b) the possibility of establishing Community provisions on what should constitute the basic and further training of inspectors;

(c) the possibility of establishing Community quality standards for all laboratories involved in inspection and sampling under this Directive;

(d) the possibility of establishing a Community inspection service, including opportunities for all institutions and persons involved in the inspections to exchange information.

#### Article 14

1. The competent authority or authorities of the Member States shall draw up forward programmes laying down the nature and frequency of the inspections to be carried out regularly in accordance with Article 4 (1) (a) over a specific period.

2. By 1 May of each year the Member States shall send to the Commission all the necessary information on implementation during the previous year of the programmes referred to in paragraph 1, specifying:

- the criteria applied in drawing up these programmes,
- the number and type of inspections carried out,
- the number and type of infringements established.

3. By 16 October of each year, and for the first time in 1991, the Commission shall transmit to the Member States, after having consulted them within the framework of the Standing Committee for Foodstuffs, a recommendation concerning a coordinated programme of inspections for the following year. This recommendation may be subsequently adjusted as required during implementation of the coordinated programme.

The coordinated programme shall set out in particular the priority criteria to be applied in its implementation.

The information provided for in paragraph 2 shall contain a special, separate section on implementation of the coordinated programme.

4. Five years after notification of this Directive the Commission shall transmit to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals.

#### Article 15

Each Member State shall communicate to the Commission the names of:

- the competent authority or authorities and the extent of their territorial responsibility and functions,
- the official laboratories or laboratories authorized by the competent authorities, which are responsible for carrying out analyses in connection with the control.

These lists shall be published in the 'C' series of the Official Journal of the European Communities.

#### Article 16

Member States shall adopt and publish, not later than 12 months after notification of this Directive, the laws, regulations and administrative provisions necessary to comply with this Directive not later than 24 months after its notification (4). They shall forthwith inform the Commission thereof.

#### Article 17

This Directive is addressed to the Member States.

Done at Luxembourg, 4 June 1989.

For the Council

The President

P. SOLBES

(1) OJ No C 20, 27. 1. 1987, p. 6, OJ No C 88, 5. 4. 1987, p. 14, and OJ No C 131, 27. 5. 1989, p. 6.

(2) OJ No C 345, 21. 12. 1987, p. 80, and OJ No C 120, 16. 5. 1989.

(3) OJ No C 347, 22. 12. 1987, p. 1.

(4) This Directive was notified to the Member States on 20 June 1989.

**31993L0099**

**Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs**

*Official Journal L 290 , 24/11/1993 P. 0014 - 0017*

*Finnish special edition: Chapter 13 Volume 25 P. 0080*

*Swedish special edition: Chapter 13 Volume 25 P. 0080*

COUNCIL DIRECTIVE 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas it is necessary to adopt measures in the context of the internal market; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas trade in foodstuffs occupies a very important place in the internal market;

Whereas it is therefore essential that the application of Council directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs (4) is uniform throughout the Member States; whereas this Directive lays down general rules on the official control of foodstuffs;

Whereas there is a need for additional rules designed to improve the control procedures in force in the Community;

Whereas Member States should take the necessary action to ensure that the staff of the competent authorities have sufficient technical and administrative competence;

Whereas, in order to guarantee the quality of the test data, a system of quality standards should be introduced for laboratories entrusted by the Member States with the official control of foodstuffs; whereas such a system should comply with generally accepted and standardized norms; whereas, in addition, it is essential that these laboratories use validated methods of analysis, whenever possible;

Whereas the development of trade in foodstuffs between the various Member States necessitates closer cooperation between the authorities involved in the control of foodstuffs;

Whereas general rules are required for the Commission officials specialized in the control of foodstuffs who cooperate with specific officials of the Member States in order to ensure the uniform application of legislation on foodstuffs;

Whereas provisions should be laid down under which the national authorities and the Commission must provide mutual administrative assistance with a view to ensuring proper application of the legislation on foodstuffs, in particular through preventive action and the detection of infringements or behaviour suspected of infringing the rules;

Whereas, in view of the nature of the information exchanged pursuant to this Directive, it should be covered by the requirements of commercial or professional secrecy;

Whereas a procedure should be provided for to establish close cooperation between the Member States and the Commission,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive supplements Directive 89/397/EEC.
2. For the purposes of this Directive, the provisions of Article 1 (2), (3) and (4) of Directive 89/397/EEC apply.

#### Article 2

Member States shall ensure that the competent authorities have, or have access to, a sufficient number of suitably qualified and experienced staff, in particular in areas such as chemistry, food chemistry, veterinary medicine, medicine, food microbiology, food hygiene, food technology and law so that the controls referred to in Article 5 of Directive 89/397/EEC can be carried out adequately.

#### Article 3

1. Member States shall take all measures necessary to ensure that the laboratories referred to in Article 7 of Directive 89/397/EEC comply with the general criteria for the operation of testing laboratories laid down in European Standard EN 45001 supplemented by standard operating procedures and the random audit of their compliance by quality assurance personnel, in accordance with the OECD principles No 2 and 7 of good laboratory practice as set out in Section II of Annex 2 to the Decision of the Council of the OECD of 12 May 1981 concerning the mutual acceptance of data in the assessment of chemicals.

2. In assessing the laboratories referred to in Article 7 of Directive 89/397/EEC, Member States shall:

- (a) apply the criteria laid down in European Standard EN 45002; and
- (b) require the use of proficiency testing schemes as far as appropriate.

Laboratories meeting the assessment criteria shall be presumed to fulfil the criteria referred to in paragraph 1.

Laboratories which do not meet the assessment criteria shall not be considered as laboratories referred to in Article 7 of the said Directive.

3. Member States shall designate bodies responsible for the assessment of laboratories as referred to in Article 7 of Directive 89/397/EEC. These bodies shall comply with the general criteria for laboratory accreditation bodies laid down in European Standard EN 45003.

4. The accreditation and assessment of testing laboratories referred to in this Article may relate to individual tests or groups of tests. Any appropriate deviation in the way in which the standards referred to in paragraphs 1, 2 and 3 are applied shall be adopted in accordance with the procedure laid down in Article 8.

#### Article 4

Member States shall ensure that the validation of methods of analysis used within the context of official control of foodstuffs by the laboratories referred to in Article 7 of Directive 89/397/EEC comply whenever possible with the provisions of paragraphs 1 and 2 of the Annex to Council Directive 85/591/EEC of 23 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption (5).

#### Article 5

1. The Commission shall appoint and designate specific officials to cooperate with the competent authorities of the Member States to monitor and evaluate the equivalence and effectiveness of official food control systems operated by the competent authorities of the Member States. The Commission shall send regular reports to the Member States concerned on the work of its specific officials.



The Commission shall ensure that such officials are suitably qualified and possess the appropriate knowledge and experience to carry out this task; detailed rules of application may be adopted in accordance with the procedure laid down in Article 8.

The competent authorities of the Member States shall cooperate with the Commission's designated officials and give all the necessary assistance to enable them to accomplish their tasks.

2. In pursuance of the duties set out in paragraph 1, Member States shall permit the Commission's designated officials to accompany the officials of their competent authorities carrying out the operations provided for in Article 5 of Directive 89/397/EEC. In any event, the officials of the competent authorities of the Member States shall remain responsible for the carrying out of the control operations.

The Commission shall give Member States at least five working days' notice before the start of these operations. After the execution of each operation referred to in this paragraph the Commission shall forward a report on the work of its specific officials to the Member States concerned.

For the purpose of the operations referred to in this paragraph, the Commission's designated officials shall produce written authorization specifying their identity and status.

The Commission's designated officials shall comply with the rules and practices which officials of the competent authorities of the Member States must follow.

3. The Commission shall present an annual report to the Member States and to the European Parliament on the implementation of this Article.

#### Article 6

1. The competent authorities of the Member States shall afford each other administrative assistance in all supervisory procedures in connection with legal provisions and quality standards applicable to foodstuffs and in all proceedings for infringements of the law applicable to foodstuffs.

2. To facilitate this administrative assistance each Member State shall designate a single liaison body. It shall be for the body designated by the Member State to liaise as appropriate with the liaison bodies of other Member States. The role of the bodies shall be to assist and coordinate communication and, in particular, the transmission and reception of requests for assistance.

3. Member States shall inform the Commission of all the relevant details of their designated liaison body. The list of designated liaison bodies and the relevant details shall be published in the 'C' series of the Official Journal of the European Communities.

4. Upon receiving a reasoned request, the body concerned shall be responsible for ensuring that the requesting body is provided with all necessary information, except that which cannot be released because it is the subject of legal proceedings, enabling that body to guarantee compliance with legal provisions and quality standards applicable to foodstuffs within its jurisdiction.

5. The information and documents provided pursuant to paragraph 4 shall be forwarded without undue delay either through the liaison body or directly, as appropriate. When original documents cannot be sent, copies of the documents may be transmitted.

6. When, during the exchange of information, it becomes clear that there may have been a case of non-compliance of Community laws or rules or national law of either the receiving Member State or the sending Member State, the competent authority in the Member State in whose territory the alleged non-compliance has taken place shall in due time report back to the competent authority in the other Member State

- on any action that may have been undertaken to deal with the alleged non-compliance, and also

- on any action which has taken, including any action to try to prevent a reoccurrence of the alleged non-compliance.

Such a report may also be copied to the Commission on the initiative of either the transmitting or the receiving Member State.

7. This Article shall apply without prejudice to Council Decision 89/45/EEC of 21 December 1988 on dangers arising from the use of consumer products (6) and Council Directive 92/59/EEC on general product safety (7).

#### Article 7

1. Information forwarded pursuant to Article 6 of this Directive, in whatever form, is covered by professional secrecy. In criminal proceedings, the information can be used only with the prior consent of the sending Member State in accordance with, for those Member States who are parties to them, the international conventions and agreements in force on mutual assistance in criminal affairs.

2. Where a Member State has rules permitting free access by persons to information held by competent authorities, this fact must be revealed at the time of the request to another Member State or during the exchange of information if no such request occurs. If the sending Member State indicates that the information involves matters of professional or commercial secrecy, the receiving Member State shall ensure that the information is not divulged more widely than is provided under paragraph 1. If it is not possible for the receiving Member State to restrict the giving out of the information in this way, it shall not be contrary to the terms of this Directive for the sending Member State to withhold the information.

3. Any refusal to provide information according to the provisions of this Article must be justified.

#### Article 8

1. Where the procedure laid down in this Article is to be followed, the Commission shall be assisted by the Standing Committee for Foodstuffs, set up under Decision 69/414/EEC (8), hereinafter referred to as the Committee.

2. The Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representative of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply

- with this Directive, except for Article 3, before 1 May 1995,

- with Article 3 before 1 November 1998.

They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

#### Article 10

This Directive is addressed to the Member States.

Done at Brussels, 29 October 1993.

For the Council

The President

R. URBAIN

(1) OJ No C 51, 26. 2. 1992, p. 20.

(2) OJ No C 337, 21. 12. 1992, p. 143 and

Decision of 27 October 1993 (not yet published in the Official Journal).

(3) OJ No C 332, 16. 12. 1992, p. 5.

(4) OJ No L 186, 30. 6. 1989, p. 23.

(5) OJ No L 372, 31. 12. 1985, p. 50.

(6) OJ No L 17, 21. 1. 1989, p. 51. Decision as amended by Decision 90/352/EEC (OJ No L 173, 6. 7. 1990, p. 49).

(7) OJ No L 228, 11. 8. 1992, p. 24.

(8) OJ No L 291, 19. 11. 1969, p. 9.

**Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption**

*Official Journal L 372 , 31/12/1985 P. 0050 - 0052*

*Finnish special edition: Chapter 13 Volume 15 P. 0015*

*Spanish special edition: Chapter 13 Volume 19 P. 0054*

*Swedish special edition: Chapter 13 Volume 15 P. 0015*

*Portuguese special edition Chapter 13 Volume 19 P. 0054*

COUNCIL DIRECTIVE of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption (85/591/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES, Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof, Having regard to the proposal from the Commission (1), Having regard to the opinion of the European Parliament (2), Having regard to the opinion of the Economic and Social Committee (3), Whereas the production, manufacture, marketing and use of foodstuffs intended for human consumption are of considerable importance in the European Economic Community; Whereas the methods of sampling and analysis used for this purpose can have direct repercussions on the establishment and functioning of the common market; whereas they should, therefore, be harmonized; Whereas the laying down of these methods of sampling and analysis constitutes a measure of a purely scientific and technical nature; whereas a rapid procedure for developing, improving and supplementing such methods is necessary; whereas, in order to facilitate the adoption of such measures, a procedure should be introduced for close cooperation between the Member States and the Commission within the Standing Committee for Foodstuffs, HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Where it is necessary to introduce Community methods of sampling or analysis for the purpose of determining the composition, conditions of manufacture, packaging or labelling of a foodstuff, such methods shall be adopted by the Commission or by the Council as appropriate in accordance with the procedure laid down in Article 4.2. Paragraph 1 shall be without prejudice to any specific provisions currently in force or hereafter adopted in the context of special Community rules. 3. For the purposes of determining whether it is necessary to introduce the measures provided for in paragraph 1, the following criteria in particular will be taken into consideration: (a) the need to ensure that Community law is uniformly applied; (b) the existence of barriers to intra-Community trade; (c) the permanent or recurrent nature of the criteria referred to in (a) or (b).

Article 2

1. The Directives provided for in Article 1 shall take account of the state of scientific and technical knowledge, in particular of proven methods of sampling and analysis. 2. Such Directives shall specify appropriate time limits for Member States to implement them. 3. The introduction of the measures provided for in Article 1 (1) shall not preclude Member States from using other tested and scientifically valid methods provided that this does not hinder the free movement of products recognized as complying with the rules by virtue of Community methods. However, in the event of differences in the interpretation of results, those obtained by the use of Community methods shall be determinant. 4. The methods of analysis introduced shall comply with the criteria set out in the Annex. 5. Without prejudice to Article 3, the necessary amendments to existing Directives in so far as appropriate in view of the advanced state of scientific and technological knowledge may, at the request of a Member State, be adopted by means of the procedure provided for in Article 4.

### Article 3

1. Where a Member State has detailed evidence that a measure adopted in accordance with Article 1 is inappropriate in a particular case for technical reasons or because it is insufficiently conclusive for the examination of an important health question, that Member State may temporarily suspend the measure in question in its territory but only for that particular case. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision. 2. The Commission shall examine as soon as possible the evidence given by the Member State and then consult the Member States within the Standing Committee for Foodstuffs referred to in Article 4, after which it shall deliver its opinion forthwith and take the appropriate measures. 3. If the Commission considers that amendments to the measure adopted in accordance with Article 1 are necessary in order to resolve the difficulties mentioned in paragraph 1, it shall initiate the procedure laid down in Article 4. The member State which has suspended the Community measure may, in that event, continue to do so until the amendments enter into force.

### Article 4

1. Where the procedure defined in this Article is invoked, the matter shall be referred to the Standing Committee for Foodstuffs set up by Decision 69/414/EEC (1) (hereinafter called 'the Committee') by its chairman, either on his own initiative or at the request of a representative of a Member State. 2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its own opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote. 3. (a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them;(b)Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority;(c)If the Council has not acted within three months after submission of the proposal, the proposed measures shall be adopted by the Commission.

### Article 5

Member States shall, within a period of two years following notification thereof (2), bring into force by law, regulation or administrative action any provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

### Article 6

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985. For the Council The President R. STEICHEN

(1) OJ No C 53, 24. 2. 1984, p. 9.

(2) OJ No C 46, 18. 2. 1985, p. 95.

(3) OJ No C 44, 15. 2. 1985, p. 1.

(1) OJ No L 291, 19. 11. 1969, p. 9.

(2) This Directive was notified to the Member States on 23 December 1985.

## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1882/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 29 September 2003**

**adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the  
Commission in the exercise of its implementing powers laid down in instruments subject to the  
procedure referred to in Article 251 of the EC Treaty**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE  
EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Articles 40, 47, 55, 71, 80,  
95, 137, 150, 152, 153, 155, 156, 175(1), 179, 285 and  
300(3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Economic and  
Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article  
251 of the Treaty <sup>(3)</sup>,

Whereas:

(1) Council Decision 1999/468/EC of 28 June 1999 laying  
down the procedures for the exercise of implementing  
powers conferred on the Commission <sup>(4)</sup> replaced Decision  
87/373/EEC <sup>(5)</sup>.

(2) In accordance with the statement of the Council and of the  
Commission <sup>(6)</sup> on Decision 1999/468/EC, the provisions  
relating to committees which assist the Commission in  
the exercise of its implementing powers, provided for in  
application of Decision 87/373/EEC, should be adapted in  
order to bring them into line with the provisions of Articles  
3, 4 and 5 of Decision 1999/468/EC.

(3) The aforesaid statement indicates the methods for adapting  
the committee procedures, a process which is automatic  
provided that this does not affect the nature of the  
committee provided for in the basic act.

(4) The time limits set in the provisions to be adapted should  
remain in force. Wherever there is no specific time limit  
laid down for adopting the implementing measures, the  
time limit should be set at three months.

(5) The provisions of the instruments providing for recourse to  
the type I committee procedure established by Decision  
87/373/EEC should therefore be replaced by provisions  
referring to the advisory procedure laid down in Article 3  
of Decision 1999/468/EC.

(6) The provisions of the instruments providing for recourse to  
type IIa and IIb committee procedures established by  
Decision 87/373/EEC should be replaced by provisions  
referring to the management procedure provided for in  
Article 4 of Decision 1999/468/EC.

(7) The provisions of the instruments providing for recourse to  
type IIIa and IIIb committee procedures established by  
Decision 87/373/EEC should be replaced by provisions  
referring to the regulatory procedure provided for in  
Article 5 of Decision 1999/468/EC.

(8) This Regulation concerns solely the alignment of committee  
procedures. The names of the committees connected with  
such procedures have, where appropriate, been amended,

HAVE ADOPTED THIS REGULATION:

*Article 1*

The instruments listed in Annex I and subject to the advisory  
procedure shall be adapted, in accordance with that Annex, to  
the corresponding provisions of Decision 1999/468/EC.

<sup>(1)</sup> OJ C 75 E, 26.3.2002, p. 385.

<sup>(2)</sup> OJ C 241, 7.10.2002, p. 128.

<sup>(3)</sup> Opinion of the European Parliament of 2 September 2003 and Council  
Decision of 14 April 2003 (OJ C 153 E, 1.7.2003, p. 1).

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(5)</sup> OJ L 197, 18.7.1987, p. 33.

<sup>(6)</sup> OJ C 203, 17.7.1999, p. 1.

*Article 2*

The instruments listed in Annex II and subject to the management procedure shall be adapted, in accordance with that Annex, to the corresponding provisions of Decision 1999/468/EC.

*Article 3*

The instruments listed in Annex III and subject to the regulatory procedure shall be adapted, in accordance with that Annex, to the corresponding provisions of Decision 1999/468/EC.

*Article 4*

References to provisions of the instruments in Annexes I, II and III are understood to be references to those provisions as adapted by this Regulation.

References in this Regulation to the former names of committees are understood to be references to the new names.

*Article 5*

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, 29 September 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANNO

---

## ANNEX I

## ADVISORY PROCEDURE

List of instruments subject to the advisory procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment <sup>(1)</sup>.

Article 6(2) is replaced by the following:

‘2. The Commission shall be assisted by the Standing Committee, set up by Article 6(2) of Directive 98/37/EC (\*), hereinafter referred to as “the Committee”.

It may be appraised, in accordance with the procedure referred to in this paragraph, of any matter to which the implementation and practical application of this Directive give rise.

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) OJ L 207, 23.7.1998, p. 1. Directive as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1).

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 2) Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices <sup>(2)</sup>.

Article 6(2) is replaced by the following:

‘2. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

The Committee may be appraised, in accordance with the procedure referred to in this paragraph, of any matter to which the implementation and practical application of this Directive give rise.

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 3) Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users <sup>(3)</sup>.

Article 7 is replaced by the following:

‘Article 7

1. For the adoption of the amendments referred to in Article 6, the Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 399, 30.12.1989, p. 18. Directive as last amended by European Parliament and Council Directive 96/58/EC (OJ L 236, 18.9.1996, p. 44).

<sup>(2)</sup> OJ L 189, 20.7.1990, p. 17. Directive as last amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(3)</sup> OJ L 185, 17.7.1990, p. 16. Directive as last amended by the 1994 Act of Accession.



3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 4) Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by a committee.

2. The Committee shall advise the Commission on the application of Articles 9 and 10.

3. The Committee may furthermore be consulted by the Commission on any other matter concerning the application of this Regulation.

4. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

5. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Directive 93/42/EEC of 14 June 1993 on medical devices <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

#### **Committee on Standards and Technical Regulations**

1. The Commission shall be assisted by the Committee set up by Article 5 of Directive 83/189/EEC, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 365, 31.12.1991, p. 1. Directive as amended by Commission Regulation (EC) No 1637/2001 (OJ L 222, 17.8.2001, p. 20).

<sup>(2)</sup> OJ L 240, 24.8.1992, p. 8. Regulation as last amended by the 1994 Act of Accession.

<sup>(3)</sup> OJ L 169, 12.7.1993, p. 1. Directive as last amended by European Parliament and Council Directive 2001/104/EC (OJ L 6, 10.1.2002, p. 50).

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

7) Council Decision 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

8) Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres <sup>(2)</sup>.

Article 6(3) is replaced by the following:

*'3. The Commission shall be assisted by a standing committee (hereinafter referred to as "the Committee").*

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

9) Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft <sup>(3)</sup>.

Article 6(3) is replaced by the following:

*'3. The Commission shall be assisted by a standing committee (hereinafter referred to as "the Committee").*

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 329, 30.12.1993, p. 63.

<sup>(2)</sup> OJ L 100, 19.4.1994, p. 1.

<sup>(3)</sup> OJ L 164, 30.6.1994, p. 15.

- 10) Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts <sup>(1)</sup>.

Article 6(3) is replaced by the following:

‘3. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 11) Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports <sup>(2)</sup>.

Article 10 is replaced by the following:

‘Article 10

**Advisory Committee**

1. The Commission shall be assisted by a committee.
2. The Committee shall advise the Commission on the application of Article 9.
3. The Committee may furthermore be consulted on any other matter concerning the application of this Directive.
4. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
5. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 12) Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community <sup>(3)</sup>.

Article 8 is replaced by the following:

‘Article 8

1. The Commission shall be assisted by the Committee established by Directive 91/672/EEC (hereinafter referred to as “the Committee”).
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

---

<sup>(1)</sup> OJ L 213, 7.9.1995, p. 1.

<sup>(2)</sup> OJ L 272, 25.10.1996, p. 36.

<sup>(3)</sup> OJ L 304, 27.11.1996, p. 12.

- 13) Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment <sup>(1)</sup>.

Article 7(2) and (3) are replaced by the following:

‘2. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

The Committee shall draw up its rules of procedure.

3. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 14) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices <sup>(2)</sup>.

Article 6 is replaced by the following:

‘Article 6

**Committee on Standards and Technical Regulations**

1. The Commission shall be assisted by the Committee set up by Article 5 of Directive 98/34/EC (hereinafter referred to as “the Committee”).

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 15) Decision No 283/1999/EC of the European Parliament and of the Council of 25 January 1999 establishing a general framework for Community activities in favour of consumers <sup>(3)</sup>.

Article 9 is replaced by the following:

‘Article 9

1. In defining the criteria for the selection of activities and projects referred to in Article 2(b) and (c) and in selecting these activities and projects, the Commission shall be assisted by a committee.

2. Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. In addition, at the beginning of each year, the Commission shall provide the Committee with information about the activities financed under Article 2(a).

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

---

<sup>(1)</sup> OJ L 181, 9.7.1997, p. 1.

<sup>(2)</sup> OJ L 331, 7.12.1998, p. 1.

<sup>(3)</sup> OJ L 34, 9.2.1999, p. 1. Decision as last amended by Commission Decision 2002/219/EC (OJ L 72, 14.3.2002, p. 27).

- 16) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity <sup>(1)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

**Constitution of the Committee**

1. The Commission shall be assisted by the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM), hereinafter referred to as "the Committee".
2. The Committee shall adopt its rules of procedure.

*Article 14*

**Advisory committee procedure**

1. The Committee shall be consulted on the matters covered by Articles 5, 6(2), 7(4), 9(4) and Annex VII(5).
2. The Commission shall consult the Committee periodically on the surveillance tasks relating to the application of this Directive, and, where appropriate, issue guidelines on this matter.
3. Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
4. The Commission shall periodically consult the representatives of the telecommunications networks providers, the consumers and the manufacturers. It shall keep the Committee regularly informed of the outcome of such consultations.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 17) Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 18) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' <sup>(3)</sup>.

Article 7(5) and (6) are replaced by the following:

- '5. The representative of the Commission shall consult the Committee on all other appropriate matters concerning implementation of this programme. In such a case, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
6. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

<sup>(1)</sup> OJ L 91, 7.4.1999, p. 10.

<sup>(2)</sup> OJ L 85, 23.3.1999, p. 1.

<sup>(3)</sup> OJ L 146, 11.6.1999, p. 33.

- 19) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC <sup>(1)</sup>.

Article 9 is replaced by the following:

*'Article 9*

**Advisory committee**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 121, 11.5.1999, p. 13.

## ANNEX II

## MANAGEMENT PROCEDURE

List of instruments subject to the management procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings between 1988 and 1997 <sup>(1)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 2) Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices <sup>(2)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 3) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks <sup>(3)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

1. An Implementation Committee for Spirit Drinks, hereinafter referred to as "the Committee", is hereby set up.
2. The Committee shall adopt its rules of procedure.

---

<sup>(1)</sup> OJ L 56, 2.3.1988, p. 1. Regulation as last amended by Commission Regulation (EC) No 143/2002 (OJ L 24, 26.1.2002, p. 16).

<sup>(2)</sup> OJ L 49, 21.2.1989, p. 26.

<sup>(3)</sup> OJ L 160, 12.6.1989, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

*Article 14*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 4) Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. A Committee on Statistical Confidentiality, hereinafter referred to as "the Committee", is hereby set up.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails <sup>(3)</sup>.

Articles 12 and 13 are replaced by the following:

*'Article 12*

1. An implementation committee for the drinks referred to in this Regulation (hereinafter referred to as "the Committee") is hereby set up.

<sup>(1)</sup> OJ L 151, 15.6.1990, p. 1. Regulation as amended by Regulation (EC) No 322/97 (OJ L 52, 22.2.1997, p. 1).

<sup>(2)</sup> OJ L 293, 24.10.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 29/2002 (OJ L 6, 10.1.2002, p. 3).

<sup>(3)</sup> OJ L 149, 14.6.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 2061/96 (OJ L 277, 30.10.1996, p. 1).



2. The Committee shall adopt its rules of procedure.

#### *Article 13*

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 7) Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States <sup>(1)</sup>.

Article 30 is replaced by the following:

#### *'Article 30*

1. The Commission shall be assisted by the Committee on the statistics relating to the trading of goods between Member States, hereinafter referred to as "the Committee".
2. The provisions required for the implementation of this Regulation shall be adopted according to the procedure laid down in paragraph 3.
3. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 8) Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production <sup>(2)</sup>.

Articles 9 and 10 are replaced by the following:

#### *'Article 9*

##### **Committee**

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".
2. The procedures for implementing this Regulation, including the measures for adjustment to technical progress concerning collection of data and the processing of the results, shall be laid down by the Commission in accordance with the procedure laid down in Article 10.
3. The Committee shall adopt its rules of procedure.

#### *Article 10*

##### **Procedure**

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 316, 16.11.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 1624/2000 (OJ L 187, 26.7.2000, p. 1).

<sup>(2)</sup> OJ L 374, 31.12.1991, p. 1. Regulation as amended by the 1994 Act of Accession.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 9) Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 10) Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The lists of education and training courses set out in Annexes C and D may be amended on the basis of a reasoned request from any Member State concerned to the Commission. All appropriate information and in particular the text of the relevant provisions of national law shall accompany the request. The Member State making the request shall also inform the other Member States.

2. The Commission shall examine the education and training course in question and those required in the other Member States. It shall verify in particular whether the qualification resulting from the course in question confers on the holder:

— a level of professional education or training of a comparably high level to that of the post-secondary course referred to in point (i) of the second indent of the first subparagraph of Article 1(a), and

— a similar level of responsibility and activity.

3. The Commission shall be assisted by a committee.

The Committee shall adopt its rules of procedure.

4. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

<sup>(1)</sup> OJ L 377, 31.12.1991, p. 48.

<sup>(2)</sup> OJ L 209, 24.7.1992, p. 25. Directive as last amended by European Parliament and Council Directive 2001/19/EC (OJ L 206, 31.7.2001, p. 1).

5. The Commission shall inform the Member State concerned of the decision and shall, where appropriate, publish the amended list in the *Official Journal of the European Union*.

6. The amendments made to the lists of education and training courses in Annexes C and D on the basis of the procedure laid down above shall be immediately applicable on the date set by the Commission.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 11) Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances <sup>(1)</sup>.

Article 10 is replaced by the following:

'Article 10

1. The Commission shall be assisted by the Committee set up by Article 10 of Regulation (EEC) No 3677/90 (hereinafter referred to as "the Committee").

The Committee shall examine any matter concerning the application of this Directive.

The Committee shall adopt its rules of procedure.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The procedure laid down in paragraph 2 shall be followed in particular for:

- (a) the determination, where appropriate, of the conditions relating to the documentation and labelling of mixtures and preparations of substances in category 2 of Annex I as provided for in Article 2;
- (b) the amendment of the Annexes to this Directive, in cases where the tables of the Annex to the United Nations Convention are amended;
- (c) the amendment of the thresholds specified in Annex II.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 12) Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community <sup>(2)</sup>.

Article 7 is replaced by the following:

'Article 7

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 370, 19.12.1992, p. 76. Directive as last amended by Commission Directive 2001/8/EC (OJ L 39, 9.2.2001, p. 31).

<sup>(2)</sup> OJ L 76, 30.3.1993, p. 1. Regulation as last amended by the 1994 Act of Accession.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 13) Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by a committee.

The committee shall examine any matter concerning the application of this Directive.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The procedure laid down in paragraph 2 shall be followed in particular to take account of any future amendments to the United Nations recommendations.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 14) Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications <sup>(2)</sup>.

Article 44a(3) is replaced by the following:

*'3. Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 of that Decision.*

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

4. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 15) Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes <sup>(3)</sup>.

Article 9 is replaced by the following:

*'Article 9*

#### **Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

<sup>(1)</sup> OJ L 121, 15.5.1993, p. 20.

<sup>(2)</sup> OJ L 165, 7.7.1993, p. 1. Directive as last amended by Directive 2001/19/EC.

<sup>(3)</sup> OJ L 196, 5.8.1993, p. 1. Regulation as amended by the 1994 Act of Accession.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 16) Council Regulation (EEC) No 3696/93 of 29 October 1993 on the statistical classification of products by activity (CPA) in the European Economic Community <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 17) Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in paragraph 2.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 18) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(3)</sup>.

Article 31 is replaced by the following:

*'Article 31*

1. The Commission shall be assisted by a committee.

<sup>(1)</sup> OJ L 342, 31.12.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 204/2002 (OJ L 36, 6.2.2002, p. 1).

<sup>(2)</sup> OJ L 118, 25.5.1995, p. 10. Regulation as last amended by Regulation (EC) No 374/98 (OJ L 48, 19.2.1999, p. 6).

<sup>(3)</sup> OJ L 281, 23.11.1995, p. 31.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 19) Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 20) Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 21) Council Directive 96/50/EC of 23 July 1996 on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 291, 6.12.1995, p. 32.

<sup>(2)</sup> OJ L 320, 30.12.1995, p. 25. Directive as last amended by Commission Decision 2000/363/EC (OJ L 132, 5.6.2000, p. 1).

<sup>(3)</sup> OJ L 235, 17.9.1996, p. 31.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted in the application of Article 11 by the Committee set up by Article 7 of Directive 91/672/EEC (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 22) Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 23) Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid <sup>(2)</sup>.

Article 17(3) is replaced by the following:

'3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 24) Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(3)</sup>.

Article 27 is replaced by the following:

*'Article 27*

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 108, 1.5.1996, p. 1.

<sup>(2)</sup> OJ L 163, 2.7.1996, p. 1.

<sup>(3)</sup> OJ L 166, 5.7.1996, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 1726/2001 (OJ L 234, 1.9.2001, p. 10).

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

25) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(1)</sup>.

Article 20(2) and (3) are replaced by the following:

‘2. Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

26) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>.

Article 28(1) and (2) are replaced by the following:

‘1. The Commission shall be assisted by a Standing Committee on Biocidal Products (hereinafter referred to as “the Committee”).

The Standing Committee shall adopt its rules of procedure.

2. For matters referred to the Standing Committee by virtue of Articles 4, 11(3), 15, 17, 18, 19, 27(1)(b), 29 and 33 and for the compilation of specific data by product type referred to in Annex V, to be drawn from Annexes III A and III B and, as appropriate, from Annexes IV A and IV B, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

27) Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road <sup>(3)</sup>.

Article 10 is replaced by the following:

‘Article 10

1. The Commission shall be assisted by the Statistical Programme Committee (hereinafter referred to as “the Committee”).

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 52, 22.2.1997, p. 1.

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(3)</sup> OJ L 163, 6.6.1998, p. 1. Regulation as amended by Commission Regulation (EC) No 2691/1999 (OJ L 326, 18.12.1999, p. 39).



The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

28) Council Regulation (EC) No 1658/98 of 17 July 1998 on co-financing operations with European non-governmental development organisations (NGOs) in fields of interest to the developing countries <sup>(1)</sup>.

(a) Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

(b) Articles 9 and 10 are deleted and references to those Articles should be read as references to Article 8.

29) Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

30) Council Regulation (EC) No 2836/98 of 22 December 1998 on integrating of gender issues in development cooperation <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 213, 30.7.1998, p. 1.

<sup>(2)</sup> OJ L 330, 5.12.1998, p. 32.

<sup>(3)</sup> OJ L 354, 30.12.1998, p. 5.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development (hereinafter referred to as "the Committee").
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 31) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' <sup>(1)</sup>.

Article 7(1) and (3) are replaced by the following:

1. The Commission shall be assisted by a committee.
3. As regards the points referred to in paragraph 2, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.'

- 32) Council Decision 1999/297/EC of 26 April 1999 establishing a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors <sup>(2)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by the Statistical Programme Committee (hereinafter referred to as "the Committee").
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 146, 11.6.1999, p. 33.

<sup>(2)</sup> OJ L 117, 5.5.1999, p. 39.

## ANNEX III

## REGULATORY PROCEDURE

List of instruments subject to the regulatory procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 2) First Council Directive 79/267/EEC of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance <sup>(2)</sup>.

Article 32b(6) is replaced by the following:

*'6. The Commission shall be assisted by a committee.*

Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 3) Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee for Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

<sup>(2)</sup> OJ L 63, 13.3.1979, p. 1. Directive as last amended by European Parliament and Council Directive 2002/12/EC (OJ L 77, 20.3.2002, p. 11).

<sup>(3)</sup> OJ L 54, 5.3.1979, p. 124. Regulation as last amended by Regulation (EC) No 2329/98 (OJ L 291, 30.10.1998, p. 2).

- 4) Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC <sup>(\*\*)</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

<sup>(\*)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(\*\*)</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition <sup>(2)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC <sup>(\*\*)</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 14*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

---

<sup>(\*)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(\*\*)</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption <sup>(3)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".

---

<sup>(1)</sup> OJ L 229, 30.8.1980, p. 1. Directive as last amended by European Parliament and Council Directive 96/70/EC (OJ L 299, 23.11.1996, p. 26).

<sup>(2)</sup> OJ L 213, 21.7.1982, p. 8. Directive as last amended by Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).

<sup>(3)</sup> OJ L 372, 31.12.1985, p. 50.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

7) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

8) Council Directive 88/320/EEC of 9 June 1988 on the inspection and verification of Good Laboratory Practice (GLP) <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

9) Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

---

<sup>(1)</sup> OJ L 370, 31.12.1985, p. 8. Regulation as last amended by Commission Regulation (EC) No 1360/2002 (OJ L 207, 5.8.2002, p. 1).

<sup>(2)</sup> OJ L 145, 11.6.1988, p. 35. Directive as last amended by Commission Directive 1999/12/EC (OJ L 77, 23.3.1999, p. 22).

<sup>(3)</sup> OJ L 157, 24.6.1988, p. 28. Directive as last amended by European Parliament and Council Directive 97/60/EC (OJ L 331, 3.12.1997, p. 7).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 10) Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production <sup>(1)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 11) Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(2)</sup>.

Article 20(3) and (4) are replaced by the following:

'3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 12) Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 184, 15.7.1988, p. 61. Directive as last amended by Commission Directive 91/71/EEC (OJ L 42, 15.2.1991, p. 25).

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 12. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(3)</sup> OJ L 40, 11.2.1989, p. 27. Directive as amended by European Parliament and Council Directive 94/34/EC (OJ L 237, 10.9.1994, p. 1).

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 13) Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 14) Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 34. Directive as amended by the 1994 Act of Accession.

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 38.

- 15) Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 16) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.'

- 17) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(3)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. For the purely technical adjustments to the individual Directives provided for in Article 16(1) to take account of:

— the adoption of Directives in the field of technical harmonisation and standardisation, and/or

— technical progress, changes in international regulations or specifications, and new findings,

the Commission shall be assisted by a committee.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 186, 30.6.1989, p. 27. Directive as last amended by European Parliament and Council Directive 1999/41/EC (OJ L 172, 8.7.1999, p. 38).

<sup>(2)</sup> OJ L 160, 12.6.1989, p. 1. Directive as last amended by European Parliament and Council Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

<sup>(3)</sup> OJ L 183, 29.6.1989, p. 1.



- 18) Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production <sup>(1)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 19) Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 20) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(3)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 88, 3.4.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 2197/95 (OJ L 221, 19.9.1995, p. 2).

<sup>(2)</sup> OJ L 117, 8.5.1990, p. 1. Directive as last amended by Decision 2001/204/EC (OJ L 73, 15.3.2001, p. 32).

<sup>(3)</sup> OJ L 276, 6.10.1990, p. 40.

- 21) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 22) Council Regulation (EEC) No 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States <sup>(2)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 23) Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails <sup>(3)</sup>.

Article 14 is replaced by the following:

*'Article 14*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 135, 30.5.1991, p. 40. Directive as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29).

<sup>(2)</sup> OJ L 133, 28.5.1991, p. 1. Regulation as amended by Regulation (EEC) No 2104/93 (OJ L 191, 31.7.1993, p. 1).

<sup>(3)</sup> OJ L 149, 14.6.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 2061/96 (OJ L 277, 30.10.1996, p. 1).

- 24) Council Directive 91/439/EEC of 29 July 1991 on driving licences <sup>(1)</sup>.

Article 7b is replaced by the following:

*'Article 7b*

1. The Commission shall be assisted by a committee on driving licences, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 25) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 26) Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway <sup>(3)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 237, 24.8.1991, p. 1. Directive as last amended by Commission Directive 2000/56/EC (OJ L 237, 21.9.2000, p. 45).

<sup>(2)</sup> OJ L 375, 31.12.1991, p. 1.

<sup>(3)</sup> OJ L 373, 31.12.1991, p. 29. Directive as amended by the 1994 Act of Accession.

- 27) Council Directive 91/675/EEC of 19 December 1991 setting up an insurance committee <sup>(1)</sup>.

Articles 1 and 2 are replaced by the following:

*'Article 1*

The Commission shall be assisted by the Insurance Committee, hereinafter referred to as "the Committee".

*Article 2*

1. Where the Council, in the acts which it adopts in the field of direct non-life insurance and direct life assurance, confers on the Commission powers for the implementation of the rules which it lays down, the procedure set out in paragraph 2 shall apply.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 28) Council Regulation (EEC) No 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing <sup>(2)</sup>.

(a) Article 6(2) is deleted.

(b) Article 8 is replaced by the following:

*'Article 8*

1. The provisions necessary for the application of this Regulation shall be adopted in accordance with the procedure laid down in paragraph 2.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 29) Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

**Committee**

1. The Commission shall be assisted by a committee with a view to the strictly technical adaptation of the Annexes to this Directive in the light of technical progress or changes in international regulations or specifications and new findings in this field.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 374, 31.12.1991, p. 32.

<sup>(2)</sup> OJ L 374, 31.12.1991, p. 4.

<sup>(3)</sup> OJ L 113, 30.4.1992, p. 19.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

30) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(1)</sup>.

Articles 20 and 21 are replaced by the following:

*'Article 20*

The Commission shall be assisted by a committee.

*Article 21*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

31) Council Directive 92/59/EEC of 29 June 1992 on general product safety <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

2. The Committee shall adopt its rules of procedure.

3. Any measure adopted under this procedure shall be valid for no longer than three months. That period may be prolonged under the same procedure.

4. Member States shall take all necessary measures to implement the decisions adopted under this procedure within less than 10 days.

5. The competent authorities of the Member States responsible for carrying out measures adopted under the procedure referred to in paragraph 1 shall, within one month, give the parties concerned an opportunity to submit their views and shall inform the Commission accordingly.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42).

<sup>(2)</sup> OJ L 228, 11.8.1992, p. 24.

- 32) Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances <sup>(1)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 33) Council Decision 92/578/EEC of 30 November 1992 concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail <sup>(2)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at four weeks.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 34) Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 297, 13.10.1992, p. 16.

<sup>(2)</sup> OJ L 373, 21.12.1992, p. 26.

<sup>(3)</sup> OJ L 37, 13.2.1993, p. 1.

- 35) Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 36) Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 37) Council Regulation (EEC) No 959/93 of 5 April 1993 concerning statistical information to be supplied by Member States on crop products other than cereals <sup>(3)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 52, 4.3.1993, p. 18.

<sup>(2)</sup> OJ L 84, 5.4.1993, p. 1.

<sup>(3)</sup> OJ L 98, 24.4.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2197/95 (OJ L 221, 19.9.1995, p. 2).

- 38) Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production <sup>(1)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 39) Council Directive 93/24/EEC of 1 June 1993 on the statistical surveys to be carried out on bovine animal production <sup>(2)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 40) Council Directive 93/25/EEC of 1 June 1993 on the statistical surveys to be carried out on sheep and goat stocks <sup>(3)</sup>.

Article 20 is replaced by the following:

*'Article 20*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 149, 21.6.1993, p. 1. Directive as last amended by Directive 97/77/EC (OJ L 10, 16.1.1998, p. 28).

<sup>(2)</sup> OJ L 149, 21.6.1993, p. 5. Directive as last amended by Directive 97/77/EC.

<sup>(3)</sup> OJ L 149, 21.6.1993, p. 10. Directive as last amended by Directive 97/77/EC.



- 41) Council Directive 93/42/EEC of 14 June 1993 concerning medical devices <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Committee set up by Article 6(2) of Directive 90/385/EEC, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The Committee may examine any question connected with implementation of this Directive.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 42) Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(2)</sup>.

Article 14 is replaced by the following:

*'Article 14*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 43) Council Decision 93/389/EEC of 24 June 1993 for a monitoring mechanism of Community CO<sub>2</sub> and other greenhouse gas emissions <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 169, 12.7.1993, p. 1. Directive as last amended by European Parliament and Council Directive 2001/104/EC (OJ L 6, 10.1.2002, p. 50).

<sup>(2)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(3)</sup> OJ L 167, 9.7.1993, p. 31. Decision as amended by Decision 1999/296/EC (OJ L 117, 5.5.1999, p. 35).

- 44) Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 45) Council Directive 93/65/EEC of 19 July 1993 on the definition and use of compatible technical specifications for the procurement of air traffic management equipment and systems <sup>(2)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 46) Council Directive 93/77/EEC of 21 September 1993 on fruit juices and certain similar products <sup>(3)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 186, 28.7.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1636/2001 (OJ L 222, 17.8.2001, p. 1).

<sup>(2)</sup> OJ L 187, 29.7.1993, p. 52. Directive as last amended by Commission Directive 97/15/EC (OJ L 95, 10.4.1997, p. 16).

<sup>(3)</sup> OJ L 244, 30.9.1993, p. 23. Directive as amended by the 1994 Act of Accession.

- 47) Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs <sup>(1)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 48) Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 49) Directive 94/36/EC of the European Parliament and of the Council of 30 June 1994 on colours for use in foodstuffs <sup>(3)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 290, 24.11.1993, p. 14.

<sup>(2)</sup> OJ L 237, 10.9.1994, p. 3. Directive as amended by European Parliament and Council Directive 96/83/EC (OJ L 48, 19.2.1997, p. 16).

<sup>(3)</sup> OJ L 237, 10.9.1994, p. 13.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 50) Council Regulation (EC) No 1734/94 of 11 July 1994 on financial and technical cooperation with the West Bank and Gaza Strip <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the MED Committee set up pursuant to Article 11 of Regulation (EEC) No 1488/96 (\*).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 189, 30.7.1996, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 51) Council Regulation (EC) No 2978/94 of 21 November 1994 on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by a committee. The committee shall meet at the invitation of the Commission whenever deemed necessary for the application of this Regulation.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 52) Council Directive 94/67/EEC of 16 December 1994 on the incineration of hazardous waste <sup>(3)</sup>.

Article 16 is replaced by the following:

*'Article 16*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 182, 16.7.1994, p. 4. Regulation as last amended by Regulation (EC) No 2840/98 (OJ L 354, 30.12.1998, p. 14).

<sup>(2)</sup> OJ L 319, 12.12.1994, p. 1.

<sup>(3)</sup> OJ L 365, 31.12.1994, p. 34.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 53) Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste <sup>(1)</sup>.

Article 21 is replaced by the following:

*'Article 21*

#### **Committee procedure**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 54) Directive 94/63/EC of the European Parliament and of the Council of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

#### **The committee**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 55) Directive 95/2/EC of the European Parliament and of the Council of 20 February 1995 on food additives other than colours and sweeteners <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

<sup>(1)</sup> OJ L 365, 31.12.1994, p. 10.

<sup>(2)</sup> OJ L 365, 31.12.1994, p. 24.

<sup>(3)</sup> OJ L 61, 18.3.1995, p. 1. Directive as last amended by European Parliament and Council Directive 2001/5/EC (OJ L 55, 24.2.2001, p. 59).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

56) Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices <sup>(1)</sup>.

Article 14 is replaced by the following:

*'Article 14*

**Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

57) Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic <sup>(2)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

58) Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 257, 27.10.1995, p. 1.

<sup>(2)</sup> OJ L 270, 13.11.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1638/2001 (OJ L 222, 17.8.2001, p. 29).

<sup>(3)</sup> OJ L 78, 28.3.1996, p. 27.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

59) Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid <sup>(1)</sup>.

Article 17(1) and (2) are replaced by the following:

- '1. The Commission shall be assisted by a committee.*

*The Committee shall adopt its rules of procedure.*

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.'

60) Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.
4. The Committee may discuss any matter concerning the interoperability of the trans-European high-speed rail system.
5. Should it prove necessary, the Committee may set up working parties to aid it in carrying out its tasks, in particular with a view to coordinating the notified bodies.
6. The Committee shall be set up as soon as this Directive enters into force.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 163, 2.7.1996, p. 1.

<sup>(2)</sup> OJ L 235, 17.9.1996, p. 6.

- 61) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control <sup>(1)</sup>.

Article 19 is replaced by the following:

*'Article 19*

**Committee procedure**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 62) Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

**Committee and its functions**

1. The amendments necessary to adapt the criteria and techniques referred to in Article 4(2) to scientific and technical progress, and the detailed arrangements for forwarding the information to be provided under Article 11, and other tasks specified in the provisions referred to in Article 4(3), shall be adopted in accordance with the procedure laid down in paragraph 2 of this Article. Such adaptation must not have the effect of modifying the limit values or the alert thresholds either directly or indirectly.
2. The Commission shall be assisted by a committee.
3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 63) Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs <sup>(3)</sup>.

(a) Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 257, 10.10.1996, p. 26.

<sup>(2)</sup> OJ L 296, 21.11.1996, p. 55.

<sup>(3)</sup> OJ L 299, 23.11.1996, p. 1.



The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

(b) Article 8 is repealed.

64) Council Regulation (EC) No 2258/96 of 22 November 1996 on rehabilitation and reconstruction operations in developing countries <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the relevant geographical committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

65) Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances <sup>(2)</sup>.

Article 22 is replaced by the following:

*'Article 22*

**Committee**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

66) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 306, 28.11.1996, p. 1.

<sup>(2)</sup> OJ L 10, 14.1.1997, p. 13.

<sup>(3)</sup> OJ L 61, 3.3.1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 2476/2001 (OJ L 334, 18.12.2001, p. 3).

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months. As regards the Committee's tasks referred to in points 1 and 2 of Article 19, if, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 67) Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures <sup>(1)</sup>.

Articles 5 and 6 are replaced by the following:

*'Article 5*

1. The Commission shall be assisted by a Committee for Directives relating to Textile Names and Labelling, hereinafter called "the Committee".
2. Adaptations to technical progress in the methods of quantitative analysis provided for in Annex II shall be made in accordance with the procedure laid down in Article 6.

*Article 6*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 68) Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee on the adaptation to technical progress of the Directive on roadworthiness tests for motor vehicles and their trailers, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 32, 3.2.1997, p. 1.

<sup>(2)</sup> OJ L 46, 17.2.1997, p. 1. Directive as last amended by Commission Directive 2001/11/EC (OJ L 48, 17.2.2001, p. 20).

- 69) Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 70) Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 71) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(3)</sup>.

Article 19 is replaced by the following:

*'Article 19*

1. In the case referred to in Article 3(2)(b), the Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. In this instance, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 14, 17.1.1997, p. 7. Regulation as last amended by Commission Regulation (EC) No 1614/2002 (OJ L 244, 12.9.2002, p. 7).

<sup>(2)</sup> OJ L 43, 14.2.1997, p. 1.

<sup>(3)</sup> OJ L 52, 22.2.1997, p. 1.

- 72) Council Regulation (EC) No 550/97 of 24 March 1997 on HIV/AIDS-related operations in developing countries <sup>(1)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 73) Council Regulation (EC) No 1484/97 of 22 July 1997 on aid for population policies and programmes in the developing countries <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the committee competent for development, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.
4. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the committees pursuant to paragraph 1.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 74) Council Regulation (EC) No 2046/97 of 13 October 1997 on north-south cooperation in the campaign against drugs and drug addiction <sup>(3)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

<sup>(1)</sup> OJ L 85, 27.3.1997, p. 1.

<sup>(2)</sup> OJ L 202, 30.7.1997, p. 1.

<sup>(3)</sup> OJ L 287, 21.10.1997, p. 1.

4. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the committees pursuant to paragraph 1.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 75) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service <sup>(1)</sup>.

Article 21 is replaced by the following:

*'Article 21*

**The Committee**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 76) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>.

Article 28(3) is replaced by the following:

*'3. For matters referred to the Standing Committee by virtue of Articles 10, 11(4), 16, 27(1)(a) and (2), and 32, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.*

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.'

- 77) Council Regulation (EC) No 448/98 of 16 February 1998 completing and amending Regulation (EC) No 2223/96 with respect to the allocation of financial intermediation services indirectly measured (FISIM) within the European system of national and regional accounts (ESA) <sup>(3)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 15, 21.1.1998, p. 14. Directive as amended by Directive 2002/39/EC (OJ L 176, 5.7.2002, p. 21).

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(3)</sup> OJ L 58, 27.2.1998, p. 1.

78) Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

79) Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. For the purposes of implementing this Decision, the Commission shall be assisted by a committee.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

80) Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC <sup>(3)</sup>.

Article 11 is replaced by the following:

*'Article 11*

#### **Committee procedure**

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

81) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices <sup>(4)</sup>.

<sup>(1)</sup> OJ L 162, 5.6.1998, p. 1.

<sup>(2)</sup> OJ L 268, 3.10.1998, p. 1.

<sup>(3)</sup> OJ L 350, 28.12.1998, p. 58. Directive as amended by Commission Directive 2000/71/EC (OJ L 287, 14.11.2000, p. 46).

<sup>(4)</sup> OJ L 331, 7.12.1998, p. 1.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the committee set up by Article 6(2) of Directive 90/385/EEC.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.
4. The Committee referred to in paragraph 1 may examine any question connected with the implementation of this Directive.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 82) Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multi-annual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 83) Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 33, 6.2.1999, p. 1.

<sup>(2)</sup> OJ L 66, 13.3.1999, p. 16.

- 84) Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 85) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

**Regulatory committee procedure**

1. The procedure laid down in paragraph 2 shall apply in respect of the matters covered by Articles 3(3) and 4(1).
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 86) Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs <sup>(3)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 26.

<sup>(2)</sup> OJ L 91, 7.4.1999, p. 10.

<sup>(3)</sup> OJ L 63, 12.3.1999, p. 6.



- 87) Council Regulation (EC) No 856/1999 of 22 April 1999 establishing a special framework of assistance for traditional ACP suppliers of bananas <sup>(1)</sup>.

Articles 6 and 8 are replaced by the following:

*‘Article 6*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

*Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.’

- 88) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(2)</sup>.

Article 17 is replaced by the following:

*‘Article 17*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 89) Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms <sup>(3)</sup>.

Article 13 is replaced by the following:

*‘Article 13*

1. The Commission shall be assisted by a Human Rights and Democracy Committee, hereinafter referred to as “the Committee”.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 108, 27.4.1999, p. 2.

<sup>(2)</sup> OJ L 182, 16.7.1999, p. 1.

<sup>(3)</sup> OJ L 120, 8.5.1999, p. 1.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 90) Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations <sup>(1)</sup>.

Article 20 is replaced by the following:

*'Article 20*

1. Amendments required to adapt the Annexes to this Directive to technical progress shall be adopted in accordance with the procedure laid down in Article 29(4)(a) of Directive 67/548/EEC.

2. The Commission shall be assisted by a committee.

3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 91) Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars <sup>(2)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 200, 30.7.1999, p. 1. Directive as amended by Commission Directive 2001/60/EC (OJ L 226, 22.8.2001, p. 5).

<sup>(2)</sup> OJ L 12, 18.1.2000, p. 16.

**31993L0043**

**Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs**

*Official Journal L 175 , 19/07/1993 P. 0001 - 0011*

*Finnish special edition: Chapter 13 Volume 24 P. 0126*

*Swedish special edition: Chapter 13 Volume 24 P. 0126*

COUNCIL DIRECTIVE 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2)

Whereas the free movement of foodstuffs is an essential pre-condition for the completion of the internal market; whereas this principle implies confidence in the standard of safety of foodstuffs for human consumption in free circulation, and in particular their standard of hygiene, throughout all stages of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer;

Whereas the protection of human health is of paramount concern;

Whereas this protection has already been the subject of Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs (3) as well as of more specific rules in this field; whereas an important objective of such controls is food hygiene; whereas Directive 89/397/EEC concentrates on inspection, sampling and analysis and should be supplemented by provisions aimed at improving the level of food hygiene and increasing confidence in the standard of hygiene of foodstuffs in free circulation;

Whereas the general rules of hygiene for foodstuffs to be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer must be harmonized in order to protect human health;

Whereas the use of hazard analysis, risk assessment and other management techniques to identify, control and monitor critical points is recognized;

Whereas microbiological criteria and temperature control criteria may be adopted for certain classes of foodstuffs; whereas, if adopted, they should be in accordance with scientifically accepted general principles;

Whereas Member States shall encourage and participate in the development of guides to good hygiene practice to which food businesses may refer, based, where appropriate, on the Recommended International Code of Practice, General Principles of Food Hygiene of the Codex Alimentarius (4);

Whereas the Commission, assisted by Member States and other interested parties, is to encourage the development of guides to good hygiene practice to which food businesses may refer where necessary throughout the Community;

Whereas, however, a food business operator is responsible for the hygiene conditions in his food business; whereas this Directive does not therefore impose observance of guides to good hygiene practice, which have no legal force;

Whereas, in order to have the general rules of hygiene for foodstuffs and the guides to good hygiene practices implemented, the application of standards of the EN 29000 series should be recommended;

Whereas observance of the general rules of hygiene for foodstuffs should be controlled in accordance with Directive 89/397/EEC by the competent authorities of the Member States, with the aim of preventing the consumer from being harmed by foodstuffs unfit for human consumption or potentially dangerous to human health;

Whereas food business operators must ensure that only foodstuffs not harmful to health are placed on the market and appropriate powers should be granted to the competent authorities to protect public health; whereas, however, the legitimate rights of food businesses should be guaranteed;

Whereas the Commission should be made aware of the identity of the competent authorities in the Member States responsible for the official control of food hygiene,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive lays down the general rules of hygiene for foodstuffs and the procedures for verification of compliance with these rules.

2. This Directive shall apply without prejudice to the provisions adopted in the context of more specific Community food hygiene rules. Within three years of the adoption of this Directive, the Commission shall examine the relationship between the specific Community food hygiene rules and those of this Directive and, if necessary, make proposals.

#### Article 2

For the purposes of this Directive:

- food hygiene, hereinafter called 'hygiene' shall mean all measures necessary to ensure the safety and wholesomeness of foodstuffs. The measures shall cover all stages after primary production (the latter including, for example, harvesting, slaughter and milking), during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer,

- food business shall mean any undertaking, whether for profit or not and whether public or private, carrying out any or all of the following: preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply of foodstuffs,

- wholesome food shall mean food which is fit for human consumption as far as hygiene is concerned.

#### Article 3

1. The preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply of foodstuffs shall be carried out in a hygienic way.

2. Food business operators shall identify any step in their activities which is critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of the following principles, used to develop the system of HACCP (Hazard analysis and critical control points):

- analysing the potential food hazards in a food business operation,

- identifying the points in those operations where food hazards may occur,

- deciding which of the points identified are critical to food safety - the 'critical points',

- identifying and implementing effective control and monitoring procedures at those critical points, and

- reviewing the analysis of food hazards, the critical control points and the control and monitoring procedures periodically and whenever the food business operations change.

3. Food business operators shall comply with the rules of hygiene as listed in the Annex. Derogations from certain provisions of the Annex may be granted according to the procedure laid down in Article 14.

#### Article 4

Without prejudice to more specific Community rules, microbiological criteria and temperature control criteria for certain classes of foodstuffs may be adopted in accordance with the procedure laid down in Article 14 and after consulting the Scientific Committee for Food set up by Decision 74/234/EEC (5).

#### Article 5

1. Member States shall encourage the development of guides to good hygiene practice which may be used voluntarily by food businesses as a guide to compliance with the provisions of Article 3.

2. Where the guides to good hygiene practice referred to in paragraph 1 are developed, they shall be developed as follows:

- by food business sectors and representatives of other interested parties, such as appropriate authorities and consumer groups,
- in consultation with interests substantially affected, including the competent authorities,
- where appropriate, having regard to the Recommended International Code of Practice, General Principles of Food Hygiene of the Codex Alimentarius.

3. The guides referred to in paragraphs 1 and 2 may be developed under the aegis of a national standards institute referred to in list 2 of the Annex to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (6).

4. Member States shall assess the guides to good hygiene practice referred to in paragraphs 1 and 2 with a view to determining the extent to which they may be presumed to comply with Article 3.

5. Member States shall forward to the Commission those guides to good hygiene practice which they presume to comply with Article 3.

The Commission shall make these guides available to the Member States.

6. Where one or more Member States, or the Commission, consider that, for the purposes of harmonization, there may be a need for guides to good hygiene practice to be developed on a European basis (hereafter referred to as 'European guides to good hygiene practice'), the Commission shall consult Member States in the framework of the Standing Committee on Foodstuffs in accordance with Article 14. The object of this consultation shall be to consider the case for such voluntary guides in the sectors or activities concerned, and, where such guides are considered necessary:

- to indicate the intended scope, subject matter and timetable for development of such voluntary guides, taking into account the time needed for consultation with interests substantially affected by them, and
- to refer such voluntary guides for development and/or assessment under the aegis of a European standards institute.

7. In developing the European guides to good hygiene practice referred to in paragraph 6, all necessary measures shall be taken in order to:

- ensure that such guides are developed by representatives of food business sectors and representatives of other interests substantially affected, such as, for example, the competent authorities and consumer groups,
- ensure that the contents of such guides comply with the provisions of Article 3 and, where appropriate, have regard to the Recommended International Code of Practice, General Principles of Food Hygiene of the Codex Alimentarius,
- ensure that the contents of such guides are practicable for the food industry sectors to which they refer throughout the Community,
- ensure that the relevant guides to good hygiene practice drawn up in accordance with paragraphs 1 to 3 are taken into account,
- ensure that all interests substantially affected by such guides, including Member States, are consulted and their comments taken into account.

8. The titles and references of European guides to good hygiene practice developed in accordance with the procedure in paragraphs 6 and 7 shall be published in the C series of the Official Journal of the European Communities. Member States shall ensure that such published guides are drawn to the attention of the relevant food business sectors and the appropriate authorities in their territories.

#### Article 6

Member States shall, if they consider it appropriate, recommend food business operators to apply the European Standards of the EN 29000 series in order to implement the general rules of hygiene and the guides to good hygiene practice.

#### Article 7

1. Subject to the Treaty, Member States may maintain, amend or introduce national hygiene provisions that are more specific than those laid down by this Directive, provided that such provisions:

- are not less stringent than those given in the Annex,
- do not constitute a restriction, hindrance or barrier to trade in foodstuffs produced in accordance with this Directive.

2. Until detailed provisions have been laid down in accordance with Article 4, Member States may maintain, amend or introduce the relevant national provisions, subject to the Treaty.

3. Should a Member State deem it necessary, in the cases provided for in paragraphs 1 and 2, to adopt new legislation or amend existing legislation, it shall communicate to the Commission and the other Member States the measures envisaged and give the reasons justifying them. The Commission shall consult the Member States within the Standing Committee on Foodstuffs set up by Decision 69/414/EEC (7) if it considers such consultation to be useful or if a Member State so requests.

The Member State may take the envisaged measures only three months after such communication and provided that it has not received an opinion to the contrary from the Commission.

In the latter event, before the expiry of the period referred to in the second subparagraph, the Commission shall initiate the procedure provided for in Article 14 in order to determine whether the envisaged measures may be implemented subject, if necessary, to the appropriate amendments.

#### Article 8

1. The competent authorities shall carry out controls in accordance with Directive 89/397/EEC in order to ensure that the provisions of Article 3 of this Directive and, where appropriate, any provisions laid down pursuant to Article 4 of this Directive are being complied with by food

businesses. In doing so, due consideration shall be given to the guides to good hygiene practice referred to in Article 5 of this Directive, where they exist.

2. Inspections by competent authorities shall include a general assessment of the potential food safety hazards associated with the business. Competent authorities shall pay particular attention to critical control points identified by food businesses to assess whether the necessary monitoring and verification controls are being operated.

Member States shall provide that all food premises are inspected at a frequency which has regard to the risk associated with the premises.

3. The competent authorities shall ensure that controls on foodstuffs imported into the Community are carried out in accordance with Directive 89/397/EEC for the purpose of ensuring that the relevant provisions of Article 3 and, where appropriate, any provisions laid down pursuant to Article 4, are being observed.

#### Article 9

1. If while carrying out the controls referred to in Article 8, the competent authorities ascertain that failure to comply with the provisions of Article 3 or, where appropriate, any provisions laid down pursuant to Article 4 might result in risks to the safety or wholesomeness of foodstuffs they shall take appropriate measures, which may extend to the withdrawal and/or the destruction of the foodstuff or to the closure of all or part of the undertaking for an appropriate period of time.

In determining the risk to food safety or wholesomeness regard shall be had to the nature of the food, the manner in which it is handled and packed and any process to which the food is subjected before supply to the consumer and the conditions under which it is displayed and/or stored.

2. Member States shall take the necessary measures to ensure that any natural or legal person affected by the control has a right of appeal against the measures taken by the competent authority following the control.

#### Article 10

1. If a hygiene problem likely to pose a serious risk to human health arises or spreads in the territory of a third country, the Commission, either on its own initiative or at the request of a Member State, shall take the following measures without delay, depending on the seriousness of the situation:

- suspend imports from all or part of the third country concerned and, where necessary, from the transit third country, and/or

- lay down special conditions for foodstuffs from all or part of the third country concerned.

2. The Commission may, in the case provided for in paragraph 1, take interim protective measures regarding the foodstuffs concerned.

3. Except in an emergency, the Commission shall consult the Member States before taking the measures referred to in paragraphs 1 and 2.

4. The Commission shall notify the Council and the Member States without delay of any decision taken pursuant to paragraphs 1 and 2.

Any Member State may refer the Commission's decision to the Council within 30 days of the notification referred to in the first subparagraph. The Council, acting by a qualified majority, may confirm, amend or revoke the decision adopted by the Commission. If the Council has not taken a decision within 30 days, the decision of the Commission is deemed to be revoked.

5. Where a Member State officially informs the Commission of the need to take safeguard measures and the Commission has not had recourse to the provisions of paragraphs 1 and 2, that Member State may take interim protective measures with regard to imports of the foodstuffs in question.

When a Member State takes interim protective measures, it shall inform the other Member States and the Commission.

Within 10 working days, the Commission shall put the matter before the Standing Committee on Foodstuffs in accordance with the procedure laid down in Article 14 with a view to the extension, amendment or abrogation of the national interim protective measures.

#### Article 11

1. Where a Member State, as a result of new information or of a reassessment of existing information, has good reason to suspect that application of the detailed provisions laid down pursuant to Article 4 constitutes a health risk, it may temporarily suspend or restrict application of the provisions in question in its territory. It shall inform the other Member States and the Commission thereof without delay and give reasons for its decision.

2. The Commission shall examine the reasons given by the Member State referred to in paragraph 1 as soon as possible in the Standing Committee on Foodstuffs and shall deliver its opinion and take any necessary measures in accordance with the procedure laid down in Article 14.

#### Article 12

Member States shall designate the competent authorities responsible for the control of hygiene and shall notify the Commission of them.

#### Article 13

Amendments to references to international standards, such as those of the Codex Alimentarius, contained in this Directive, may be adopted in accordance with the procedure laid down in Article 14.

#### Article 14

The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as 'the Committee').

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

#### Article 15

The Commission shall submit a report to the European Parliament and the Council, by 31 December 1998, together with any appropriate proposals, on the experience gleaned from the implementation of this Directive.

#### Article 16



Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 months after adoption. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, the provisions shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Member States shall communicate to the Commission the provisions of national law which they adopted in the field governed by this Directive. The Commission shall inform the other Member States thereof.

#### Article 17

This Directive is addressed to the Member States.

Done at Luxembourg, 14 June 1993.

For the Council

The President

J. TROEJBORG

(1) OJ No C 174, 23. 11. 1992; and OJ No C 150, 31. 5. 1993.(2) OJ No C 223, 31. 8. 1992, p. 16.(3) OJ No L 186, 30. 6. 1989, p. 23.(4) Codex Alimentarius Volume A. Recommended International Code of Practice. General Principles of Food Hygiene. Second Revision (1985). Food and Agricultural Organization of the United Nations World Health Organization, Rome, 1988.(5) OJ No L 136, 20. 5. 1974, p. 1.(6) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 92/400/EEC (OJ No L 221, 6. 8. 1992, p. 55).(7) OJ No L 291, 19. 11. 1969, p. 9.

#### ANNEX

Preface 1. Chapters V to X of this Annex apply throughout all stages after primary production during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer.

The remaining chapters of the Annex apply as follows:

- Chapter I to all food premises except those covered by Chapter III,
- Chapter II to all rooms where food is prepared, treated or processed except those covered by Chapter III and excluding dining areas,
- Chapter III to those premises listed in the heading to the Chapter,
- Chapter IV to all transportation.

2. The terms 'where appropriate' and 'where necessary' used in this Annex mean for the purposes of ensuring the safety and wholesomeness of foodstuffs.

I General requirements for food premises (other than those specified in Chapter III) 1. Food premises must be kept clean and maintained in good repair and condition.

2. The layout, design, construction and size of food premises shall:

- (a) permit adequate cleaning and/or disinfection;
- (b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces;
- (c) permit good food hygiene practices, including protection against cross contamination between and during operations by foodstuffs, equipment, materials, water, air supply or personnel and external sources of contamination such as pests;

(d) provide, where necessary, suitable temperature conditions for the hygienic processing and storage of products.

3. An adequate number of washbasins must be available, suitably located and designated for cleaning hands. An adequate number of flush lavatories must be available and connected to an effective drainage system. Lavatories must not lead directly into rooms in which food is handled.

4. Washbasins for cleaning hands must be provided with hot and cold running water, materials for cleaning hands and for hygienic drying. When necessary, the provisions for washing food must be separate from the hand-washing facility.

5. There must be suitable and sufficient means of natural or mechanical ventilation. Mechanical air flow from a contaminated area to a clean area must be avoided. Ventilation systems must be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.

6. All sanitary conveniences within food premises shall be provided with adequate natural or mechanical ventilation.

7. Food premises must have adequate natural and/or artificial lighting.

8. Drainage facilities must be adequate for the purpose intended; they must be designed and constructed to avoid the risk of contamination of foodstuffs.

9. Adequate changing facilities for personnel must be provided where necessary.

II Specific requirements in rooms where foodstuffs are prepared, treated or processed (excluding dining areas and those premises specified in Chapter III) 1. In rooms where food is prepared, treated or processed (excluding dining areas):

(a) floor surfaces must be maintained in a sound condition and they must be easy to clean and, where necessary, disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials unless food business operators can satisfy the competent authority that other materials used are appropriate. Where appropriate, floors must allow adequate surface drainage;

(b) wall surfaces must be maintained in a sound condition and they must be easy to clean and, where necessary, disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials and require a smooth surface up to a height appropriate for the operations unless food business operators can satisfy the competent authority that other materials used are appropriate;

(c) ceilings and overhead fixtures must be designed, constructed and finished to prevent the accumulation of dirt and to reduce condensation, the growth of undesirable moulds and the shedding of particles;

(d) windows and other openings must be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment must where necessary be fitted with insect-proof screens which can be easily removed for cleaning. Where open windows would result in contamination of foodstuffs, windows must remain closed and fixed during production;

(e) doors must be easy to clean and, where necessary, disinfect. This will require the use of smooth and non-absorbent surfaces unless food business operators can satisfy the competent authority that other materials used are appropriate;

(f) surfaces (including surfaces of equipment) in contact with food must be maintained in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable and non-toxic materials unless food business operators can satisfy the competent authority that other materials used are appropriate.

2. Where necessary, adequate facilities must be provided for the cleaning and disinfecting of work tools and equipment. These facilities must be constructed of materials resistant to corrosion and must be easy to clean and have an adequate supply of hot and cold water.

3. When appropriate, adequate provision must be made for any necessary washing of the food. Every sink or other such facility provided for the washing of food must have an adequate supply of hot and/or cold potable water as required and be kept clean.

III Requirements for movable and/or temporary premises (such as Marquees, market stalls, mobile sales vehicles) premises used primarily as a private dwelling house, premises used occasionally for catering purposes, and vending machines 1. Premises and vending machines shall be so sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contaminating foodstuffs and harbouring pests, so far as is reasonably practicable.

2. In particular and where necessary:

(a) appropriate facilities must be available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities);

(b) surfaces in contact with food must be in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, non-toxic materials unless food business operators can satisfy the competent authority that other materials used are appropriate;

(c) adequate provision must be made for the cleaning and, where necessary, disinfecting of work utensils and equipment;

(d) adequate provision must be made for the cleaning of foodstuffs;

(e) an adequate supply of hot and/or cold potable water must be available;

(f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) must be available;

(g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions must be available;

(h) foodstuffs must be so placed as to avoid, so far as is reasonably practicable, the risk of contamination.

IV Transport 1. Conveyances and/or containers used for transporting foodstuffs must be kept clean and maintained in good repair and condition in order to protect foodstuffs from contamination and must, where necessary, be designed and constructed to permit adequate cleaning and/or disinfection.

2. Receptacles in vehicles and/or containers must not be used for transporting anything other than foodstuffs where this may result in contamination of foodstuffs.

Bulk foodstuffs in liquid, granular or powder form must be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. Such containers must be marked in a clearly visible and indelible fashion, in one or more Community languages, to show that they are used for the transport of foodstuffs, or must be marked 'for foodstuffs only'.

3. Where conveyances and/or containers are used for transporting anything in addition to foodstuffs or for transporting different foodstuffs at the same time, there must be effective separation of products, where necessary, to protect against the risk of contamination.

4. Where conveyances and/or containers have been used for transporting anything other than foodstuffs or for transporting different foodstuffs, there must be effective cleaning between loads to avoid the risk of contamination.

5. Foodstuffs in conveyances and/or containers must be so placed and protected as to minimize the risk of contamination.

6. Where necessary, conveyances and/or containers used for transporting foodstuffs, must be capable of maintaining foodstuffs at appropriate temperatures and, where necessary, designed to allow those temperatures to be monitored.

V Equipment requirements All articles, fittings and equipment with which food comes into contact shall be kept clean and:

- (a) be so constructed, be of such materials and be kept in such good order, repair and condition as to minimize any risk of contamination of the food;
- (b) with the exception of non-returnable containers and packaging, be so constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept thoroughly cleaned and, where necessary, disinfected, sufficient for the purposes intended;
- (c) be installed in such a manner as to allow adequate cleaning of the surrounding area.

VI Food waste 1. Food waste and other refuse must not be allowed to accumulate in food rooms except so far as is unavoidable for the proper functioning of the business.

2. Food waste and other refuse must be deposited in closable containers unless food business operators can satisfy the competent authority that other types of containers used are appropriate. These containers must be of an appropriate construction, kept in sound condition and where necessary be easy to clean and disinfect.

3. Adequate provision must be made for the removal and storage of food waste and other refuse. Refuse stores must be designed and managed in such a way as to enable them to be kept clean and to protect against access by pests and against contamination of food, drinking water, equipment or premises.

VII Water supply 1. There must be an adequate supply of potable water as specified in Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (1). This potable water must be used whenever necessary to ensure foodstuffs are not contaminated.

2. When appropriate, ice must be made from water which meets the specifications referred to in Directive 80/778/EEC. This ice must be used whenever necessary to ensure foodstuffs are not contaminated. It must be made, handled and stored under conditions which protect it from all contamination.

3. Steam used directly in contact with food must not contain any substance which presents a hazard to health or is likely to contaminate the product.

4. Water unfit for drinking used for the generation of steam, refrigeration, fire control and other similar purposes not relating to food, must be conducted in separate systems, readily identifiable and having no connection with, nor any possibility of reflux into, the potable water systems.

VIII Personal hygiene 1. Every person working in a food handling area shall maintain a high degree of personal cleanliness and shall wear suitable, clean and, where appropriate, protective clothing.

2. No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while afflicted, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any food handling area in any capacity in which there is any likelihood of directly or indirectly contaminating food with pathogenic micro-organisms.

IX Provisions applicable to foodstuffs 1. No raw materials or ingredients shall be accepted by a food business if they are known to be, or might reasonably be expected to be, so contaminated with parasites, pathogenic micro-organisms or toxic, decomposed or foreign substances that, after normal sorting and/or preparatory or processing procedures hygienically applied by food businesses, they would still be unfit for human consumption.

2. Raw materials and ingredients stored in the establishment shall be kept in appropriate conditions designed to prevent harmful deterioration and to protect them from contamination.
3. All food which is handled, stored, packaged, displayed and transported shall be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state. In particular, food must be so placed and/or protected as to minimize any risk of contamination. Adequate procedures must be in place to ensure pests are controlled.
4. Raw materials, ingredients, intermediate products and finished products likely to support the growth of pathogenic micro-organisms or the formation of toxins must be kept at temperatures which would not result in a risk to health. Consistent with food safety, limited periods outside temperature control are permitted where necessary to accommodate the practicalities of handling during preparation, transport, storage, display and service of food.
5. When foodstuffs are to be held or served at chilled temperatures they must be cooled as quickly as possible following the final heat processing stage, or final preparation stage if no heat process is applied, to a temperature which would not result in a risk to health.
6. Hazardous and/or inedible substances, including animal feedstuffs, shall be adequately labelled and stored in separate and secure containers.

X Training Food business operators shall ensure that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate with their work activity.

(1) OJ No L 229, 30. 8. 1980, p. 11. Directive as last amended by Directive 91/692/EEC (OJ No L 377, 31. 12. 1991, p. 48).

## 31996L0003

### **Commission Directive 96/3/Euratom, ECSC, EC of 26 January 1996 granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea (Text with EEA relevance)**

*Official Journal L 021 , 27/01/1996 P. 0042 - 0046*

COMMISSION DIRECTIVE 96/3/EC of 26 January 1996 granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs (1), and in particular Article 3 (3) thereof,

Whereas information shows that the application of the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC relating to the transport of bulk foodstuffs in liquid, granulate or powdered form in receptacles and/or containers/tankers reserved for the transport of foodstuffs, is not practical and imposes an unduly onerous burden on food business when applied to the transport in sea-going vessels of liquid oils and fats intended for, or likely to be used for, human consumption;

Whereas, however, it is necessary to ensure that the granting of a derogation provides equivalent protection to public health, by attaching conditions to the terms of such derogation;

Whereas the availability of sea-going vessels reserved for the transport of foodstuffs is insufficient to serve the continuing trade in oils and fats intended for or likely to be used for human consumption;

Whereas experience acquired during the past years has shown that contamination of liquid oils and fats can be avoided where tanks used for their transport are made of readily cleansible materials or where the three previous cargoes are of such a nature that they do not leave unacceptable contamination; whereas on the other hand it should be established that tanks that have been used previously for transportation have been effectively cleaned;

Whereas it is incumbent on Member States by virtue of Article 8 of Directive 93/43/EEC to carry out controls to ensure the application of this Directive;

Whereas this specific derogation should be without prejudice to the general provisions of Directive 93/43/EEC;

Whereas, pursuant to Article 1 (2) of Directive 93/43/EEC, this derogation should not concern foods to which more specific Community hygiene rules apply;

Whereas the measures provided for in this Directive are in compliance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive derogates from the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC and lays down equivalent conditions to ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.

#### Article 2

1. The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions:

(a) that, where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank shall have been a foodstuff, or a cargo from the list of acceptable previous cargoes set out in the Annex;

(b) that, where the oil or fat is transported in a tank of materials other than those in point (a), the three previous cargoes transported in the tanks shall have been foodstuffs, or from the list of acceptable previous cargoes set out in the Annex.

2. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions:

(a) that the tank shall be of stainless steel or lined with epoxy resin or technical equivalent;

(b) that the three previous cargoes transported in the tank shall have been foodstuffs.

### Article 3

1. The captain of the sea-going vessel transporting, in tanks, bulk liquid oils and fats intended for or likely to be used for human consumption shall keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between these cargoes.

2. Where the cargo has been trans-shipped, in addition to the documentary evidence required in paragraph 1, the captain of the receiving vessel shall keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions in Article 2 during previous shipment and of the effectiveness of the cleaning process used between these cargoes on the other vessel.

3. Upon request, the captain of the vessel shall provide the competent official control authorities with the documentary evidence described in paragraphs 1 and 2.

### Article 4

This Directive shall be reviewed where one or more Member States, or the Commission, consider that amendments are necessary in order to take account of scientific or technical developments. In any case the Annex shall be reviewed within one year of the entry into force of this Directive.

### Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 12 February 1996. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

### Article 6

This Directive shall enter into force on the day following its publication in the Official Journal of the European Communities.

### Article 7

This Directive is addressed to the Member States.

Done at Brussels, 26 January 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ No L 175, 19. 7. 1993, p. 1.

ANNEX

List of acceptable previous cargoes

>TABLE>



## 31998L0028

### **Commission Directive 98/28/EC of 29 April 1998 granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar (Text with EEA relevance)**

*Official Journal L 140 , 12/05/1998 P. 0010 - 0011*

COMMISSION DIRECTIVE 98/28/EC of 29 April 1998 granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs (1), and in particular Article 3(3) thereof,

Whereas information shows that the application of the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC relating to the transport of bulk foodstuffs in liquid, granulate or powdered form in receptacles and/or containers/tankers reserved for the transport of foodstuffs, is not practical and imposes an unduly onerous burden on food businesses when applied to the transport of raw sugar by sea, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas, however, it is necessary to ensure that the granting of a derogation provides an equivalent level of protection of public health, by attaching conditions to the terms of such derogation;

Whereas the availability of receptacles and/or containers/tankers reserved for the transport of foodstuffs by sea is insufficient to serve the continuing trade in raw sugar, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas experience acquired during the past years has shown that refined sugar is not contaminated where the bulk transport of raw sugar by sea is undertaken in receptacles and/or containers/tankers which are not reserved for the transport of foodstuffs; whereas on the other hand it should be established that receptacles and/or containers/tankers that have been used previously for transportation have been cleaned effectively and that the cleaning procedure is considered as critical to the overall safety and wholesomeness of the refined sugar;

Whereas it is incumbent on Member States by virtue of Article 8 of Directive 93/43/EEC to carry out controls to ensure the application of this Directive;

Whereas this specific derogation, shall be without prejudice to the general provisions of Directive 93/43/EEC;

Whereas the Scientific Committee for Foods has been consulted;

Whereas the measures provided for in this Directive are in compliance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive derogates from the provisions of Chapter IV, the second subparagraph of paragraph 2, of the Annex to Directive 93/43/EEC and lays down equivalent conditions to ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.

#### Article 2

1. The bulk transport of raw sugar by sea which is not intended for use as food nor as a food ingredient without a full and effective refining process is permitted in receptacles and/or containers/tankers that are not exclusively used for the transport of foodstuffs.

2. The receptacles and/or containers/tankers referred to in paragraph 1, shall be subject to the following conditions:

- prior to loading the raw sugar, the receptacle and/or container/tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively,

- the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

#### Article 3

1. The food business operator responsible for the transport of the raw sugar by sea shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle and/or container/tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

2. The documentary evidence shall accompany the consignment during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked in a clearly visible and indelible fashion, in one or more Community languages, 'This product must be refined before being used for human consumption`.

3. On request, the food business operator responsible for the transport of the raw sugar and/or the refining process shall provide the competent official food control authorities with the documentary evidence referred to in paragraphs 1 and 2.

#### Article 4

1. Raw sugar which has been transported by sea in receptacles and/or containers/tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

2. The food business operators responsible for the transport and refining process shall consider the cleaning process undertaken prior to loading of the raw sugar to be critical to the safety and wholesomeness of the refined sugar within the meaning of Article 3(2) of Directive 93/43/EEC taking into account the nature of the previous cargo carried in the receptacle and/or container/tanker.

#### Article 5

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive on 1 August 1998. They shall immediately inform the Commission thereof.

2. When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of official publication. The procedure for such reference shall be adopted by the Member States.

#### Article 6

This Directive shall enter into force on the day following its publication in the Official Journal of the European Communities.

#### Article 7

This Directive is addressed to the Member States.

Done at Brussels, 29 April 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ L 175, 19. 7. 1993, p. 1.

## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1882/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 29 September 2003**

**adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 40, 47, 55, 71, 80, 95, 137, 150, 152, 153, 155, 156, 175(1), 179, 285 and 300(3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

(1) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup> replaced Decision 87/373/EEC <sup>(5)</sup>.

(2) In accordance with the statement of the Council and of the Commission <sup>(6)</sup> on Decision 1999/468/EC, the provisions relating to committees which assist the Commission in the exercise of its implementing powers, provided for in application of Decision 87/373/EEC, should be adapted in order to bring them into line with the provisions of Articles 3, 4 and 5 of Decision 1999/468/EC.

(3) The aforesaid statement indicates the methods for adapting the committee procedures, a process which is automatic provided that this does not affect the nature of the committee provided for in the basic act.

(4) The time limits set in the provisions to be adapted should remain in force. Wherever there is no specific time limit laid down for adopting the implementing measures, the time limit should be set at three months.

(5) The provisions of the instruments providing for recourse to the type I committee procedure established by Decision 87/373/EEC should therefore be replaced by provisions referring to the advisory procedure laid down in Article 3 of Decision 1999/468/EC.

(6) The provisions of the instruments providing for recourse to type IIa and IIb committee procedures established by Decision 87/373/EEC should be replaced by provisions referring to the management procedure provided for in Article 4 of Decision 1999/468/EC.

(7) The provisions of the instruments providing for recourse to type IIIa and IIIb committee procedures established by Decision 87/373/EEC should be replaced by provisions referring to the regulatory procedure provided for in Article 5 of Decision 1999/468/EC.

(8) This Regulation concerns solely the alignment of committee procedures. The names of the committees connected with such procedures have, where appropriate, been amended,

HAVE ADOPTED THIS REGULATION:

*Article 1*

The instruments listed in Annex I and subject to the advisory procedure shall be adapted, in accordance with that Annex, to the corresponding provisions of Decision 1999/468/EC.

<sup>(1)</sup> OJ C 75 E, 26.3.2002, p. 385.

<sup>(2)</sup> OJ C 241, 7.10.2002, p. 128.

<sup>(3)</sup> Opinion of the European Parliament of 2 September 2003 and Council Decision of 14 April 2003 (OJ C 153 E, 1.7.2003, p. 1).

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(5)</sup> OJ L 197, 18.7.1987, p. 33.

<sup>(6)</sup> OJ C 203, 17.7.1999, p. 1.

*Article 2*

The instruments listed in Annex II and subject to the management procedure shall be adapted, in accordance with that Annex, to the corresponding provisions of Decision 1999/468/EC.

*Article 3*

The instruments listed in Annex III and subject to the regulatory procedure shall be adapted, in accordance with that Annex, to the corresponding provisions of Decision 1999/468/EC.

*Article 4*

References to provisions of the instruments in Annexes I, II and III are understood to be references to those provisions as adapted by this Regulation.

References in this Regulation to the former names of committees are understood to be references to the new names.

*Article 5*

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, 29 September 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANNO

---

## ANNEX I

## ADVISORY PROCEDURE

List of instruments subject to the advisory procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment <sup>(1)</sup>.

Article 6(2) is replaced by the following:

‘2. The Commission shall be assisted by the Standing Committee, set up by Article 6(2) of Directive 98/37/EC (\*), hereinafter referred to as “the Committee”.

It may be appraised, in accordance with the procedure referred to in this paragraph, of any matter to which the implementation and practical application of this Directive give rise.

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) OJ L 207, 23.7.1998, p. 1. Directive as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1).

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 2) Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices <sup>(2)</sup>.

Article 6(2) is replaced by the following:

‘2. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

The Committee may be appraised, in accordance with the procedure referred to in this paragraph, of any matter to which the implementation and practical application of this Directive give rise.

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 3) Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users <sup>(3)</sup>.

Article 7 is replaced by the following:

‘Article 7

1. For the adoption of the amendments referred to in Article 6, the Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 399, 30.12.1989, p. 18. Directive as last amended by European Parliament and Council Directive 96/58/EC (OJ L 236, 18.9.1996, p. 44).

<sup>(2)</sup> OJ L 189, 20.7.1990, p. 17. Directive as last amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(3)</sup> OJ L 185, 17.7.1990, p. 16. Directive as last amended by the 1994 Act of Accession.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 4) Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by a committee.

2. The Committee shall advise the Commission on the application of Articles 9 and 10.

3. The Committee may furthermore be consulted by the Commission on any other matter concerning the application of this Regulation.

4. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

5. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Directive 93/42/EEC of 14 June 1993 on medical devices <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

#### **Committee on Standards and Technical Regulations**

1. The Commission shall be assisted by the Committee set up by Article 5 of Directive 83/189/EEC, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 365, 31.12.1991, p. 1. Directive as amended by Commission Regulation (EC) No 1637/2001 (OJ L 222, 17.8.2001, p. 20).

<sup>(2)</sup> OJ L 240, 24.8.1992, p. 8. Regulation as last amended by the 1994 Act of Accession.

<sup>(3)</sup> OJ L 169, 12.7.1993, p. 1. Directive as last amended by European Parliament and Council Directive 2001/104/EC (OJ L 6, 10.1.2002, p. 50).

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

7) Council Decision 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

8) Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres <sup>(2)</sup>.

Article 6(3) is replaced by the following:

*'3. The Commission shall be assisted by a standing committee (hereinafter referred to as "the Committee").*

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

9) Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft <sup>(3)</sup>.

Article 6(3) is replaced by the following:

*'3. The Commission shall be assisted by a standing committee (hereinafter referred to as "the Committee").*

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 329, 30.12.1993, p. 63.

<sup>(2)</sup> OJ L 100, 19.4.1994, p. 1.

<sup>(3)</sup> OJ L 164, 30.6.1994, p. 15.



- 10) Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts <sup>(1)</sup>.

Article 6(3) is replaced by the following:

‘3. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 11) Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports <sup>(2)</sup>.

Article 10 is replaced by the following:

‘Article 10

**Advisory Committee**

1. The Commission shall be assisted by a committee.
2. The Committee shall advise the Commission on the application of Article 9.
3. The Committee may furthermore be consulted on any other matter concerning the application of this Directive.
4. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
5. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 12) Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community <sup>(3)</sup>.

Article 8 is replaced by the following:

‘Article 8

1. The Commission shall be assisted by the Committee established by Directive 91/672/EEC (hereinafter referred to as “the Committee”).
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

---

<sup>(1)</sup> OJ L 213, 7.9.1995, p. 1.

<sup>(2)</sup> OJ L 272, 25.10.1996, p. 36.

<sup>(3)</sup> OJ L 304, 27.11.1996, p. 12.

- 13) Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment <sup>(1)</sup>.

Article 7(2) and (3) are replaced by the following:

‘2. The Commission shall be assisted by a standing committee (hereinafter referred to as “the Committee”).

The Committee shall draw up its rules of procedure.

3. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 14) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices <sup>(2)</sup>.

Article 6 is replaced by the following:

‘Article 6

**Committee on Standards and Technical Regulations**

1. The Commission shall be assisted by the Committee set up by Article 5 of Directive 98/34/EC (hereinafter referred to as “the Committee”).

2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 15) Decision No 283/1999/EC of the European Parliament and of the Council of 25 January 1999 establishing a general framework for Community activities in favour of consumers <sup>(3)</sup>.

Article 9 is replaced by the following:

‘Article 9

1. In defining the criteria for the selection of activities and projects referred to in Article 2(b) and (c) and in selecting these activities and projects, the Commission shall be assisted by a committee.

2. Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

3. In addition, at the beginning of each year, the Commission shall provide the Committee with information about the activities financed under Article 2(a).

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

---

<sup>(1)</sup> OJ L 181, 9.7.1997, p. 1.

<sup>(2)</sup> OJ L 331, 7.12.1998, p. 1.

<sup>(3)</sup> OJ L 34, 9.2.1999, p. 1. Decision as last amended by Commission Decision 2002/219/EC (OJ L 72, 14.3.2002, p. 27).

- 16) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity <sup>(1)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

**Constitution of the Committee**

1. The Commission shall be assisted by the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM), hereinafter referred to as "the Committee".
2. The Committee shall adopt its rules of procedure.

*Article 14*

**Advisory committee procedure**

1. The Committee shall be consulted on the matters covered by Articles 5, 6(2), 7(4), 9(4) and Annex VII(5).
2. The Commission shall consult the Committee periodically on the surveillance tasks relating to the application of this Directive, and, where appropriate, issue guidelines on this matter.
3. Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
4. The Commission shall periodically consult the representatives of the telecommunications networks providers, the consumers and the manufacturers. It shall keep the Committee regularly informed of the outcome of such consultations.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 17) Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 18) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' <sup>(3)</sup>.

Article 7(5) and (6) are replaced by the following:

- '5. The representative of the Commission shall consult the Committee on all other appropriate matters concerning implementation of this programme. In such a case, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
6. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

<sup>(1)</sup> OJ L 91, 7.4.1999, p. 10.

<sup>(2)</sup> OJ L 85, 23.3.1999, p. 1.

<sup>(3)</sup> OJ L 146, 11.6.1999, p. 33.

- 19) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC <sup>(1)</sup>.

Article 9 is replaced by the following:

*'Article 9*

**Advisory committee**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 121, 11.5.1999, p. 13.

## ANNEX II

**MANAGEMENT PROCEDURE**

List of instruments subject to the management procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings between 1988 and 1997 <sup>(1)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 2) Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices <sup>(2)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 3) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks <sup>(3)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

1. An Implementation Committee for Spirit Drinks, hereinafter referred to as "the Committee", is hereby set up.
2. The Committee shall adopt its rules of procedure.

---

<sup>(1)</sup> OJ L 56, 2.3.1988, p. 1. Regulation as last amended by Commission Regulation (EC) No 143/2002 (OJ L 24, 26.1.2002, p. 16).

<sup>(2)</sup> OJ L 49, 21.2.1989, p. 26.

<sup>(3)</sup> OJ L 160, 12.6.1989, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

*Article 14*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 4) Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. A Committee on Statistical Confidentiality, hereinafter referred to as "the Committee", is hereby set up.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails <sup>(3)</sup>.

Articles 12 and 13 are replaced by the following:

*'Article 12*

1. An implementation committee for the drinks referred to in this Regulation (hereinafter referred to as "the Committee") is hereby set up.

<sup>(1)</sup> OJ L 151, 15.6.1990, p. 1. Regulation as amended by Regulation (EC) No 322/97 (OJ L 52, 22.2.1997, p. 1).

<sup>(2)</sup> OJ L 293, 24.10.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 29/2002 (OJ L 6, 10.1.2002, p. 3).

<sup>(3)</sup> OJ L 149, 14.6.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 2061/96 (OJ L 277, 30.10.1996, p. 1).

2. The Committee shall adopt its rules of procedure.

#### *Article 13*

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 7) Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States <sup>(1)</sup>.

Article 30 is replaced by the following:

#### *'Article 30*

1. The Commission shall be assisted by the Committee on the statistics relating to the trading of goods between Member States, hereinafter referred to as "the Committee".
2. The provisions required for the implementation of this Regulation shall be adopted according to the procedure laid down in paragraph 3.
3. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 8) Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production <sup>(2)</sup>.

Articles 9 and 10 are replaced by the following:

#### *'Article 9*

##### **Committee**

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".
2. The procedures for implementing this Regulation, including the measures for adjustment to technical progress concerning collection of data and the processing of the results, shall be laid down by the Commission in accordance with the procedure laid down in Article 10.
3. The Committee shall adopt its rules of procedure.

#### *Article 10*

##### **Procedure**

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 316, 16.11.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 1624/2000 (OJ L 187, 26.7.2000, p. 1).

<sup>(2)</sup> OJ L 374, 31.12.1991, p. 1. Regulation as amended by the 1994 Act of Accession.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 9) Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 10) Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The lists of education and training courses set out in Annexes C and D may be amended on the basis of a reasoned request from any Member State concerned to the Commission. All appropriate information and in particular the text of the relevant provisions of national law shall accompany the request. The Member State making the request shall also inform the other Member States.

2. The Commission shall examine the education and training course in question and those required in the other Member States. It shall verify in particular whether the qualification resulting from the course in question confers on the holder:

— a level of professional education or training of a comparably high level to that of the post-secondary course referred to in point (i) of the second indent of the first subparagraph of Article 1(a), and

— a similar level of responsibility and activity.

3. The Commission shall be assisted by a committee.

The Committee shall adopt its rules of procedure.

4. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

<sup>(1)</sup> OJ L 377, 31.12.1991, p. 48.

<sup>(2)</sup> OJ L 209, 24.7.1992, p. 25. Directive as last amended by European Parliament and Council Directive 2001/19/EC (OJ L 206, 31.7.2001, p. 1).



5. The Commission shall inform the Member State concerned of the decision and shall, where appropriate, publish the amended list in the *Official Journal of the European Union*.

6. The amendments made to the lists of education and training courses in Annexes C and D on the basis of the procedure laid down above shall be immediately applicable on the date set by the Commission.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 11) Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances <sup>(1)</sup>.

Article 10 is replaced by the following:

'Article 10

1. The Commission shall be assisted by the Committee set up by Article 10 of Regulation (EEC) No 3677/90 (hereinafter referred to as "the Committee").

The Committee shall examine any matter concerning the application of this Directive.

The Committee shall adopt its rules of procedure.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The procedure laid down in paragraph 2 shall be followed in particular for:

- (a) the determination, where appropriate, of the conditions relating to the documentation and labelling of mixtures and preparations of substances in category 2 of Annex I as provided for in Article 2;
- (b) the amendment of the Annexes to this Directive, in cases where the tables of the Annex to the United Nations Convention are amended;
- (c) the amendment of the thresholds specified in Annex II.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 12) Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community <sup>(2)</sup>.

Article 7 is replaced by the following:

'Article 7

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 370, 19.12.1992, p. 76. Directive as last amended by Commission Directive 2001/8/EC (OJ L 39, 9.2.2001, p. 31).

<sup>(2)</sup> OJ L 76, 30.3.1993, p. 1. Regulation as last amended by the 1994 Act of Accession.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 13) Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by a committee.

The committee shall examine any matter concerning the application of this Directive.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The procedure laid down in paragraph 2 shall be followed in particular to take account of any future amendments to the United Nations recommendations.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 14) Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications <sup>(2)</sup>.

Article 44a(3) is replaced by the following:

*'3. Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 of that Decision.*

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

4. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 15) Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes <sup>(3)</sup>.

Article 9 is replaced by the following:

*'Article 9*

#### **Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

<sup>(1)</sup> OJ L 121, 15.5.1993, p. 20.

<sup>(2)</sup> OJ L 165, 7.7.1993, p. 1. Directive as last amended by Directive 2001/19/EC.

<sup>(3)</sup> OJ L 196, 5.8.1993, p. 1. Regulation as amended by the 1994 Act of Accession.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 16) Council Regulation (EEC) No 3696/93 of 29 October 1993 on the statistical classification of products by activity (CPA) in the European Economic Community <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 17) Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in paragraph 2.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 18) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(3)</sup>.

Article 31 is replaced by the following:

*'Article 31*

1. The Commission shall be assisted by a committee.

<sup>(1)</sup> OJ L 342, 31.12.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 204/2002 (OJ L 36, 6.2.2002, p. 1).

<sup>(2)</sup> OJ L 118, 25.5.1995, p. 10. Regulation as last amended by Regulation (EC) No 374/98 (OJ L 48, 19.2.1999, p. 6).

<sup>(3)</sup> OJ L 281, 23.11.1995, p. 31.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 19) Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 20) Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 21) Council Directive 96/50/EC of 23 July 1996 on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 291, 6.12.1995, p. 32.

<sup>(2)</sup> OJ L 320, 30.12.1995, p. 25. Directive as last amended by Commission Decision 2000/363/EC (OJ L 132, 5.6.2000, p. 1).

<sup>(3)</sup> OJ L 235, 17.9.1996, p. 31.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted in the application of Article 11 by the Committee set up by Article 7 of Directive 91/672/EEC (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 22) Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 23) Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid <sup>(2)</sup>.

Article 17(3) is replaced by the following:

'3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 24) Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(3)</sup>.

Article 27 is replaced by the following:

*'Article 27*

Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 108, 1.5.1996, p. 1.

<sup>(2)</sup> OJ L 163, 2.7.1996, p. 1.

<sup>(3)</sup> OJ L 166, 5.7.1996, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 1726/2001 (OJ L 234, 1.9.2001, p. 10).

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 25) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(1)</sup>.

Article 20(2) and (3) are replaced by the following:

'2. Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 26) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>.

Article 28(1) and (2) are replaced by the following:

'1. The Commission shall be assisted by a Standing Committee on Biocidal Products (hereinafter referred to as "the Committee").

The Standing Committee shall adopt its rules of procedure.

2. For matters referred to the Standing Committee by virtue of Articles 4, 11(3), 15, 17, 18, 19, 27(1)(b), 29 and 33 and for the compilation of specific data by product type referred to in Annex V, to be drawn from Annexes III A and III B and, as appropriate, from Annexes IV A and IV B, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 27) Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road <sup>(3)</sup>.

Article 10 is replaced by the following:

'Article 10

1. The Commission shall be assisted by the Statistical Programme Committee (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

<sup>(1)</sup> OJ L 52, 22.2.1997, p. 1.

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(3)</sup> OJ L 163, 6.6.1998, p. 1. Regulation as amended by Commission Regulation (EC) No 2691/1999 (OJ L 326, 18.12.1999, p. 39).

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

28) Council Regulation (EC) No 1658/98 of 17 July 1998 on co-financing operations with European non-governmental development organisations (NGOs) in fields of interest to the developing countries <sup>(1)</sup>.

(a) Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

(b) Articles 9 and 10 are deleted and references to those Articles should be read as references to Article 8.

29) Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

30) Council Regulation (EC) No 2836/98 of 22 December 1998 on integrating of gender issues in development cooperation <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 213, 30.7.1998, p. 1.

<sup>(2)</sup> OJ L 330, 5.12.1998, p. 32.

<sup>(3)</sup> OJ L 354, 30.12.1998, p. 5.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development (hereinafter referred to as "the Committee").
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 31) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' <sup>(1)</sup>.

Article 7(1) and (3) are replaced by the following:

1. The Commission shall be assisted by a committee.
3. As regards the points referred to in paragraph 2, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.'

- 32) Council Decision 1999/297/EC of 26 April 1999 establishing a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors <sup>(2)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by the Statistical Programme Committee (hereinafter referred to as "the Committee").
2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 146, 11.6.1999, p. 33.

<sup>(2)</sup> OJ L 117, 5.5.1999, p. 39.



## ANNEX III

## REGULATORY PROCEDURE

List of instruments subject to the regulatory procedure and adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the amendments below:

- 1) Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 2) First Council Directive 79/267/EEC of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance <sup>(2)</sup>.

Article 32b(6) is replaced by the following:

*'6. The Commission shall be assisted by a committee.*

Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 3) Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee for Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

<sup>(2)</sup> OJ L 63, 13.3.1979, p. 1. Directive as last amended by European Parliament and Council Directive 2002/12/EC (OJ L 77, 20.3.2002, p. 11).

<sup>(3)</sup> OJ L 54, 5.3.1979, p. 124. Regulation as last amended by Regulation (EC) No 2329/98 (OJ L 291, 30.10.1998, p. 2).

- 4) Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC <sup>(\*\*)</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

<sup>(\*)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(\*\*)</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 5) Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition <sup>(2)</sup>.

Articles 13 and 14 are replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC <sup>(\*\*)</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 14*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

---

<sup>(\*)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(\*\*)</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 6) Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption <sup>(3)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 <sup>(\*)</sup>, hereinafter referred to as "the Committee".

---

<sup>(1)</sup> OJ L 229, 30.8.1980, p. 1. Directive as last amended by European Parliament and Council Directive 96/70/EC (OJ L 299, 23.11.1996, p. 26).

<sup>(2)</sup> OJ L 213, 21.7.1982, p. 8. Directive as last amended by Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).

<sup>(3)</sup> OJ L 372, 31.12.1985, p. 50.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

7) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

8) Council Directive 88/320/EEC of 9 June 1988 on the inspection and verification of Good Laboratory Practice (GLP) <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

9) Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

---

<sup>(1)</sup> OJ L 370, 31.12.1985, p. 8. Regulation as last amended by Commission Regulation (EC) No 1360/2002 (OJ L 207, 5.8.2002, p. 1).

<sup>(2)</sup> OJ L 145, 11.6.1988, p. 35. Directive as last amended by Commission Directive 1999/12/EC (OJ L 77, 23.3.1999, p. 22).

<sup>(3)</sup> OJ L 157, 24.6.1988, p. 28. Directive as last amended by European Parliament and Council Directive 97/60/EC (OJ L 331, 3.12.1997, p. 7).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 10) Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production <sup>(1)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 11) Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(2)</sup>.

Article 20(3) and (4) are replaced by the following:

'3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 12) Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 184, 15.7.1988, p. 61. Directive as last amended by Commission Directive 91/71/EEC (OJ L 42, 15.2.1991, p. 25).

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 12. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(3)</sup> OJ L 40, 11.2.1989, p. 27. Directive as amended by European Parliament and Council Directive 94/34/EC (OJ L 237, 10.9.1994, p. 1).

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 13) Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption <sup>(1)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 14) Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 34. Directive as amended by the 1994 Act of Accession.

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 38.

- 15) Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 16) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.'

- 17) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(3)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. For the purely technical adjustments to the individual Directives provided for in Article 16(1) to take account of:

— the adoption of Directives in the field of technical harmonisation and standardisation, and/or

— technical progress, changes in international regulations or specifications, and new findings,

the Commission shall be assisted by a committee.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 186, 30.6.1989, p. 27. Directive as last amended by European Parliament and Council Directive 1999/41/EC (OJ L 172, 8.7.1999, p. 38).

<sup>(2)</sup> OJ L 160, 12.6.1989, p. 1. Directive as last amended by European Parliament and Council Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

<sup>(3)</sup> OJ L 183, 29.6.1989, p. 1.

- 18) Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production <sup>(1)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 19) Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 20) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(3)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 88, 3.4.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 2197/95 (OJ L 221, 19.9.1995, p. 2).

<sup>(2)</sup> OJ L 117, 8.5.1990, p. 1. Directive as last amended by Decision 2001/204/EC (OJ L 73, 15.3.2001, p. 32).

<sup>(3)</sup> OJ L 276, 6.10.1990, p. 40.

- 21) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment <sup>(1)</sup>.

Article 18 is replaced by the following:

*‘Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 22) Council Regulation (EEC) No 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States <sup>(2)</sup>.

Article 6 is replaced by the following:

*‘Article 6*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as “the Committee”.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 23) Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails <sup>(3)</sup>.

Article 14 is replaced by the following:

*‘Article 14*

Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

---

<sup>(1)</sup> OJ L 135, 30.5.1991, p. 40. Directive as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29).

<sup>(2)</sup> OJ L 133, 28.5.1991, p. 1. Regulation as amended by Regulation (EEC) No 2104/93 (OJ L 191, 31.7.1993, p. 1).

<sup>(3)</sup> OJ L 149, 14.6.1991, p. 1. Regulation as last amended by European Parliament and Council Regulation (EC) No 2061/96 (OJ L 277, 30.10.1996, p. 1).



- 24) Council Directive 91/439/EEC of 29 July 1991 on driving licences <sup>(1)</sup>.

Article 7b is replaced by the following:

*'Article 7b*

1. The Commission shall be assisted by a committee on driving licences, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 25) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources <sup>(2)</sup>.

Article 9 is replaced by the following:

*'Article 9*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 26) Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway <sup>(3)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 237, 24.8.1991, p. 1. Directive as last amended by Commission Directive 2000/56/EC (OJ L 237, 21.9.2000, p. 45).

<sup>(2)</sup> OJ L 375, 31.12.1991, p. 1.

<sup>(3)</sup> OJ L 373, 31.12.1991, p. 29. Directive as amended by the 1994 Act of Accession.

- 27) Council Directive 91/675/EEC of 19 December 1991 setting up an insurance committee <sup>(1)</sup>.

Articles 1 and 2 are replaced by the following:

*'Article 1*

The Commission shall be assisted by the Insurance Committee, hereinafter referred to as "the Committee".

*Article 2*

1. Where the Council, in the acts which it adopts in the field of direct non-life insurance and direct life assurance, confers on the Commission powers for the implementation of the rules which it lays down, the procedure set out in paragraph 2 shall apply.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 28) Council Regulation (EEC) No 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing <sup>(2)</sup>.

(a) Article 6(2) is deleted.

(b) Article 8 is replaced by the following:

*'Article 8*

1. The provisions necessary for the application of this Regulation shall be adopted in accordance with the procedure laid down in paragraph 2.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 29) Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

**Committee**

1. The Commission shall be assisted by a committee with a view to the strictly technical adaptation of the Annexes to this Directive in the light of technical progress or changes in international regulations or specifications and new findings in this field.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 374, 31.12.1991, p. 32.

<sup>(2)</sup> OJ L 374, 31.12.1991, p. 4.

<sup>(3)</sup> OJ L 113, 30.4.1992, p. 19.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

30) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(1)</sup>.

Articles 20 and 21 are replaced by the following:

*'Article 20*

The Commission shall be assisted by a committee.

*Article 21*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

31) Council Directive 92/59/EEC of 29 June 1992 on general product safety <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

2. The Committee shall adopt its rules of procedure.

3. Any measure adopted under this procedure shall be valid for no longer than three months. That period may be prolonged under the same procedure.

4. Member States shall take all necessary measures to implement the decisions adopted under this procedure within less than 10 days.

5. The competent authorities of the Member States responsible for carrying out measures adopted under the procedure referred to in paragraph 1 shall, within one month, give the parties concerned an opportunity to submit their views and shall inform the Commission accordingly.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42).

<sup>(2)</sup> OJ L 228, 11.8.1992, p. 24.

- 32) Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances <sup>(1)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 33) Council Decision 92/578/EEC of 30 November 1992 concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail <sup>(2)</sup>.

Article 4 is replaced by the following:

*'Article 4*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at four weeks.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 34) Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 297, 13.10.1992, p. 16.

<sup>(2)</sup> OJ L 373, 21.12.1992, p. 26.

<sup>(3)</sup> OJ L 37, 13.2.1993, p. 1.

- 35) Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 36) Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 37) Council Regulation (EEC) No 959/93 of 5 April 1993 concerning statistical information to be supplied by Member States on crop products other than cereals <sup>(3)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 52, 4.3.1993, p. 18.

<sup>(2)</sup> OJ L 84, 5.4.1993, p. 1.

<sup>(3)</sup> OJ L 98, 24.4.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2197/95 (OJ L 221, 19.9.1995, p. 2).

- 38) Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production <sup>(1)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 39) Council Directive 93/24/EEC of 1 June 1993 on the statistical surveys to be carried out on bovine animal production <sup>(2)</sup>.

Article 17 is replaced by the following:

*'Article 17*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 40) Council Directive 93/25/EEC of 1 June 1993 on the statistical surveys to be carried out on sheep and goat stocks <sup>(3)</sup>.

Article 20 is replaced by the following:

*'Article 20*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 149, 21.6.1993, p. 1. Directive as last amended by Directive 97/77/EC (OJ L 10, 16.1.1998, p. 28).

<sup>(2)</sup> OJ L 149, 21.6.1993, p. 5. Directive as last amended by Directive 97/77/EC.

<sup>(3)</sup> OJ L 149, 21.6.1993, p. 10. Directive as last amended by Directive 97/77/EC.

- 41) Council Directive 93/42/EEC of 14 June 1993 concerning medical devices <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Committee set up by Article 6(2) of Directive 90/385/EEC, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The Committee may examine any question connected with implementation of this Directive.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 42) Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(2)</sup>.

Article 14 is replaced by the following:

*'Article 14*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 43) Council Decision 93/389/EEC of 24 June 1993 for a monitoring mechanism of Community CO<sub>2</sub> and other greenhouse gas emissions <sup>(3)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 169, 12.7.1993, p. 1. Directive as last amended by European Parliament and Council Directive 2001/104/EC (OJ L 6, 10.1.2002, p. 50).

<sup>(2)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(3)</sup> OJ L 167, 9.7.1993, p. 31. Decision as amended by Decision 1999/296/EC (OJ L 117, 5.5.1999, p. 35).

- 44) Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic <sup>(1)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 45) Council Directive 93/65/EEC of 19 July 1993 on the definition and use of compatible technical specifications for the procurement of air traffic management equipment and systems <sup>(2)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 46) Council Directive 93/77/EEC of 21 September 1993 on fruit juices and certain similar products <sup>(3)</sup>.

Article 15 is replaced by the following:

*'Article 15*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 186, 28.7.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1636/2001 (OJ L 222, 17.8.2001, p. 1).

<sup>(2)</sup> OJ L 187, 29.7.1993, p. 52. Directive as last amended by Commission Directive 97/15/EC (OJ L 95, 10.4.1997, p. 16).

<sup>(3)</sup> OJ L 244, 30.9.1993, p. 23. Directive as amended by the 1994 Act of Accession.



- 47) Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs <sup>(1)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 48) Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 49) Directive 94/36/EC of the European Parliament and of the Council of 30 June 1994 on colours for use in foodstuffs <sup>(3)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 290, 24.11.1993, p. 14.

<sup>(2)</sup> OJ L 237, 10.9.1994, p. 3. Directive as amended by European Parliament and Council Directive 96/83/EC (OJ L 48, 19.2.1997, p. 16).

<sup>(3)</sup> OJ L 237, 10.9.1994, p. 13.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 50) Council Regulation (EC) No 1734/94 of 11 July 1994 on financial and technical cooperation with the West Bank and Gaza Strip <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the MED Committee set up pursuant to Article 11 of Regulation (EEC) No 1488/96 (\*).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 189, 30.7.1996, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 51) Council Regulation (EC) No 2978/94 of 21 November 1994 on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by a committee. The committee shall meet at the invitation of the Commission whenever deemed necessary for the application of this Regulation.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 52) Council Directive 94/67/EEC of 16 December 1994 on the incineration of hazardous waste <sup>(3)</sup>.

Article 16 is replaced by the following:

*'Article 16*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 182, 16.7.1994, p. 4. Regulation as last amended by Regulation (EC) No 2840/98 (OJ L 354, 30.12.1998, p. 14).

<sup>(2)</sup> OJ L 319, 12.12.1994, p. 1.

<sup>(3)</sup> OJ L 365, 31.12.1994, p. 34.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 53) Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste <sup>(1)</sup>.

Article 21 is replaced by the following:

*'Article 21*

**Committee procedure**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 54) Directive 94/63/EC of the European Parliament and of the Council of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

**The committee**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 55) Directive 95/2/EC of the European Parliament and of the Council of 20 February 1995 on food additives other than colours and sweeteners <sup>(3)</sup>.

Article 6 is replaced by the following:

*'Article 6*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".

<sup>(1)</sup> OJ L 365, 31.12.1994, p. 10.

<sup>(2)</sup> OJ L 365, 31.12.1994, p. 24.

<sup>(3)</sup> OJ L 61, 18.3.1995, p. 1. Directive as last amended by European Parliament and Council Directive 2001/5/EC (OJ L 55, 24.2.2001, p. 59).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

56) Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices <sup>(1)</sup>.

Article 14 is replaced by the following:

*'Article 14*

**Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

57) Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic <sup>(2)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

58) Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 257, 27.10.1995, p. 1.

<sup>(2)</sup> OJ L 270, 13.11.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1638/2001 (OJ L 222, 17.8.2001, p. 29).

<sup>(3)</sup> OJ L 78, 28.3.1996, p. 27.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

59) Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid <sup>(1)</sup>.

Article 17(1) and (2) are replaced by the following:

*'1. The Commission shall be assisted by a committee.*

The Committee shall adopt its rules of procedure.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.'

60) Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The Committee may discuss any matter concerning the interoperability of the trans-European high-speed rail system.

5. Should it prove necessary, the Committee may set up working parties to aid it in carrying out its tasks, in particular with a view to coordinating the notified bodies.

6. The Committee shall be set up as soon as this Directive enters into force.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 163, 2.7.1996, p. 1.

<sup>(2)</sup> OJ L 235, 17.9.1996, p. 6.

- 61) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control <sup>(1)</sup>.

Article 19 is replaced by the following:

*'Article 19*

**Committee procedure**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 62) Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

**Committee and its functions**

1. The amendments necessary to adapt the criteria and techniques referred to in Article 4(2) to scientific and technical progress, and the detailed arrangements for forwarding the information to be provided under Article 11, and other tasks specified in the provisions referred to in Article 4(3), shall be adopted in accordance with the procedure laid down in paragraph 2 of this Article. Such adaptation must not have the effect of modifying the limit values or the alert thresholds either directly or indirectly.
2. The Commission shall be assisted by a committee.
3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 63) Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs <sup>(3)</sup>.

(a) Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 257, 10.10.1996, p. 26.

<sup>(2)</sup> OJ L 296, 21.11.1996, p. 55.

<sup>(3)</sup> OJ L 299, 23.11.1996, p. 1.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

(b) Article 8 is repealed.

- 64) Council Regulation (EC) No 2258/96 of 22 November 1996 on rehabilitation and reconstruction operations in developing countries <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the relevant geographical committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 65) Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances <sup>(2)</sup>.

Article 22 is replaced by the following:

*'Article 22*

**Committee**

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 66) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein <sup>(3)</sup>.

---

<sup>(1)</sup> OJ L 306, 28.11.1996, p. 1.

<sup>(2)</sup> OJ L 10, 14.1.1997, p. 13.

<sup>(3)</sup> OJ L 61, 3.3.1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 2476/2001 (OJ L 334, 18.12.2001, p. 3).

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months. As regards the Committee's tasks referred to in points 1 and 2 of Article 19, if, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 67) Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures <sup>(1)</sup>.

Articles 5 and 6 are replaced by the following:

*'Article 5*

1. The Commission shall be assisted by a Committee for Directives relating to Textile Names and Labelling, hereinafter called "the Committee".
2. Adaptations to technical progress in the methods of quantitative analysis provided for in Annex II shall be made in accordance with the procedure laid down in Article 6.

*Article 6*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 68) Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers <sup>(2)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by a committee on the adaptation to technical progress of the Directive on roadworthiness tests for motor vehicles and their trailers, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 32, 3.2.1997, p. 1.

<sup>(2)</sup> OJ L 46, 17.2.1997, p. 1. Directive as last amended by Commission Directive 2001/11/EC (OJ L 48, 17.2.2001, p. 20).



- 69) Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics <sup>(1)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 70) Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients <sup>(2)</sup>.

Article 13 is replaced by the following:

*'Article 13*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 71) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(3)</sup>.

Article 19 is replaced by the following:

*'Article 19*

1. In the case referred to in Article 3(2)(b), the Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. In this instance, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 14, 17.1.1997, p. 7. Regulation as last amended by Commission Regulation (EC) No 1614/2002 (OJ L 244, 12.9.2002, p. 7).

<sup>(2)</sup> OJ L 43, 14.2.1997, p. 1.

<sup>(3)</sup> OJ L 52, 22.2.1997, p. 1.

- 72) Council Regulation (EC) No 550/97 of 24 March 1997 on HIV/AIDS-related operations in developing countries <sup>(1)</sup>.

Article 8 is replaced by the following:

*'Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 73) Council Regulation (EC) No 1484/97 of 22 July 1997 on aid for population policies and programmes in the developing countries <sup>(2)</sup>.

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by the committee competent for development, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.
4. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the committees pursuant to paragraph 1.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 74) Council Regulation (EC) No 2046/97 of 13 October 1997 on north-south cooperation in the campaign against drugs and drug addiction <sup>(3)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

<sup>(1)</sup> OJ L 85, 27.3.1997, p. 1.

<sup>(2)</sup> OJ L 202, 30.7.1997, p. 1.

<sup>(3)</sup> OJ L 287, 21.10.1997, p. 1.

4. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the committees pursuant to paragraph 1.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 75) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service <sup>(1)</sup>.

Article 21 is replaced by the following:

*'Article 21*

**The Committee**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 76) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>.

Article 28(3) is replaced by the following:

*'3. For matters referred to the Standing Committee by virtue of Articles 10, 11(4), 16, 27(1)(a) and (2), and 32, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.*

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.'

- 77) Council Regulation (EC) No 448/98 of 16 February 1998 completing and amending Regulation (EC) No 2223/96 with respect to the allocation of financial intermediation services indirectly measured (FISIM) within the European system of national and regional accounts (ESA) <sup>(3)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 15, 21.1.1998, p. 14. Directive as amended by Directive 2002/39/EC (OJ L 176, 5.7.2002, p. 21).

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(3)</sup> OJ L 58, 27.2.1998, p. 1.

78) Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics <sup>(1)</sup>.

Article 18 is replaced by the following:

*'Article 18*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

79) Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community <sup>(2)</sup>.

Article 7 is replaced by the following:

*'Article 7*

1. For the purposes of implementing this Decision, the Commission shall be assisted by a committee.

2. Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

80) Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC <sup>(3)</sup>.

Article 11 is replaced by the following:

*'Article 11*

**Committee procedure**

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

81) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices <sup>(4)</sup>.

---

<sup>(1)</sup> OJ L 162, 5.6.1998, p. 1.

<sup>(2)</sup> OJ L 268, 3.10.1998, p. 1.

<sup>(3)</sup> OJ L 350, 28.12.1998, p. 58. Directive as amended by Commission Directive 2000/71/EC (OJ L 287, 14.11.2000, p. 46).

<sup>(4)</sup> OJ L 331, 7.12.1998, p. 1.

Article 7 is replaced by the following:

*'Article 7*

1. The Commission shall be assisted by the committee set up by Article 6(2) of Directive 90/385/EEC.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.
4. The Committee referred to in paragraph 1 may examine any question connected with the implementation of this Directive.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 82) Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multi-annual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 83) Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation <sup>(2)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 33, 6.2.1999, p. 1.

<sup>(2)</sup> OJ L 66, 13.3.1999, p. 16.

- 84) Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Article 58 of Regulation (EC) No 178/2002 (\*), hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) OJ L 31, 1.2.2002, p. 1.

(\*\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 85) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity <sup>(2)</sup>.

Article 15 is replaced by the following:

*'Article 15*

**Regulatory committee procedure**

1. The procedure laid down in paragraph 2 shall apply in respect of the matters covered by Articles 3(3) and 4(1).
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 86) Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs <sup>(3)</sup>.

Article 12 is replaced by the following:

*'Article 12*

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as "the Committee".
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 26.

<sup>(2)</sup> OJ L 91, 7.4.1999, p. 10.

<sup>(3)</sup> OJ L 63, 12.3.1999, p. 6.

- 87) Council Regulation (EC) No 856/1999 of 22 April 1999 establishing a special framework of assistance for traditional ACP suppliers of bananas <sup>(1)</sup>.

Articles 6 and 8 are replaced by the following:

*‘Article 6*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

*Article 8*

1. The Commission shall be assisted by the geographically-determined committee competent for development.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.’

- 88) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(2)</sup>.

Article 17 is replaced by the following:

*‘Article 17*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).’

- 89) Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms <sup>(3)</sup>.

Article 13 is replaced by the following:

*‘Article 13*

1. The Commission shall be assisted by a Human Rights and Democracy Committee, hereinafter referred to as “the Committee”.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

---

<sup>(1)</sup> OJ L 108, 27.4.1999, p. 2.

<sup>(2)</sup> OJ L 182, 16.7.1999, p. 1.

<sup>(3)</sup> OJ L 120, 8.5.1999, p. 1.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 90) Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations <sup>(1)</sup>.

Article 20 is replaced by the following:

*'Article 20*

1. Amendments required to adapt the Annexes to this Directive to technical progress shall be adopted in accordance with the procedure laid down in Article 29(4)(a) of Directive 67/548/EEC.

2. The Commission shall be assisted by a committee.

3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

- 91) Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars <sup>(2)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

---

(\*) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).'

---

<sup>(1)</sup> OJ L 200, 30.7.1999, p. 1. Directive as amended by Commission Directive 2001/60/EC (OJ L 226, 22.8.2001, p. 5).

<sup>(2)</sup> OJ L 12, 18.1.2000, p. 16.



**COMMISSION DIRECTIVE 2004/5/EC**  
**of 20 January 2004**  
**amending Directive 2001/15/EC to include certain substances in the Annex**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup>, and in particular Article 4(2) thereof,

After consulting the Scientific Committee on Food or the European Food Safety Authority,

Whereas:

- (1) Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses <sup>(2)</sup> specifies certain categories of substances and mentions for each of them the chemical substances that may be used in the manufacture of foodstuffs for particular nutritional uses. It provides that Member States are to prohibit trade in products not complying with the Directive with effect from 1 April 2004.
- (2) At the time of the adoption of Directive 2001/15/EC a number of chemical substances added for specific nutritional purposes in some foods for particular nutritional uses, which are marketed in some Member States, could not be included in the Annex to that Directive because they had not been evaluated by the Scientific Committee on Food (SCF).
- (3) Those chemical substances that have since been evaluated by the Scientific Committee on Food or by the European Food Safety Authority and have received a favourable scientific evaluation should be included in the Annex to Directive 2001/15/EC.
- (4) Since products containing those substances are on the market in certain Member States, it is necessary that this Directive be transposed before 1 April 2004, in order to avoid that the prohibition provided for in Directive 2001/15/EC becomes applicable to those substances for a limited period of time, which would cause an undue disruption of the market.
- (5) Directive 2001/15/EC should be amended accordingly.

- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annex to Directive 2001/15/EC is amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 20 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 186, 30.6.1989, p.27, Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 52, 22.2.2001, p. 19.

## ANNEX

The Annex to Directive 2001/15/EC is amended as follows:

1. In the Section concerning Category 2. Minerals, the following line is added under the heading CALCIUM:

Substance	Conditions of use	
	All FPNU	FSMP
‘— sulphate	x’	

2. In the Section concerning Category 3. Amino acids, the following lines are added:

Substance	Conditions of use	
	All FPNU	FSMP
‘— L-serine		x
— L-arginine-L-aspartate		x
— L-lysine-L-aspartate		x
— L-lysine-L-glutamate		x
— N-acetyl-L-cysteine		x
— N-acetyl-L-methionine		x in products intended for persons over 1 year of age’

3. In the Section concerning Category 4. Carnitine and taurine, the following line is added:

Substance	Conditions of use	
	All FPNU	FSMP
‘— L-carnitine-L-tartrate	x’	

**31997D0830**

**97/830/EC: Commission Decision of 11 December 1997 repealing Commission Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran (Text with EEA relevance)**

*Official Journal L 343 , 13/12/1997 P. 0030 - 0034*

COMMISSION DECISION of 11 December 1997 repealing Commission Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran (Text with EEA relevance) (97/830/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs (1) and in particular Article 10 (1) thereof,

Whereas Commission Decision 97/613/EC of 8 September 1997 on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in, or consigned from Iran (2) is applicable until 15 December 1997 and should be repealed;

Whereas pistachios originating in, or consigned from Iran have been found to be, in many cases, contaminated with excessive levels of Aflatoxin B1;

Whereas the Scientific Committee for Food has noted that Aflatoxin B1, even at extremely low doses, causes cancer of the liver and in addition is genotoxic;

Whereas this constitutes a serious threat to public health within the Community and it is imperative to adopt protective measures at Community level;

Whereas an examination of conditions of hygiene in Iran has been undertaken and revealed that improvements in hygiene practices and the traceability of pistachios are required; whereas the mission team was unable to check all stages of the handling of pistachios prior to exportation; whereas commitments have been received from the Iranian Authorities in particular in relation to improvements in production, handling, sorting, processing, packaging and transport practices; whereas it is therefore appropriate to subject pistachios or products derived from pistachios originating in, or consigned from Iran to special conditions to provide a high level of protection to public health;

Whereas pistachios and products derived from pistachios originating in, or consigned from Iran, may be imported, provided that these special conditions are applied;

Whereas it is necessary that pistachios and products derived from pistachios have been produced, sorted, handled, processed, packaged and transported following good hygienic practices; whereas it is necessary to establish the levels of Aflatoxin B1 and total Aflatoxin in samples taken from the consignment immediately prior to leaving Iran;

Whereas it is necessary for documentary evidence to be provided by the Iranian Authorities to accompany each consignment of pistachios originating in, or consigned from Iran, relating to the conditions of production, sorting, handling, processing, packaging and transport and the results of laboratory analysis of the consignment for levels of Aflatoxin B1 and total Aflatoxin;

Whereas, it is necessary to submit for analyses lots of pistachios originating in, or consigned from all third countries, in order to determine the levels of contamination of pistachios from all sources with Aflatoxin B1 and total Aflatoxin, whereas co-ordinated official control programmes for foodstuffs shall be completed to this end;

Whereas Member States have been consulted on 29 October 1997 and on 10 November 1997,  
HAS ADOPTED THIS DECISION:

#### Article 1

This Decision repeals Decision 97/613/EC of 8 September 1997 on the temporary suspension of imports of pistachios and products derived from pistachios originating in, or consigned from Iran.

#### Article 2

1. Member States may import:

- pistachios falling within CN code 0802 50 00,
- roasted pistachios falling within CN codes 2008 19 13 and 2008 19 93;

originating in, or consigned from Iran, only where the consignment is accompanied by the results of official sampling and analysis, and the health certificate in Annex I, completed, signed and verified by a representative of the Iranian Ministry of Health.

2. Pistachios and products derived from pistachios originating in, or consigned from Iran, may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code which corresponds to the code on the sampling results of the official sampling and analysis and health certificate referred to in paragraph 1.

4. The competent authorities in each Member State shall ensure that imported pistachios originating in, or consigned from Iran, are subject to documentary checks to ensure that the requirement for the health certificate and sampling results referred to in paragraph 1, are complied with.

5. The competent authority shall ensure that before release onto the market from the point of entry into the Community, each consignment is subject to systematic sampling and analysis for Aflatoxin B1 and total Aflatoxin. The Commission shall be informed by the competent authority of the results of these analyses.

#### Article 3

The present Decision shall be reviewed before the 31 October, 1998, in order to assess whether the special conditions referred to in Article 2 provide a sufficient level of protection to public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.

#### Article 4

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

#### Article 5

This Decision is addressed to the Member States.

Done at Brussels, 11 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ L 175, 19. 7. 1993, p. 1.

(2) OJ L 248, 11. 9. 1997, p. 33.

ANNEX I

>START OF GRAPHIC>

>END OF GRAPHIC>

## ANNEX II

List of Points of Entry through which pistachios and products derived from Pistachios Originating in, or Consigned from Iran may be imported into the European Community

>TABLE>

**31998D0400**

**98/400/EC: Commission Decision of 10 June 1998 amending Decision 97/830/EC imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from, Iran (notified under document number C(1998) 1509) (Text with EEA relevance)**

*Official Journal L 176 , 20/06/1998 P. 0037 - 0038*

COMMISSION DECISION of 10 June 1998 amending Decision 97/830/EC imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from, Iran (notified under document number C(1998) 1509) (Text with EEA relevance) (98/400/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs (1), and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas the Commission, in Decision 97/830/EC (2) adopted measures imposing special conditions on the importation of pistachios and certain products derived from pistachios originating in, or consigned from Iran;

Whereas it is necessary to add to Annex II to the abovementioned points of entry for France, Ireland, Italy and Austria through which pistachios and certain products derived from pistachios originating in, or consigned from Iran may be imported;

Whereas therefore for the sake of clarity Annex II should be replaced,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 97/830/EC is hereby replaced as follows:

'ANNEX II

List of points of entry through which pistachios and products derived from pistachios originating in, or consigned from Iran may be imported into the European Community

>TABLE>

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 June 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ L 175, 19. 7. 1993, p. 1.

(2) OJ L 343, 11. 12. 1997, p. 30.

**32000D0238**

**2000/238/EC: Commission Decision of 9 March 2000 amending Decision 97/830/EC as regards points of entry for Germany (notified under document number C(2000) 501) (Text with EEA relevance)**

*Official Journal L 075 , 24/03/2000 P. 0059 - 0061*

Commission Decision

of 9 March 2000

amending Decision 97/830/EC as regards points of entry for Germany

(notified under document number C(2000) 501)

(Text with EEA relevance)

(2000/238/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs(1), and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

(1) The Commission, in Decision 97/830/EC(2), as amended by Decision 98/400/EC(3), adopted measures imposing special conditions on the importation of pistachios and certain products derived from pistachios originating in, or consigned from Iran.

(2) It is necessary to add to Annex II to Decision 97/830/EC two more points of entry for Germany through which those pistachios and products may be imported.

(3) For the sake of clarity, therefore, Annex II should be replaced,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 97/830/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 March 2000.

For the Commission

Erkki Liikanen

Member of the Commission

(1) OJ L 175, 19.7.1993, p. 1.

(2) OJ L 343, 13.12.1997, p. 30.

(3) OJ L 176, 20.6.1998, p. 37.

ANNEX

"ANNEX II

List of points of entry through which pistachios and products derived from pistachios originating in, or consigned from Iran may be imported into the European Community

>TABLE>"



## COMMISSION DECISION

of 22 July 2003

**amending Decision 97/830/EC repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran**

*(notified under document number C(2003) 2603)***(Text with EEA relevance)**

(2003/551/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

(1) Commission Decision 97/830/EC <sup>(2)</sup>, as last amended by Decision 2000/238/EC <sup>(3)</sup>, imposes special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran.

(2) Decision 97/830/EC provides that the competent authority shall ensure that before release onto the market from the point of entry into the Community, each consignment of products covered by that Decision is subject to systematic sampling and analysis for aflatoxin B1 and total aflatoxin. The term 'systematic sampling and analysis' set out in Decision 97/830/EC may be subject to different interpretations and it is appropriate to clarify the meaning of such terms.

(3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(4)</sup>, established the rapid alert system for food and feed (RASFF).

(4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of pistachios and certain products derived from pistachios originating in or consigned from Iran. Such reports should be in addition to the notification obligations under the rapid alert system for food and feed.

(5) It is important to ensure that the sampling and analysis of consignments of pistachios and products derived from pistachios originating in or consigned from Iran are performed in a harmonised manner throughout the Community.

(6) At the request of some Member States it is appropriate to update the list of points of entry through which the products covered by Decision 97/830/EC may be imported into the Community. For the sake of clarity that list should be replaced.

(7) Decision 97/830/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 97/830/EC is amended as follows:

1. Article 2 is amended as follows:

(a) Paragraph 5 is replaced by the following:

'5. The competent authorities in each Member State shall take a sample for analysis from each consignment of pistachios and certain products derived from pistachios originating in or consigned from Iran for analysis of aflatoxin B1 and total aflatoxin before release onto the market from the point of entry into the Community.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of pistachios and certain products derived from pistachios originating in or consigned from Iran. This report shall be submitted during the month following each quarter <sup>(\*)</sup>.

<sup>(\*)</sup> April, July, October, January.'

(b) The following paragraphs 6 and 7 are added:

'6. Any consignment to be subjected to sampling and analysis should be detained before release onto the market from the point of entry into the Community for a maximum period of 15 working days. The competent authorities of the importing Member State shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of the analysis.

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 343, 13.12.1997, p. 30.

<sup>(3)</sup> OJ L 75, 24.3.2000, p. 59.

<sup>(4)</sup> OJ L 31, 1.2.2002, p. 1.

7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.'

2. Article 3 is replaced by the following:

*'Article 3*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Iran and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 2 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for those special conditions.'

3. Annex II is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

## ‘ANNEX II

**List of points of entry through which pistachios and products derived from pistachios originating in or consigned from Iran may be imported into the Community**

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — port and airport, Cork — port and airport, Shannon — airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

**COMMISSION DECISION****of 29 April 2004**

**amending Decisions 97/830/EC , 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community**

*(notified under document number C(2004) 1594)*

**(Text with EEA relevance)**  
**(2004/429/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>1</sup>, and in particular Article 10(1) thereof,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

After consulting the member States,

Whereas:

- (1) Commission Decision 97/830/EC of 11 December 1997 repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran<sup>2</sup> listed in its Annex 2 the points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may only be imported into the Community.
- (2) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt<sup>3</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from

---

<sup>1</sup> OJ L175, 19.7.1993, p.1. Last amended by Regulation No 1882 (OJ L284, 31.10.2003, p.1).

<sup>2</sup> OJ L343, 13.12.1997, p.30. Last amended by Commission Decision 2003/551/EC (OJ L187, 26.7.2003, p.43).

<sup>3</sup> OJ L19, 25.1.2000, p.46. Amended by Commission Decision 2003/580/EC (OJ L197, 5.8.2003, p.31).

peanuts originating in or consigned from Egypt may only be imported into the Community.

- (3) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>4</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may only be imported into the Community.
- (4) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey<sup>5</sup> listed in its Annex II the points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may only be imported into the Community.
- (5) The list of points of entry must be adapted by reason of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Union.
- (6) It is necessary to update the list of points of entry for Germany, United Kingdom, Luxembourg and Sweden through which the products concerned by Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC may be imported.
- (7) Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex II to Decision 97/830/EC is replaced by the text in Annex I to this Decision.

#### *Article 2*

Annex II to Decision 2000/49/EC is replaced by the text in Annex II to this Decision.

#### *Article 3*

Annex II to Decision 2002/79/EC is replaced by the text in Annex III to this Decision.

#### *Article 4*

Annex II to Decision 2002/80/EC is replaced by the text in Annex IV to this Decision.

---

<sup>4</sup> OJ L34, 5.2.2002, p.21. Last amended by Commission Decision 2003/550/EC (OJ L187, 26.7.2003, p.39).

<sup>5</sup> OJ L34, 5.2.2002, p.26. Last amended by Commission Decision 2003/552/EC (OJ L187, 26.7.2003, p.47).

*Article 5*

The Decision shall apply from 1 May 2004.

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

*For the Commission*  
David BYRNE  
*Member of the Commission*

## ANNEX I

### “ANNEX II

**List of points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)



France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX II

### “ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

### ANNEX III

#### **“ANNEX II**

**List of points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>



## ANNEX IV

### “ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>



**31999D0356**

**1999/356/EC: Commission Decision of 28 May 1999 on the temporary suspension of imports of peanuts and certain products derived from peanuts originating in or consigned from Egypt (Rev. 1) (notified under document number C(1999) 1382) (Text with EEA relevance)**

*Official Journal L 139 , 02/06/1999 P. 0032 - 0033*

COMMISSION DECISION

of 28 May 1999

on the temporary suspension of imports of peanuts and certain products derived from peanuts originating in or consigned from Egypt (Rev. 1)

(notified under document number C(1999) 1382)

(Text with EEA relevance)

(1999/356/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs(1), and in particular Article 10(1) thereof,

After consulting the Member States,

(1) Whereas peanuts originating in or consigned from Egypt have been found to be contaminated with Aflatoxin B1 at high levels; whereas sampling indicates serious and recurring aflatoxin contamination of peanuts originating in or consigned from Egypt;

(2) Whereas the Scientific Committee for Food has noted that aflatoxins, in particular Aflatoxin B1, are carcinogenic substances and even at low doses, cause cancer of the liver and in addition are genotoxic;

(3) Whereas Commission Regulation (EC) No 1525/98(2), amending Regulation (EC) No 194/97 sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs; whereas these limits have been exceeded to an excessive amount in samples of peanuts originating in, or consigned from Egypt; whereas the limits for Aflatoxin B1 in ground nuts which are intended for direct consumption, and those which may be sorted or subject to further processing, are set in this Regulation at 2 and 8 parts per billion (ppb) respectively; whereas contamination of Aflatoxin B1 at levels as high as 485 ppb have been detected in peanuts from Egypt;

(4) Whereas a full and effective refining process is known to remove aflatoxin contamination from peanuts, so that the resultant oil does not present a risk to the health of the consumer;

(5) Whereas Egypt is a major exporter of peanuts to the Community and the exposure of the population to peanuts or peanut products contaminated with aflatoxin constitutes a serious threat to public health within the Community;

(6) Whereas, it is necessary to suspend imports of peanuts and certain products derived from peanuts originating in, or consigned from Egypt; whereas, however, the importation of peanuts originating in or consigned from Egypt may still be permitted provided that such peanuts are subject to a full and effective refining process;

(7) Whereas the Egyptian authorities were informed of unacceptably high aflatoxin levels in peanuts originating in or consigned from Egypt; whereas the improvements the Egyptian

authorities indicated would be put in place have not materially reduced the levels of aflatoxin contamination;

(8) Whereas these measures should be limited initially to a short period, and should be re-examined during this period, in order to verify with the Egyptian authorities, whether they are in a position to offer, in the future, guarantees permitting the lifting of the suspension of imports and its replacement with the establishment of special conditions, in accordance with Article 10(1), second indent of Directive 93/43/EEC,

HAS ADOPTED THIS DECISION:

#### Article 1

1. Member States shall subject to the exceptions in paragraphs 2 and 3 of this Article, suspend imports of:

- peanuts falling within CN code 1202 10 90 in shell or 1202 20 00 shelled, whether or not broken,

- roasted peanuts falling within CN code 2008 11 92 (in immediate packs of a net content exceeding 1 kg) or 2008 11 96 (not exceeding 1 kg)

originating in or consigned from Egypt which are intended for human consumption or to be used as an ingredient in foodstuffs. Hereinafter referred to as the consignment.

2. Consignments may be imported into the Community provided they are:

- subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient,

- are marked in a clearly visible and indelible fashion, in one or more Community languages with, "This product must be refined before being used for human consumption".

3. Consignments which left Egypt prior to the entry into force of this Decision, may be imported into the Community provided they are presented at a Community entry point for importation within a period of 20 days from the entry into force of this Decision and, having been submitted to a sampling programme representative of the consignment, the sampling does not indicate the presence of aflatoxin at levels in excess of those foreseen in Regulation (EC) No 1525/98.

#### Article 2

The present Decision shall be re-examined within four months from its adoption, in order to verify the continuing need for the measures referred to in Article 1.

#### Article 3

Member States shall take the measures concerning imports necessary to comply with this Decision. They shall inform the Commission thereof.

#### Article 4

This Decision is applicable until 1 December 1999.

#### Article 5

This Decision is addressed to the Member States.

Done at Brussels, 28 May 1999.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ L 175, 19.7.1993, p. 1.

(2) OJ L 201, 17.7.1998, p. 43.

# COMMISSION

## COMMISSION DECISION

of 6 December 1999

**repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt**

(notified under document number C(1999) 4232)

(Text with EEA relevance)

(2000/49/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 1999/356/EC of 28 May 1999 on the temporary suspension of imports of peanuts and certain products derived from peanuts originating in, or consigned from Egypt <sup>(2)</sup> is applicable until 1 December 1999 and should be repealed;
- (2) Peanuts originating in or consigned from Egypt had been found to be contaminated with Aflatoxin B1 at high levels. Sampling indicated a serious and recurring aflatoxin contamination of peanuts originating in or consigned from Egypt;
- (3) The Scientific Committee for Food has noted that aflatoxins, in particular Aflatoxin B1, are carcinogenic substances and even at low doses, cause cancer of the liver and in addition are genotoxic;
- (4) Commission Regulation (EC) No 1525/98 <sup>(3)</sup> amending Regulation (EC) No 194/97 sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been exceeded to an excessive amount in samples of peanuts originating in or consigned from Egypt. The limits for Aflatoxin B1 in ground nuts which are intended for direct consumption, and those which may be sorted or subject to further processing, are set in this Regulation at two and eight parts per billion (ppb) respectively. Contamination of

Aflatoxin B1 at levels as high as 485 ppb have been detected in peanuts from Egypt;

- (5) Egypt is a major exporter of peanuts to the Community and the exposure of the population to peanuts or peanut products contaminated with aflatoxin constitutes a serious threat to public health within the Community;
- (6) An examination of conditions of hygiene in Egypt has been undertaken and revealed that improvements in hygiene practices and the traceability of peanuts are required. Commitments have been received from the Egyptian authorities in particular in relation to improvements in production, handling, sorting, processing, packaging and transport practices. It is therefore appropriate to subject peanuts or products derived from peanuts originating in or consigned from Egypt to special conditions to provide a high level of protection to public health;
- (7) It is necessary that peanuts and products derived from peanuts have been produced, sorted, handled, processed, packaged and transported following good hygienic practices. It is necessary to establish the levels of Aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving Egypt;
- (8) It is necessary for documentary evidence to be provided by the Egyptian authorities to accompany each consignment of peanuts originating in or consigned from Egypt, relating to the conditions of production, sorting, handling, processing, packaging and transport and the results of laboratory analysis of the consignment for levels of Aflatoxin B1 and total aflatoxin;
- (9) It is necessary to submit for analyses at the port of entry into the Community in a systematic manner, lots of peanuts originating in or consigned from Egypt in order to determine the levels of contamination of peanuts of Aflatoxin B1 and total aflatoxin,

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 139, 2.6.1999, p. 32.

<sup>(3)</sup> OJ L 201, 17.7.1998, p. 4.



HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States may import:

- peanuts falling within CN code 1202 10 90 in shell or 1202 20 00 shelled, whether or not broken or
- roasted peanuts falling within CN code 2008 11 92 (in immediate packs of a net content exceeding 1 kg) or 2008 11 96 (not exceeding 1 kg)

originating in or consigned from Egypt which are intended for human consumption or to be used as an ingredient in foodstuffs, provided that each consignment is accompanied by the results of official sampling and analysis, and the health certificate in Annex I, completed, signed and verified by a representative of the Egyptian Ministry of Agriculture.

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code which corresponds to the code on the sampling results of the official sampling and analysis and health certificate referred to in paragraph 1.

4. Member States shall carry out documentary checks to ensure that the requirement for the health certificate and the sampling results referred to in paragraph 1 is complied with.

5. Member States shall undertake sampling and analysis of consignments in a systematic manner for Aflatoxin B1 and total aflatoxin before release onto the market from the port of

entry into the Community, and shall inform the Commission of the results of these analyses.

*Article 2*

The present Decision shall be reviewed before 30 November 2000, in order to assess whether the special conditions referred to in Article 1 provide a sufficient level of protection to public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.

*Article 3*

This Decision repeals Decision 1999/356/EC.

*Article 4*

Member States shall take the measures concerning imports necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 6 December 1999.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

## ANNEX I

## HEALTH CERTIFICATE

**for the importation into the European Community of peanuts and certain products derived from peanuts  
originating in or consigned from Egypt**

Consignment code .....

Certificate No .....

According to the provisions of Commission Decision 2000/49/EC imposing special conditions on the import of peanuts falling within CN codes 1202 10 90 (in shell) or 1202 20 00 and products derived from peanuts falling within CN codes 2008 11 92 (in immediate packs of a net content exceeding 1 kg) and 2008 11 96 (not exceeding 1 kg), originating in or consigned from Egypt

The Minister for Agriculture

CERTIFIES:

that the peanuts of this consignment, code number ..... (insert consignment code number)

composed of: .....

.....

.....

.....

(description of consignment, product, number and type of packages, gross or net weight)

embarked at .....

(embarkation place)

by .....

(identification of transporter)

going to .....

(place and country of destination)

which comes from the establishment .....

.....

.....

(name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, ..... (number of samples) samples of peanuts were taken on ..... (date),  
subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory),  
to determine the level of Aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling, methods of  
analysis used and all results are attached.

Done at ..... on .....

Stamp and signature of  
Representative of the Ministry  
of Agriculture of Egypt

---

## ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the European Community**

Member State	Point of entry
Belgique-België	Anvers-Antwerpen
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart-ZA Flughafen, HZA München-Flughafen, HZA Hof-ZA Schirnding, HZA Weiden-ZA Furth i. Wald-Schafberg, HZA Weiden-ZA Furth i. Wald-Schafberg, HZA Weiden-ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) ZA Autobahn, HZA Cottbus-ZA Forst-Autobahn, HZA Bremen-ZA Neustädter Hafen, HZA Bremerhaven-ZA Container Terminal, HZA Bremerhaven-ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen-ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen-ZA Köhlfleetdamm, HZA Hamburg-ST Annen-ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof-ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg-ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe-ZA Pinneberg, HZA Trier-ZA Idar-Oberstein, HZA Oldenburg-ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Airport of Athens, Thessaloniki, Volos, Patra, Iraklion of Krete, Airport of Krete, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto, puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (aeropuerto, puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto, puerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Villagareia (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)
France	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
Ireland	All harbours, airports and border stations
Italia	Ufficio Sanità marittima ed aerea di Ancona Ufficio Sanità marittima ed aerea di Bari Ufficio Sanità marittima ed aerea di Genova Ufficio Sanità marittima di Livorno Ufficio Sanità marittima ed aerea di Napoli Ufficio Sanità marittima di Ravenna Ufficio Sanità marittima di Salerno Ufficio Sanità marittima ed aerea di Trieste

Member State	Point of entry
Luxembourg	Centre douanier, croix de Gasperich, Luxembourg
Nederland	Rotterdam
Österreich	Nickelsdorf, Spielfeld
Portugal	Lisboa
Suomi-Finland	Helsinki
Sverige	Göteborg
United Kingdom	Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury and Thamesport), Manchester Airport, Manchester Container Port, Manchester including Ellesmere Port, Middlesbrough, Newhaven, Poole, Shoreham, Southampton.

# COMMISSION

## COMMISSION DECISION

of 4 August 2003

**amending Decision 2000/49/EC repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt**

(notified under document number C(2003) 2800)

(Text with EEA relevance)

(2003/580/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

(1) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt <sup>(2)</sup> provides for a review of this Decision.

(2) A mission has been carried out by the European Commission's Food and Veterinary Office (FVO) in Egypt from 2 to 6 September 2001 to assess the facilities and measures in place for the determination of aflatoxin levels in peanuts intended for export into the European Union. The mission revealed that significant steps to improve the controls on peanuts exported to the European Union had been made by the Egyptian authorities. The improvements in relation to peanut growing were particularly evident with an extensive education programme. Furthermore, the process of export and associated analysis and certification for aflatoxin was seen as satisfactory, with the exception of the applied sampling procedure. Laboratory performance was found acceptable for export procedures. It was observed that not all the legal requirements for peanut storage were applied.

(3) Written guarantees have been received from the Egyptian authorities concerning the applied sampling procedure and the reinforcement of the controls on the storage conditions for peanuts.

(4) The findings of the mission, the written guarantees from the Egyptian authorities and the favourable results until October 2002 of the sampling and analysis of consignments of peanuts by the importing Member States demonstrate that there is no longer need for the systematic sampling and analysis of consignments of peanuts originating in or consigned from Egypt. However a significant increase in notifications of non-complying consignments were observed from November 2002 until February 2003. This is apparently due to a bad harvest year 2002 combined with insufficient controls by the Egyptian authorities. These authorities have taken additional measures to improve the situation.

(5) It is therefore appropriate to maintain the sampling and analysis by the competent authority of the importing Member State at a significant level in order to protect public health.

(6) In order to ensure that the random sampling and analysis of consignments of peanuts and products derived from peanuts originating in or consigned from Egypt are performed in a harmonised manner throughout the Community, it is appropriate to fix an approximate frequency for the random sampling and analysis.

(7) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(3)</sup> provides for the establishment of the Rapid Alert System for Food and Feed (RASFF).

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 19, 25.1.2000, p. 46.

<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1.

- (8) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt. Such reports should be in addition to the notification obligation under the Rapid Alert System for Food and Feed.
- (9) At the request of certain Member States, It is necessary to update the list of points of entry through which the products concerned by Decision 2000/49/EC may be imported into the Community. For the sake of clarity, that list should be replaced.
- (10) Decision 2000/49/EC should therefore be amended accordingly.
- (11) The Standing Committee on the Food Chain and Animal Health has been consulted,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2000/49/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 5 is replaced by the following:

‘5. The competent authorities in each Member State shall undertake at random sampling of the consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt. This report shall be submitted during the month following each quarter (\*).

(\*) April, July, October, January.’

(b) The following paragraphs 6 and 7 are added:

‘6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 20 % of the consignments of products for each category of the products referred to in paragraph 1.

Any consignment to be subjected to sampling and analysis, should be detained before release onto the market from the point of entry into the Community for a maximum of 15 working days. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of the analysis.

7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.’

2. Article 2 is replaced by the following

#### *‘Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Egypt and on the basis of the results of the tests carried out by Member States. This review will assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.’

3. Annex II is replaced by the text in the Annex to this Decision.

#### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 4 August 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## ‘ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the European Community**

Member State	Point of entry
België — Belgique	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports
Deutschland	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München — Flughafen, HZA Hof- Schirnding-Landstraße, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Billbrook, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Großmarkt, HZA Potsdam — ZA Berlin — Flughafen Schönefeld, HZA Düsseldorf — ZA Düsseldorf Nord
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'



**COMMISSION DECISION****of 29 April 2004**

**amending Decisions 97/830/EC , 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community**

*(notified under document number C(2004) 1594)*

**(Text with EEA relevance)**  
**(2004/429/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>1</sup>, and in particular Article 10(1) thereof,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

After consulting the member States,

Whereas:

- (1) Commission Decision 97/830/EC of 11 December 1997 repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran<sup>2</sup> listed in its Annex 2 the points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may only be imported into the Community.
- (2) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt<sup>3</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from

---

<sup>1</sup> OJ L175, 19.7.1993, p.1. Last amended by Regulation No 1882 (OJ L284, 31.10.2003, p.1).

<sup>2</sup> OJ L343, 13.12.1997, p.30. Last amended by Commission Decision 2003/551/EC (OJ L187, 26.7.2003, p.43).

<sup>3</sup> OJ L19, 25.1.2000, p.46. Amended by Commission Decision 2003/580/EC (OJ L197, 5.8.2003, p.31).

peanuts originating in or consigned from Egypt may only be imported into the Community.

- (3) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>4</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may only be imported into the Community.
- (4) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey<sup>5</sup> listed in its Annex II the points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may only be imported into the Community.
- (5) The list of points of entry must be adapted by reason of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Union.
- (6) It is necessary to update the list of points of entry for Germany, United Kingdom, Luxembourg and Sweden through which the products concerned by Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC may be imported.
- (7) Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex II to Decision 97/830/EC is replaced by the text in Annex I to this Decision.

#### *Article 2*

Annex II to Decision 2000/49/EC is replaced by the text in Annex II to this Decision.

#### *Article 3*

Annex II to Decision 2002/79/EC is replaced by the text in Annex III to this Decision.

#### *Article 4*

Annex II to Decision 2002/80/EC is replaced by the text in Annex IV to this Decision.

---

<sup>4</sup> OJ L34, 5.2.2002, p.21. Last amended by Commission Decision 2003/550/EC (OJ L187, 26.7.2003, p.39).

<sup>5</sup> OJ L34, 5.2.2002, p.26. Last amended by Commission Decision 2003/552/EC (OJ L187, 26.7.2003, p.47).

*Article 5*

The Decision shall apply from 1 May 2004.

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

*For the Commission*  
David BYRNE  
*Member of the Commission*

## ANNEX I

### “ANNEX II

**List of points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX II

### “ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven



Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX III

### “ANNEX II

**List of points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX IV

### “ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>





## COMMISSION DECISION

of 1 February 2002

## laying down special conditions on the import from third countries of star anise

(notified under document number C(2002) 379)

(Text with EEA relevance)

(2002/75/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Star anise (*Illicium verum*), also known as Chinese star anise or Chinese badian, is fit for human consumption and commonly used in foodstuffs.
- (2) The botanical variety of star anise known as Japanese star anise (*Illicium anisatum*, also known as *Illicium religiosum*, *Illicium japonicum*, *shikimmi* and *skimmi*), is scientifically recognised as highly poisonous and is therefore not fit for human consumption.
- (3) Analyses of consignments of star anise from certain third countries have revealed also the presence of Japanese star anise; the presence of Japanese star anise has been linked to some cases of food poisoning in the Community.
- (4) There is therefore a hygiene problem in certain third countries which poses a serious threat to public health within the Community and protective measures must be adopted at Community level.
- (5) It is necessary that star anise imported from third countries, which is intended for human consumption or to be used as an ingredients in foodstuffs, should not contain Japanese star anise.
- (6) The competent authorities in third countries should provide documentary evidence to accompany each consignment of star anise from their countries, confirming that the products consist only of star anise and are free of Japanese star anise.
- (7) It is therefore necessary, in order to safeguard public health, that consignments of star anise imported into the Community, which are intended for human consumption or to be used as an ingredient in foodstuffs, are subjected at random to sampling and analysis prior to release for free circulation; for the same reason it is

necessary to control also the products already on the market.

- (8) Given that the measures provided for in this Decision would have a serious impact on the control resources of the Member States, the results of these measures should be evaluated after a short period of time and the measures amended if appropriate.
- (9) Member States have been consulted on the measures provided for in this Decision according to Article 10(3) of Directive 93/43/EEC, on 18 December 2001,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States may allow imports of star anise (*Illicium verum*) falling within CN code 0909 10 00 from third countries, where it is intended for human consumption or to be used as an ingredient in foodstuffs, provided that:
  - (a) each consignment is accompanied by the report on the results of official sampling and analysis, and by a certificate in accordance with the model in Annex I completed, signed and verified by the competent authorities of the exporting third country, demonstrating that the consignment does not contain Japanese star anise (*Illicium anisatum*, also known as *Illicium religiosum*, *Illicium japonicum*, *shikimmi* and *skimmi*), which is not fit for human consumption;
  - (b) consignments are imported into the Community through one of the points of entry listed in Annex II;
  - (c) each consignment is identified with a code, which corresponds to the code on certificate and on the accompanying report containing the result of the official sampling and analysis referred to in point (a).
2. The competent authorities in each Member State shall ensure that imported star anise from third countries is subject to documentary checks to ensure that the requirement for the certificate and official sampling results referred to in paragraph 1(a) are complied with. For this purpose, Member States shall ensure that the importers are obliged to give prior notice to the competent authorities at the point of entry into the Community specifying the amount, nature and estimated time of arrival of the consignment.

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

3. Member States shall undertake at random sampling and analysis of consignments of star anise from third countries, which is intended for human consumption or to be used as an ingredient in foodstuffs, before release for free circulation from the point of entry into the Community, and shall inform the Commission of the results using the rapid alert system for food (RASFF). Member States may charge the cost of the analyses to the importer or his agent.

*Article 2*

Member States may allow imports of Japanese star anise only if it is intended for use other than human consumption.

Each consignment of Japanese star anise imported in the Community from third countries shall bear a label stating that the product is not fit for human consumption.

*Article 3*

Member States shall take appropriate measures, including sampling and analysis of star anise already on the market in order to verify the absence of Japanese star anise.

*Article 4*

This Decision shall be reviewed before 1 June 2002, in order to assess whether the special conditions laid down in Article 1 provide a sufficient level of protection of public health within the Community.

*Article 5*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 1 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

**Certificate for the importation into the European Community of star anise originating from third countries****Consignment code** ..... **Certificate number** .....According to the provisions of Decision 2002/75/EC laying down special conditions on the import from third countries of star anise (*Illicium verum*) falling within CN code 0909 10 00

the .....

(Competent authority of .....),

CERTIFIES:

that the star anise of this consignment, code number .....

(Insert consignment code number), composed of: .....

.....  
(description of consignment, product, number and type of packages, gross or net weight)embarked at .....  
(embarkation place)by .....  
(identification of transporter)going to .....  
(place and country of destination)

which comes from the establishment .....

.....  
(name and address of establishment)is only constituted by star anise (*Illicium verum*) and does not contain the highly toxic Japanese star anise (*Illicium anisatum*, also known as *Illicium religiosum*, *Illicium japonicum*, *shikimmi* and *skimmi*) which is not fit for human consumption.From this consignment ..... (number of samples) samples of star anise were taken on .....  
(date), subjected to laboratory analysis on ..... (date) in the  
..... (name of laboratory), to determine the absence of Japanese star anise  
(indicate method of analysis used and performance characteristics of the method).

Done at ..... on .....

Stamp and signature of  
the competent authority of third country

\_\_\_\_\_

## ANNEX II

**List of points of entry through which star anise originating from third countries may be imported into the European Community**

Member State	Point of entry
Belgium	Antwerp
Denmark	All Danish harbours and airports and all border stations
Germany	<ul style="list-style-type: none"> <li>— HZA Munich airport in HZA Munich-ZA airport</li> <li>— HZA Bremerhaven-ZA Rotersand in HZA Bremen-ZA Bremerhaven</li> <li>— HZA Bremerhaven-ZA container terminal in HZA Bremen-ZA Bremerhaven container terminal</li> <li>— HZA Hamburg-Freihafen-Terminal in HZA Hamburg-Hafen-ZA Waltershof</li> <li>— HZA Hamburg-Freihafen-ZA Ericus Terminal Südbahnhof in HZA Hamburg-ZA Waltershof</li> <li>— HZA Hamburg-Freihafen-ZA Köhlflleetdamm in HZA Hamburg-ZA Waltershof</li> <li>— HZA Hamburg-St Annen-ZA Altona wird ersatzlos aufgehoben ab 1.1.2002</li> <li>— HZA Hamburg-Waltershof-Terminal in HZA Hamburg-ZA Waltershof</li> <li>— HZA Hamburg-Waltershof-Flughafen in HZA Itzehoe-ZA Hamburg-airport</li> <li>— HZA Lüneburg-ZA Stade in HZA Oldenburg-ZA Stade</li> <li>— HZA Trier-ZA Idar-Oberstein in HZA Koblenz-ZA Idar-Oberstein</li> </ul>
Greece	Athens, Pireas, Elefsis, Athens Airport, Thessaloniki, Volos, Patra, Iraklion Crete, Crete Airport, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	A Coruña-Laxe (port), Algeciras (port), Alicante (airport and port), Almería (airport and port), Asturias (airport), Barcelona (airport and port), Bilbao (airport and port), Cádiz (port), Cartagena (port), Gijón (port), Gran Canaria (airport), Huelva (port), Las Palmas de Gran Canaria (port), Madrid (airport), Málaga (airport and port), Márin (port), Palma de Mallorca (airport), Pasajes (port), Santa Cruz de Tenerife (port), Santander (airport and port), Santiago de Compostela (airport), San Sebastián (airport), Sevilla (airport and port), Tarragona (port), Tenerife Norte (airport), Tenerife Sur (airport), Valencia (airport and port), Vigo (airport and port), Villagarcía-Ribeira-Caraminal (port), Vitoria (airport), Zaragoza (airport).
France	Marseilles (Bouches-du-Rhone), Le Havre (Seine-Maritime)
Ireland	Dublin (port and airport), Cork (port and airport), Shannon (airport), Waterford (airport)
Italy	All harbours, airports and border stations
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Netherlands	Rotterdam
Austria	HZA Graz, HZA Vienna, Wiener Neustadt, Linz
Portugal	All harbours, airports and border stations
Finland	Helsinki
Sweden	Gothenberg
United Kingdom	Belfast, Felixstowe, Gatwick Airport, Heathrow Airport, Hull, Liverpool, London, Southampton

**COMMISSION DECISION**  
**of 12 August 2003**  
**repealing Decision 2002/75/EC laying down special conditions on the import from third countries**  
**of star anise**

(notified under document number C(2003) 2889)

(Text with EEA relevance)

(2003/602/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>(1)</sup>, and in particular Article 10(1) thereof,

Having regard to Commission Decision 2002/75/EC laying down special conditions on the import from third countries of star anise<sup>(2)</sup>, and in particular recital 8 thereof,

Whereas:

- (1) Analyses of consignments of star anise (*illicium verum*) from certain third countries had revealed the presence of the botanical variety known as Japanese star anise (*illicium anisatum*), which is scientifically recognised as highly poisonous and therefore not fit for human consumption.
- (2) The presence of Japanese star anise had been linked to some cases of food poisoning in the Community.
- (3) As a consequence, and in accordance with Article 10 of Directive 93/43/EEC, the Commission adopted Decision 2002/75/EC laying down special conditions on the import from third countries of star anise, in order to ensure that star anise imported from third countries and intended for human consumption does not contain Japanese star anise.

(4) The checks and analyses carried out under the conditions prescribed in Decision 2002/75/EC have not revealed any new cases of contamination, and no cases of poisoning have been reported.

(5) The special conditions attaching to the import of star anise are therefore no longer justified and Commission Decision 2002/75/EC can be repealed.

(6) The Member States have been consulted on the repealing of Decision 2002/75/EC, in accordance with Article 10 of Directive 93/43/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/75/EC is hereby repealed.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 12 August 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 33, 2.2.2002, p. 31.

**COMMISSION DECISION**  
**of 4 February 2002**  
**imposing special conditions on the import of figs, hazelnuts and pistachios and certain products**  
**derived thereof originating in or consigned from Turkey**

(notified under document number C(2002) 386)

(Text with EEA relevance)

(2002/80/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Dried figs and pistachios and to a lesser extent hazelnuts originating in or consigned from Turkey have been found to be, in many cases, contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, causes cancer of the liver and in addition is genotoxic.
- (3) Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs <sup>(2)</sup>, as last amended by Regulation (EC) No 1566/1999 <sup>(3)</sup>, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been considerably exceeded in particular in samples of dried figs originating in or consigned from Turkey.
- (4) This constitutes a serious threat to public health within the Community and it is therefore imperative to adopt protective measures at Community level.
- (5) A mission has been carried out by the European Commission's Food and Veterinary office (FVO) in Turkey from 4 to 8 September 2000 to assess the control systems in place to prevent aflatoxin contamination in hazelnuts, pistachios and dried figs intended for export to the European Community. The mission revealed, *inter alia*, that the control procedures in place for hazelnut, pistachio and dried fig consignments intended for export into the European Community do not ensure that the consignments comply with the maximum levels established in EC legislation. Insufficient training of responsible officials, insufficient sampling and testing procedures and insufficient evidence that the export certificates correlate to the concerned consignment have been observed. For these commodities originating in or consigned from Turkey, non-compliance

with the maximum levels for aflatoxins are continuously observed and reported through the Rapid Alert System for Food. It is therefore appropriate to subject hazelnuts, pistachios and dried figs and products derived thereof originating in or consigned from Turkey to special conditions to provide a high level of protection to public health.

- (6) It is necessary that dried figs, hazelnuts and pistachios and products derived thereof have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving Turkey.
- (7) The Turkish authorities should provide documentary evidence to accompany each consignment of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, relating to the conditions of production, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) It is necessary in order to safeguard public health that consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, imported into the European Community, are subjected to random sampling and analysis for their aflatoxin level by the competent authority of the importing Member State.
- (9) The Standing Committee for Foodstuffs has been consulted on 2 April 2001,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States may not import products falling in any of the following categories, originating in or consigned from Turkey, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate in Annex I completed, signed and verified by a representative of the General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey:

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 31, 1.2.1997, p. 48.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 17.

- figs and dried figs falling within CN code 0804 20 10 or 0804 20 90,
- hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00,
- pistachios falling within CN code 0802 50 00,
- mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios,
- hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19.

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code, which corresponds to the code on the health certificate and on the accompanying report containing the result of the official sampling and analysis referred to in paragraph 1.

4. The competent authorities in each Member State shall ensure that imported dried figs, hazelnuts and pistachios, as mentioned in paragraph 1, originating in or consigned from Turkey are subject to documentary checks to ensure that the requirement for the health certificate and sampling results referred to in paragraph 1 are complied with.

5. Member States shall undertake at random sampling and analysis of the consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey for aflatoxin B1

and total aflatoxin and shall inform the Commission of the results.

#### *Article 2*

This Decision shall be reviewed before 1 July 2002, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.

#### *Article 3*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

#### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 4 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

**Health certificate for the importation into the European Community of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey****Consignment code** ..... **Certificat No** .....

According to the provisions of Commission Decision 2002/80/EC imposing special conditions on the import of figs (falling within CN code 0804 20 10 or 0804 20 90), hazelnuts (falling within CN code 0802 21 00 or 0802 22 00) and pistachios (falling within CN code 0802 50 00), mixtures thereof (falling within CN code 0813 50) and products derived thereof (falling within CN code 2008 19) originating in or consigned from the Republic of Turkey,

the .....  
(General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs)

## CERTIFIES:

that the figs/hazelnuts/pistachios of this consignment, code number ..... (insert consignment code number)  
composed of:

.....  
.....  
(Description of consignment, product, number and type of packages, gross or net weight)

embarked at .....  
(Embarkation place)

by .....  
(Identification of transporter)

going to .....  
(Place and country of destination)

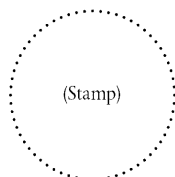
which comes from the establishment .....  
.....  
.....  
(Name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, ..... (number of samples) samples of figs/hazelnuts/pistachios were taken  
on ..... (date), subjected to laboratory analysis on ..... (date)  
in the ..... (name of laboratory), to determine the level of aflatoxin B1 and level  
of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached.

Done at ..... , on .....

*Representative of the General Directorate of Protection  
and Control of the Ministry of Agriculture  
and Rural Affairs*



.....  
(Signature)



## ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the European Community**

Member State	Point of entry
Belgique-België	Anvers-Antwerpen
Danmark	All harbours, airports and border stations
Deutschland	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart-ZA Flughafen, HZA München-Flughafen, HZA Hof-ZA Schirnding, HZA Weiden-ZA Furth im Wald-Schafberg, HZA Weiden-ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder)-ZA Autobahn, HZA Cottbus-ZA Forst-Autobahn, HZA Bremen-ZA Neustädter Hafen, HZA Bremerhafen-ZA Container Terminal, HZA Bremerhaven-ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen-ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen-ZA Köhlfließdamm, HZA Hamburg-St/Annen-ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof-ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg-ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe-ZA Pinneberg, HZA Trier-ZA Idar-Oberstein, HZA Oldenburg-ZA Wilhelmshaven
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto y puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Villagarcía (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)
France	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
Ireland	All harbours, airports and border stations
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste)
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	Rotterdam
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien
Portugal	Lisboa

Member State	Point of entry
Suomi—Finland	Helsinki
Sverige	Göteborg
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport.

## COMMISSION DECISION

of 22 August 2002

**amending Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey**

(notified under document number C(2002) 3109)

(Text with EEA relevance)

(2002/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Article 2 of Commission Decision 2002/80/EC <sup>(2)</sup>, as amended by Decision 2002/233/EC <sup>(3)</sup>, provides for a review of that decision before 1 July 2002, in order to assess whether the special conditions set out in that Decision provide a sufficient level of protection of public health within the Community, and whether there is a continuing need for the special conditions.
- (2) The results of random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey demonstrate that there is a continuing need for the special conditions set out in Decision 2002/80/EC in order to provide a sufficient level of protection of public health within the Community.
- (3) Fresh figs are not known to be contaminated by aflatoxins and it is therefore appropriate to exclude fresh figs from the scope of Decision 2002/80/EC. Fig and hazelnut pastes have been found to be contaminated by aflatoxins and it is therefore appropriate to include fig and hazelnut pastes within the scope of that Decision.
- (4) In order to ensure that the random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey are performed in a harmonised manner throughout the Community, it is appropriate to fix an approximate frequency for the random sampling and analysis, as well to specify the sampling method to apply for hazelnuts, including vacuum packs.
- (5) It is necessary to update the list of points of entry for Belgium, Germany, France, Ireland, Austria and Sweden

through which the products concerned by Decision 2002/80/EC may be imported.

- (6) Decision 2002/80/EC should therefore be amended accordingly.
- (7) The Standing Committee on the Food Chain and Animal Health has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/80/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Member States shall not import products falling in any of the following categories, originating in or consigned from Turkey, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate set out in Annex 1 completed, signed and verified by a representative of the General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey:

- dried figs falling within CN code 0804 20 90,
- hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00,
- pistachios falling within CN code 0802 50 00,
- mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios,
- fig paste and hazelnut paste falling within CN code 2007 99 98,
- hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19.'

(b) The following paragraph is added:

'6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of the consignments of products for each category of the products referred to in paragraph 1.'

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 26.

<sup>(3)</sup> OJ L 78, 21.3.2002, p. 14.

Any consignment to be subjected to sampling and analysis, shall be detained before release onto the market from the point of entry into the Community for a maximum of 10 working days. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of the analysis.

For hazelnuts the sampling shall be performed according to the sampling procedure set out in point 5.2 of Annex I to Commission Directive 98/53/EC (\*). In the case of hazelnuts traded in vacuum packs, for lots equal or more than 15 tonnes at least 25 incremental samples resulting in a 30 kg aggregate sample have to be taken and for lots less than 15 tonnes, 25 % of the incremental samples to be taken according to Directive 98/53 have to be taken.

(\*) OJ L 201, 17.7.1998, p. 93.'

2. Article 2 is replaced by the following:

*'Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent

authorities of Turkey and on the basis of the results of the tests carried out by Member States.

This Decision shall be reviewed by 31 December 2002 at the latest, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.'

3. Annex II is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 August 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## ‘ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community**

Member State	Point of entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof — Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Itzehoe — ZA Pinneberg, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), A Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## COMMISSION DECISION

of 20 March 2002

**amending and correcting Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China and Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey**

(notified under document number C(2002) 1187)

(Text with EEA relevance)

(2002/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 2002/79/EC <sup>(2)</sup> imposes special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China. Commission Decision 2002/80/EC <sup>(3)</sup> imposes special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey.
- (2) With a view to minimising negative effects on trade, provisions have to be laid down with regard to consignments which left China and Turkey before 11 March 2002, on condition that the operator can demonstrate, by sampling and analysis in accordance with Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs <sup>(4)</sup>, that these consignments comply with the provisions of Community legislation as regards aflatoxin B1 and aflatoxin total.
- (3) It is necessary to add points of entry for Belgium, Spain, France, Italy, The Netherlands, Portugal, Finland, Austria and Sweden through which the products concerned by the Decisions 2002/79/EC and 2002/80/EC may be imported. For the sake of clarity, Annex II to Decisions 2002/79/EC and 2002/80/EC should be replaced.
- (4) Decisions 2002/79/EC and 2002/80/EC should therefore be amended accordingly.

- (5) At the same time it is appropriate to correct certain linguistic errors in the German and Dutch versions of Decision 2002/79/EC and in the German, French and Dutch versions of 2002/80/EC,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/79/EC is amended as follows:

1. The following Article 1a is inserted:

*'Article 1a*

By derogation from Article 1(1), the Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left China before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC (\*), that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

(\*) OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex I to this Decision.

*Article 2*

Decision 2002/79/EC is corrected as follows:

1. In Article 1(5), first sentence:

Concerns only the German version.

2. In Article 2, second sentence:

Concerns only the Dutch version.

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 21.

<sup>(3)</sup> OJ L 34, 5.2.2002, p. 26.

<sup>(4)</sup> OJ L 201, 17.7.1998, p. 93.

*Article 3*

Decision 2002/80/EC is amended as follows:

1. The following Article 1a is inserted.

*'Article 1a*

By derogation from Article 1(1), Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left Turkey before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC (\*) that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

(\*) OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex II to this Decision.

*Article 4*

Decision 2002/80/EC is corrected as follows:

1. Recital 8 is replaced by the following:  
Concerns only the German version.
2. In Article 1(1) fourth indent:  
Concerns only the Dutch version.
3. Article 1(5) should read:  
Concerns only the French and Dutch versions.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 20 March 2002.

*For the Commission*

David BYRNE

*Member of the Commission*



## ANNEX I

## ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the Community**

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhaven — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfließdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto) Gijon (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## ANNEX II

## ‘ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community**

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhaven — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfließdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Puerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## COMMISSION DECISION

of 22 July 2003

**amending Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey***(notified under document number C(2003) 2604)***(Text with EEA relevance)**

(2003/552/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey <sup>(2)</sup>, as last amended by Decision 2002/679/EC <sup>(3)</sup>, provides for a review of that Decision by 31 December 2002.
- (2) The results of random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey demonstrate that there is a continuing need for the special conditions set out in Decision 2002/80/EC in order to provide a sufficient level of protection of public health within the Community.
- (3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(4)</sup> provides for the establishment of the rapid alert system for food and feed (RASFF).
- (4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey. Such reports should be in addition to the notification obligation under the rapid alert system for food and feed.
- (5) At the request of certain Member States, it is appropriate to update the list of points of entry through which the products covered by Decision 2002/80/EC may be imported into the Community. For the sake of clarity, that list should be replaced.

- (6) Decision 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/80/EC is amended as follows:

## 1. Article 1 is amended as follows:

- (a) The following is added to Article 1(1):  
‘— Flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90.’
- (b) Article 1(5) is replaced by the following:

‘5. The competent authorities in each Member State shall undertake at random sampling of the consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey. This report shall be submitted during the month following each quarter (\*).

(\*) April, July, October, January.’

- (c) Article 1(6) is amended as follows:

At the end of the second sentence, the words ‘for a maximum of 10 working days’ are replaced by ‘for a maximum of 15 working days’.

- (d) The following paragraph 7 is added

‘7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.’

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 26.

<sup>(3)</sup> OJ L 229, 27.8.2002, p. 37.

<sup>(4)</sup> OJ L 31, 1.2.2002, p. 1.

2. Article 2 is replaced by the following:

*'Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Turkey and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.'

3. Annex II is replaced by the text in the Annex to this Decision

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

## ‘ANNEX II

**List of points of entry through which consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community**

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — port and airport, Cork — port and airport, Shannon — airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'



**COMMISSION DECISION****of 29 April 2004**

**amending Decisions 97/830/EC , 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community**

*(notified under document number C(2004) 1594)*

**(Text with EEA relevance)**  
**(2004/429/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>1</sup>, and in particular Article 10(1) thereof,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

After consulting the member States,

Whereas:

- (1) Commission Decision 97/830/EC of 11 December 1997 repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran<sup>2</sup> listed in its Annex 2 the points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may only be imported into the Community.
- (2) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt<sup>3</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from

---

<sup>1</sup> OJ L175, 19.7.1993, p.1. Last amended by Regulation No 1882 (OJ L284, 31.10.2003, p.1).

<sup>2</sup> OJ L343, 13.12.1997, p.30. Last amended by Commission Decision 2003/551/EC (OJ L187, 26.7.2003, p.43).

<sup>3</sup> OJ L19, 25.1.2000, p.46. Amended by Commission Decision 2003/580/EC (OJ L197, 5.8.2003, p.31).

peanuts originating in or consigned from Egypt may only be imported into the Community.

- (3) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>4</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may only be imported into the Community.
- (4) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey<sup>5</sup> listed in its Annex II the points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may only be imported into the Community.
- (5) The list of points of entry must be adapted by reason of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Union.
- (6) It is necessary to update the list of points of entry for Germany, United Kingdom, Luxembourg and Sweden through which the products concerned by Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC may be imported.
- (7) Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex II to Decision 97/830/EC is replaced by the text in Annex I to this Decision.

#### *Article 2*

Annex II to Decision 2000/49/EC is replaced by the text in Annex II to this Decision.

#### *Article 3*

Annex II to Decision 2002/79/EC is replaced by the text in Annex III to this Decision.

#### *Article 4*

Annex II to Decision 2002/80/EC is replaced by the text in Annex IV to this Decision.

---

<sup>4</sup> OJ L34, 5.2.2002, p.21. Last amended by Commission Decision 2003/550/EC (OJ L187, 26.7.2003, p.39).

<sup>5</sup> OJ L34, 5.2.2002, p.26. Last amended by Commission Decision 2003/552/EC (OJ L187, 26.7.2003, p.47).

*Article 5*

The Decision shall apply from 1 May 2004.

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

*For the Commission*  
David BYRNE  
*Member of the Commission*

## ANNEX I

### “ANNEX II

**List of points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX II

### “ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven



Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX III

### “ANNEX II

**List of points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX IV

### “ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>





## COMMISSION

## COMMISSION DECISION

of 4 February 2002

**imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China***(notified under document number C(2002) 385)***(Text with EEA relevance)**

(2002/79/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup> and in particular Article 10(1) thereof,

Whereas:

- (1) Peanuts originating in or consigned from China have been found to be, in many cases, contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, causes cancer of the liver and in addition is genotoxic.
- (3) Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs <sup>(2)</sup>, as last amended by Regulation (EC) No 1566/1999 <sup>(3)</sup>, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been considerably exceeded in samples of peanuts originating in or consigned from China.
- (4) This constitutes a serious threat to public health within the Community and it is therefore imperative to adopt protective measures at Community level.
- (5) A mission was carried out by the European Commission's Food and Veterinary Office (FVO) in China from 8 to 21 May 2001 to assess the control systems in place to prevent aflatoxin contamination in peanuts intended for export to the European Community. The mission revealed, *inter alia*, that the control over aflatoxins in peanuts is minimal in production or general processing. Deficiencies in laboratory performance were also observed. It is therefore appropriate to subject peanuts

or products derived from peanuts originating in or consigned from China to special conditions to provide a high level of protection to public health.

- (6) It is necessary that peanuts and products derived from peanuts have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving China.
- (7) The Chinese authorities should provide documentary evidence to accompany each consignment of peanuts originating in or consigned from China, relating to the conditions of production, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) From the findings of the abovementioned mission, it can be concluded that the Chinese authorities cannot ensure currently dependable analytical results or guarantee lot integrity in respect of certification. Therefore, the reliability of any certificate issued for peanuts originating from China raises serious doubts with regard to its reliability.
- (9) It is therefore necessary in order to safeguard public health that all lots of peanuts originating in or consigned from China, imported in the European Community, are subjected to sampling and analysis for their aflatoxin level by the competent authority of the importing Member State prior to release onto the market. Given that this measure has a serious impact on the control resources of the Member States, the results of this measure will be evaluated after a short period of time and the measures amended if appropriate.
- (10) The Standing Committee for Foodstuffs has been consulted on 2 April 2001 and on 19 July 2001,

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 31, 1.2.1997, p. 48.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 17.

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States may not import products falling in any of the following categories originating in or consigned from China, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate in Annex I completed, signed and verified by a representative of the State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China:

- peanuts falling within CN code 1202 10 90 or 1202 20 00,
- peanuts falling within CN code 2008 11 94 (in immediate packs of a net content exceeding 1 kg) or 2008 11 98 (in immediate packs of a net content not exceeding 1 kg),
- roasted peanuts falling within CN codes 2008 11 92 (in immediate packs of a net content exceeding 1 kg) or 2008 11 96 (in immediate packs of a net content not exceeding 1 kg).

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code, which corresponds to the code on the health certificate and on the accompanying report containing the result of the official sampling and analysis referred to in paragraph 1.

4. The Competent Authorities in each Member State shall ensure that imported peanuts originating in or consigned from China are subject to documentary checks to ensure that the

requirement for the health certificate and sampling results referred to in paragraph 1 are complied with.

5. Member States shall undertake sampling and analysis of each consignment of peanuts originating in or consigned from China for aflatoxin B1 and total aflatoxin before release onto the market from the port of entry into the Community, and shall inform the Commission of the results.

*Article 2*

This Decision shall be reviewed before 1 May 2002 at the latest, in order to assess whether the special conditions referred to in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the sampling and analysis of each consignment by the competent authority of the importing Member State.

*Article 3*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 4 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

**Health Certificate for the importation into the European Community of peanuts and certain products derived from peanuts originating in or consigned from China**

**Consignment code** ..... **Certificate No** .....

According to the provisions of Commission Decision 2002/79/EC imposing special conditions on the import of peanuts falling within CN codes 1202 10 90 (in shell) or 1202 20 00 and products derived from peanuts falling within CN codes 2008 11 92 or 2008 11 94 (in immediate packs of a net content exceeding 1 kg) and 2008 11 96 or 2008 11 98 (not exceeding 1 kg), originating in, or consigned from the People's Republic of China,

the .....

(State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China)

CERTIFIES:

that the peanuts of this consignment, code number ..... (insert consignment code number)

composed of: .....

(Description of consignment, product, number and type of packages, gross or net weight)

embarked at .....

(Embarkation place)

by .....

(Identification of transporter)

going to .....

(Place and country of destination)

which comes from the establishment .....

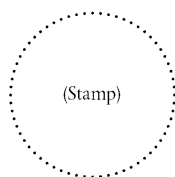
.....

.....  
(Name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, ..... (number of samples) samples of peanuts were taken on ..... (date), subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory), to determine the level of aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached.

Done at ....., on .....



*Representative of the State Administration  
for Entry-Exit inspection and Quarantine  
of the People's Republic of China*

.....  
(Signature)

## ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the European Community**

Member State	Point of entry
Belgique-België	Anvers-Antwerpen
Danmark	All harbours, airports and border stations
Deutschland	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart-ZA Flughafen, HZA München-Flughafen, HZA Hof-ZA Schirnding, HZA Weiden-ZA Furth im Wald-Schafberg, HZA Weiden-ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder)-ZA Autobahn, HZA Cottbus-ZA Forst-Autobahn, HZA Bremen-ZA Neustädter Hafen, HZA Bremerhafen-ZA Container Terminal, HZA Bremerhaven-ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen-ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen-ZA Köhlflleetdamm, HZA Hamburg-St/Annen-ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof-ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg-ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe-ZA Pinneberg, HZA Trier-ZA Idar-Oberstein, HZA Oldenburg-ZA Wilhelmshaven
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto y puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Villagarcía (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)
France	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
Ireland	All harbours, airports and border stations
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste)
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	Rotterdam
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien
Portugal	Lisboa

Member State	Point of entry
Suomi—Finland	Helsinki
Sverige	Göteborg
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport.

## COMMISSION DECISION

of 22 August 2002

**amending Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China**

(notified under document number C(2002) 3108)

(Text with EEA relevance)

(2002/678/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>(1)</sup>, and in particular Article 10(1) thereof,

Decision 2002/79/EC is amended as follows:

After consulting the Member States,

1. Article 1 is amended as follows:

Whereas:

(a) The following sentence is added to paragraph 3:

‘Each individual bag (or other packaging form) of the consignment shall be identified with that code. This requirement shall be applicable to the consignments, which have left China after 1 September 2002.’

(1) Article 2 of Commission Decision 2002/79/EC<sup>(2)</sup>, as amended by Decision 2002/233/EC<sup>(3)</sup>, provides for a review of that Decision before 1 May 2002 in order to assess whether the special conditions set out in that Decision provide a sufficient level of protection of public health within the Community and whether there is a continuing need for the sampling and analysis of each consignment by the competent authority of the importing Member State.

(b) Paragraph 5 is replaced by the following:

‘5. Member States shall undertake at random sampling and analysis of consignments of peanuts and certain products derived from peanuts originating in or consigned from China for aflatoxin B1 and total aflatoxin before release onto the market from the point of entry into the Community and shall inform the Commission of the results.’

(2) The results of the sampling and analysis of each consignment of peanuts originating in or consigned from China demonstrate that there is a no longer need for the sampling and analysis of each consignment by the competent authority of the importing Member State and that an at random sampling and analysis will provide a sufficient level of protection of public health within the Community.

(c) The following paragraph 6 is added:

‘6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of consignments of products for each category of the products referred to in paragraph 1.

(3) In order to ensure that the random sampling and analysis of consignments of peanuts and certain products derived of peanuts originating in or consigned from China are performed in a harmonised manner throughout the Community, it is therefore appropriate to fix an approximate frequency for the at random sampling and analysis.

Any consignment, to be subjected to sampling and analysis, shall be detained before release onto the market from the point of entry into the Community for a maximum of 10 working days. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of analysis.’

(4) It is necessary to update the list of points of entry for Belgium, Germany, France, Austria, Ireland and Sweden through which the products concerned by Decision 2002/79/EC may be imported.

2. Article 2 is replaced by the following:

*‘Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of China and on the basis of the results of the tests carried out by Member States.

This Decision shall be reviewed by 31 December 2002 at the latest, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.’

(5) Decision 2002/79/EC should therefore be amended accordingly,

3. Annex II is replaced by the text in the Annex to this Decision.

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 21.

<sup>(3)</sup> OJ L 78, 21.3.2002, p. 14.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 August 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

## ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the Community**

Member State	Point of entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof — Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Itzehoe — ZA Pinneberg, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), A Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria



Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawanken-tunnel, ZA Villach
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish Customs Offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## COMMISSION DECISION

of 20 March 2002

**amending and correcting Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China and Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey**

(notified under document number C(2002) 1187)

(Text with EEA relevance)

(2002/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 2002/79/EC <sup>(2)</sup> imposes special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China. Commission Decision 2002/80/EC <sup>(3)</sup> imposes special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey.
- (2) With a view to minimising negative effects on trade, provisions have to be laid down with regard to consignments which left China and Turkey before 11 March 2002, on condition that the operator can demonstrate, by sampling and analysis in accordance with Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs <sup>(4)</sup>, that these consignments comply with the provisions of Community legislation as regards aflatoxin B1 and aflatoxin total.
- (3) It is necessary to add points of entry for Belgium, Spain, France, Italy, The Netherlands, Portugal, Finland, Austria and Sweden through which the products concerned by the Decisions 2002/79/EC and 2002/80/EC may be imported. For the sake of clarity, Annex II to Decisions 2002/79/EC and 2002/80/EC should be replaced.
- (4) Decisions 2002/79/EC and 2002/80/EC should therefore be amended accordingly.

- (5) At the same time it is appropriate to correct certain linguistic errors in the German and Dutch versions of Decision 2002/79/EC and in the German, French and Dutch versions of 2002/80/EC,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/79/EC is amended as follows:

1. The following Article 1a is inserted:

*'Article 1a*

By derogation from Article 1(1), the Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left China before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC <sup>(\*)</sup>, that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

<sup>(\*)</sup> OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex I to this Decision.

*Article 2*

Decision 2002/79/EC is corrected as follows:

1. In Article 1(5), first sentence:

Concerns only the German version.

2. In Article 2, second sentence:

Concerns only the Dutch version.

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 21.

<sup>(3)</sup> OJ L 34, 5.2.2002, p. 26.

<sup>(4)</sup> OJ L 201, 17.7.1998, p. 93.

*Article 3*

Decision 2002/80/EC is amended as follows:

1. The following Article 1a is inserted.

*'Article 1a*

By derogation from Article 1(1), Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left Turkey before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC (\*) that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

(\*) OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex II to this Decision.

*Article 4*

Decision 2002/80/EC is corrected as follows:

1. Recital 8 is replaced by the following:  
Concerns only the German version.
2. In Article 1(1) fourth indent:  
Concerns only the Dutch version.
3. Article 1(5) should read:  
Concerns only the French and Dutch versions.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 20 March 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

## ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the Community**

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhaven — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfließdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto) Gijon (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## ANNEX II

## ‘ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community**

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhaven — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfließdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Puerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

## COMMISSION DECISION

of 22 July 2003

**amending Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China***(notified under document number C(2003) 2602)***(Text with EEA relevance)**

(2003/550/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

(1) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China <sup>(2)</sup>, as last amended by Decision 2002/678/EC <sup>(3)</sup>, provides for a review of that Decision by 31 December 2002.

(2) The results of random sampling and analysis of consignments of peanuts originating in or consigned from China indicate that there is a continuing need for the special conditions set out in Decision 2002/79/EC in order to provide a sufficient level of protection of public health within the Community.

(3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(4)</sup> provides for the establishment of the rapid alert system for food and feed (RASFF).

(4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of peanuts and products derived from peanuts originating in or consigned from China. Such reports should be in addition to the notification obligation under the rapid alert system for food and feed.

(5) At the request of certain Member States, it is appropriate to update the list of points of entry through which the products covered by Decision 2002/79/EC may be imported into the Community. For the sake of clarity, that list should be replaced.

(6) Decision 2002/79/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

## Article 1

Decision 2002/79/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Article 1(5) is replaced by the following:

‘5. The competent authorities in each Member State shall undertake at random sampling of the consignments of peanuts and certain products derived from peanuts originating in or consigned from China for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of peanuts and certain products derived from peanuts originating in or consigned from China. This report shall be submitted during the month following each quarter (\*).

(\*) April, July, October, January’;

(b) Article 1(6) is amended as follows:

at the end of the second sentence, the words ‘for a maximum of 10 working days’ are replaced by ‘for a maximum of 15 working days’;

(c) the following paragraph 7 is added:

‘7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.’;

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 34, 5.2.2002, p. 21.

<sup>(3)</sup> OJ L 229, 27.8.2002, p. 33.

<sup>(4)</sup> OJ L 31, 1.2.2002, p. 1.



2. Article 2 is replaced by the following:

*'Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of China and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for those special conditions.';

3. Annex II is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

## ‘ANNEX II

**List of points of entry through which consignments of peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community**

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — port and airport, Cork — port and airport, Shannon — airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

**COMMISSION DECISION****of 29 April 2004**

**amending Decisions 97/830/EC , 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community**

*(notified under document number C(2004) 1594)*

**(Text with EEA relevance)**  
**(2004/429/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>1</sup>, and in particular Article 10(1) thereof,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

After consulting the member States,

Whereas:

- (1) Commission Decision 97/830/EC of 11 December 1997 repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran<sup>2</sup> listed in its Annex 2 the points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may only be imported into the Community.
- (2) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt<sup>3</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from

---

<sup>1</sup> OJ L175, 19.7.1993, p.1. Last amended by Regulation No 1882 (OJ L284, 31.10.2003, p.1).

<sup>2</sup> OJ L343, 13.12.1997, p.30. Last amended by Commission Decision 2003/551/EC (OJ L187, 26.7.2003, p.43).

<sup>3</sup> OJ L19, 25.1.2000, p.46. Amended by Commission Decision 2003/580/EC (OJ L197, 5.8.2003, p.31).

peanuts originating in or consigned from Egypt may only be imported into the Community.

- (3) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>4</sup> listed in its Annex II the points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may only be imported into the Community.
- (4) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey<sup>5</sup> listed in its Annex II the points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may only be imported into the Community.
- (5) The list of points of entry must be adapted by reason of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Union.
- (6) It is necessary to update the list of points of entry for Germany, United Kingdom, Luxembourg and Sweden through which the products concerned by Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC may be imported.
- (7) Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex II to Decision 97/830/EC is replaced by the text in Annex I to this Decision.

#### *Article 2*

Annex II to Decision 2000/49/EC is replaced by the text in Annex II to this Decision.

#### *Article 3*

Annex II to Decision 2002/79/EC is replaced by the text in Annex III to this Decision.

#### *Article 4*

Annex II to Decision 2002/80/EC is replaced by the text in Annex IV to this Decision.

---

<sup>4</sup> OJ L34, 5.2.2002, p.21. Last amended by Commission Decision 2003/550/EC (OJ L187, 26.7.2003, p.39).

<sup>5</sup> OJ L34, 5.2.2002, p.26. Last amended by Commission Decision 2003/552/EC (OJ L187, 26.7.2003, p.47).

*Article 5*

The Decision shall apply from 1 May 2004.

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

*For the Commission*  
David BYRNE  
*Member of the Commission*

## ANNEX I

### “ANNEX II

**List of points of entry through which pistachios and certain products derived from pistachios originating in or consigned from Iran may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven



Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX II

### “ANNEX II

**List of points of entry through which peanuts and products derived from peanuts originating in or consigned from Egypt may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX III

### “ANNEX II

**List of points of entry through which peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community**

<b>Member State</b>	<b>Point of Entry</b>
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)

France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>

## ANNEX IV

### “ANNEX II

**List of points of entry through which figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community**

Member State	Point of Entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main- Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover Hamburger Allee, HZA Koblenz – ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen – ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein – Schusterinsel, HZA Hamburg-Stadt –ZA Oberelbe, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Billbrook, HZA Hamburg-Stadt – ZA Oberelbe – Abfertigungsstelle Großmarkt, HZA Potsdam – ZA Berlin – Flughafen Schönefeld, HZA Düsseldorf – ZA Düsseldorf Nord
Estonia	Muuga port BIP, Paljassaare port BIP, Paldiski-Lõuna port BIP, Dirhami port BIP, Luhamaa road BIP, Narva road BIP
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)



France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin – Port and Airport, Cork - Port and Airport, Shannon -Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Cyprus	Limassol Port , Larnaca Airport
Latvia	Grebneva, - road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – sea port Ventspils – sea port Rīga - sea port Rīga - airport Rīga Rīga - Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai. Airport: Vilnius. Seaport: Malkų įlankos, Molo, Pilies. Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg-Aéroport, Niederaanven

Hungary	<p>Ferihegy – Budapest - airport</p> <p>Záhony - Szabolcs-Szatmár-Bereg - road</p> <p>Eperjeske - Szabolcs-Szatmár-Bereg - railway</p> <p>Nagylak – Csongrád - road</p> <p>Lökösháza – Békés - railway</p> <p>Röszke – Csongrád - road</p> <p>Kelebia - Bács-Kiskun - railway</p> <p>Letenye – Zala - road</p> <p>Gyékényes – Somogy - railway</p> <p>Mohács – Baranya - port</p>
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Poland	<p>Bezledy - Warmińsko – Mazurskie - road border point</p> <p>Kuźnica Białostocka - Podlaskie - road border point</p> <p>Bobrowniki - Podlaskie - road border point</p> <p>Koroszczyn - Lubelskie - road border point</p> <p>Dorohusk - Lubelskie - road and railway border point</p> <p>Gdynia - Pomorskie - seaport border point</p> <p>Gdańsk - Pomorskie -seaport border point</p> <p>Medyka-Przemyśl - Podkarpackie - railway border point</p> <p>Medyka - Podkarpackie - road border point</p> <p>Korczowa - Podkarpackie -road border point</p> <p>Jasionka - Podkarpackie - airport border point</p> <p>Szczecin - Zachodnio – Pomorskie - seaport border point</p> <p>Świnoujście - Zachodnio – Pomorskie - seaport border point</p> <p>Kołobrzeg - Zachodnio – Pomorskie - seaport border point</p>
Portugal	Lisboa, Leixões
Slovenia	<p>Obrežje - road border crossing</p> <p>Koper - port border crossing</p> <p>Dobova - railway border crossing</p>
Slovakia	Vyšné Nemecké – road, Čierna nad Tisou – railway
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda, Norrköping
United Kingdom	<p>Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Grimsby, Harwich, Heathrow Airport, Hull, Immingham, Ipswich, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Containerbase, Manchester International Freight Terminal, Manchester (including Ellesmere Port), Middlesbrough, Southampton.”</p>



## COMMISSION DECISION

of 22 December 2003

**amending Decision 2002/657/EC as regards the setting of minimum required performance limits (MRPLs) for certain residues in food of animal origin***(notified under document number C(2003) 4961)***(Text with EEA relevance)**

(2004/25/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular the second subparagraph of Article 15(1) thereof,

Whereas:

- (1) The presence of residues in products of animal origin is a matter of concern for public health. Commission Decision 2002/657/EC of 12 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results <sup>(3)</sup>, as amended by Decision 2003/181/EC <sup>(4)</sup>, provides for a procedure to progressively establish minimum required performance limits (MRPLs) of analytical methods employed to detect substances whose use is not authorised or is specifically prohibited in the Community.
- (2) As a result of the detection of residues from the pharmacologically active substance malachite green whose use in veterinary medicinal products for food producing animals is not authorised in the Community, and its metabolite leucomalachite green in aquaculture products, the level to be set for harmonised MRPL for that substance has been agreed in consultation with the Community Reference Laboratories, the National Reference Laboratories and the Member States.
- (3) It is necessary to provide harmonised levels for the control of that substance to ensure the same level of consumer protection in the Community.

(4) Decision 2002/657/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/657/EC is amended as follows:

1. Article 4 is replaced by the following:

*'Article 4*

Member States shall ensure that the analytical methods used for detecting the following substances meet the minimum required performance limits (MRPLs) set out in Annex II, against the matrixes referred to in that Annex:

- (a) chloramphenicol;
- (b) nitrofurans metabolites;
- (c) medroxyprogesterone;
- (d) malachite green.'

2. Annex II to Decision 2002/657/EC, is amended as set out in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 125, 23.5.1996, p. 10.

<sup>(2)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(3)</sup> OJ L 221, 17.8.2002, p. 8.

<sup>(4)</sup> OJ L 71, 15.3.2003, p. 17.

## ANNEX

Commission Decision 2002/657/EC is amended as follows:

In Annex II, the following row is added:

'Substance and/or metabolite	Matrixes	MRPL
Sum of malachite green and leucomalachite green	Meat of aquaculture products	2 µg/kg'

## I

*(Acts whose publication is obligatory)*

**REGULATION (EC) No 852/2004 OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL  
of 29 April 2004**

on the hygiene of foodstuffs

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 95 and 152(4)(b) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the Opinion of the Economic and Social Committee<sup>2</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,

---

<sup>1</sup> OJ C 365 E, 19.12.2000, p. 43.

<sup>2</sup> OJ C 155, 29.5.2001, p. 39.

<sup>3</sup> Opinion of the European Parliament of 15 May 2002 (OJ C 180 E, 31.7.2003, p. 267), Council Common Position of 27 October 2003 (OJ C 48 E, 24.2.2004, p. 1), Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal) and Council Decision of 16 April 2004.

Whereas:

- (1) The pursuit of a high level of protection of human life and health is one of the fundamental objectives of food law, as laid down in Regulation (EC) No 178/2002<sup>1</sup>. That Regulation also lays down other common principles and definitions for national and Community food law, including the aim of achieving free movement of food within the Community.
- (2) Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>2</sup> laid down the general rules of hygiene for foodstuffs and the procedures for verification of compliance with these rules.
- (3) Experience has shown that these rules and procedures constitute a sound basis for ensuring food safety. In the context of the common agricultural policy, many Directives have been adopted to establish specific health rules for the production and placing on the market of the products listed in Annex I to the Treaty. These health rules have reduced trade barriers for the products concerned, contributing to the creation of the internal market while ensuring a high level of protection of public health.
- (4) With regard to public health, these rules and procedures contain common principles, in particular in relation to the manufacturers' and competent authorities' responsibilities, structural, operational and hygiene requirements for establishments, procedures for the approval of establishments, requirements for storage and transport and health marks.

---

<sup>1</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

<sup>2</sup> OJ L 175, 19.7.1993, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (5) These principles constitute a common basis for the hygienic production of all food, including products of animal origin listed in Annex I to the Treaty.
- (6) In addition to this common basis, specific hygiene rules are necessary for certain foodstuffs. Regulation (EC) No        /2004 of the European Parliament and of the Council of ..... laying down specific hygiene rules for food of animal origin <sup>1</sup> lays down these rules.
- (7) The principal objective of the new general and specific hygiene rules is to ensure a high level of consumer protection with regard to food safety.
- (8) An integrated approach is necessary to ensure food safety from the place of primary production up to and including placing on the market or export. Every food business operator along the food chain should ensure that food safety is not compromised.
- (9) Community rules should not apply either to primary production for private domestic use, or to the domestic preparation, handling or storage of food for private domestic consumption. Moreover, they should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation.

---

<sup>1</sup> See page    of this Official Journal.



- (10) Food hazards present at the level of primary production should be identified and adequately controlled to ensure the achievement of the objectives of this Regulation. However, in the case of the direct supply of small quantities of primary products, by the food business operator producing them, to the final consumer or to a local retail establishment, it is appropriate to protect public health through national law, in particular because of the close relationship between the producer and the consumer.
- (11) The application of hazard analysis and critical control point (HACCP) principles to primary production is not yet generally feasible. However, guides to good practice should encourage the use of appropriate hygiene practices at farm level. Where necessary, specific hygiene rules for primary production should supplement these guides. It is appropriate for the hygiene requirements applicable to primary production and associated operations to differ from those for other operations.
- (12) Food safety is a result of several factors: legislation should lay down minimum hygiene requirements; official controls should be in place to check food business operators' compliance and food business operators should establish and operate food safety programmes and procedures based on the HACCP principles.
- (13) Successful implementation of the procedures based on the HACCP principles will require the full cooperation and commitment of food business employees. To this end, employees should undergo training. The HACCP system is an instrument to help food business operators attain a higher standard of food safety. The HACCP system should not be regarded as a method of self-regulation and should not replace official controls.

- (14) While the requirement of establishing procedures based on the HACCP principles should not initially apply to primary production, the feasibility of its extension will be one element of the review that the Commission will carry out following implementation of this Regulation. It is, however, appropriate for Member States to encourage operators at the level of primary production to apply such principles as far as possible.
- (15) The HACCP requirements should take account of the principles contained in the Codex Alimentarius. They should provide sufficient flexibility to be applicable in all situations, including in small businesses. In particular, it is necessary to recognise that, in certain food businesses, it is not possible to identify critical control points and that, in some cases, good hygienic practices can replace the monitoring of critical control points. Similarly, the requirement of establishing "critical limits" does not imply that it is necessary to fix a numerical limit in every case. In addition, the requirement of retaining documents needs to be flexible in order to avoid undue burdens for very small businesses.
- (16) Flexibility is also appropriate to enable the continued use of traditional methods at any of the stages of production, processing or distribution of food and in relation to structural requirements for establishments. Flexibility is particularly important for regions that are subject to special geographical constraints, including the outermost regions referred to in Article 299(2) of the Treaty. However, flexibility should not compromise food hygiene objectives. Moreover, since all food produced in accordance with the hygiene rules will be in free circulation throughout the Community, the procedure allowing Member States to exercise flexibility should be fully transparent. It should provide, where necessary to resolve disagreements, for discussion within the Standing Committee on the Food Chain and Animal Health established by Regulation (EC) No 178/2002.

- (17) The setting of objectives such as pathogen reduction targets or performance standards may guide the implementation of hygiene rules. It is therefore necessary to provide procedures for that purpose. Such objectives would supplement existing food law, such as Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>1</sup>, which provides for the establishment of maximum tolerances for specific contaminants, and Regulation (EC) No 178/2002, which prohibits the placing on the market of unsafe food and provides a uniform basis for the use of the precautionary principle.
- (18) To take account of technical and scientific progress, close and effective cooperation should be ensured between the Commission and the Member States within the Standing Committee on the Food Chain and Animal Health. This Regulation takes account of international obligations laid down in the WTO Sanitary and Phytosanitary Agreement and the international food safety standards contained in the Codex Alimentarius.
- (19) The registration of establishments and the cooperation of food business operators are necessary to allow the competent authorities to perform official controls efficiently.
- (20) The traceability of food and food ingredients along the food chain is an essential element in ensuring food safety. Regulation (EC) No 178/2002 contains rules to ensure the traceability of food and food ingredients and provides a procedure for the adoption of implementing rules to apply these principles in respect of specific sectors.

---

<sup>1</sup> OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003.

- (21) Food imported into the Community is to comply with the general requirements laid down in Regulation (EC) No 178/2002 or satisfy rules that are equivalent to Community rules. The present Regulation defines certain specific hygiene requirements for food imported into the Community.
- (22) Food exported to third countries from the Community is to comply with the general requirements laid down in Regulation (EC) No 178/2002. The present Regulation defines certain specific hygiene requirements for food exported from the Community.
- (23) Scientific advice should underpin Community legislation on food hygiene. To this end, the European Food Safety Authority should be consulted whenever necessary.
- (24) Since this Regulation replaces Directive 93/43/EEC, the latter should be repealed.
- (25) The requirements of this Regulation should not apply until all parts of the new legislation on food hygiene have entered into force. It is also appropriate to provide for at least 18 months to elapse between entry into force and the application of the new rules, to allow the affected industries time to adapt.
- (26) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>1</sup>,

HAVE ADOPTED THIS REGULATION:

---

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

##### Scope

1. This Regulation lays down general rules for food business operators on the hygiene of foodstuffs, taking particular account of the following principles:
  - (a) primary responsibility for food safety rests with the food business operator;
  - (b) it is necessary to ensure food safety throughout the food chain, starting with primary production;
  - (c) it is important, for food that cannot be stored safely at ambient temperatures, particularly frozen food, to maintain the cold chain;
  - (d) general implementation of procedures based on the HACCP principles, together with the application of good hygiene practice, should reinforce food business operators' responsibility;

- (e) guides to good practice are a valuable instrument to aid food business operators at all levels of the food chain with compliance with food hygiene rules and with the application of the HACCP principles;
- (f) it is necessary to establish microbiological criteria and temperature control requirements based on a scientific risk assessment;
- (g) it is necessary to ensure that imported foods are of at least the same hygiene standard as food produced in the Community, or are of an equivalent standard.

This Regulation shall apply to all stages of production, processing and distribution of food and to exports, and without prejudice to more specific requirements relating to food hygiene.

2. This Regulation shall not apply to:

- (a) primary production for private domestic use;
- (b) the domestic preparation, handling or storage of food for private domestic consumption;
- (c) the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer;

- (d) collection centres and tanneries which fall within the definition of food business only because they handle raw material for the production of gelatine or collagen.

3. Member States shall establish, under national law, rules governing the activities referred to in paragraph 2(c). Such national rules shall ensure the achievement of the objectives of this Regulation.

## Article 2

### Definitions

1. For the purposes of this Regulation:

- (a) "food hygiene", hereinafter called "hygiene", means the measures and conditions necessary to control hazards and to ensure fitness for human consumption of a foodstuff taking into account its intended use;
- (b) "primary products" means products of primary production including products of the soil, of stock farming, of hunting and fishing;
- (c) "establishment" means any unit of a food business;
- (d) "competent authority" means the central authority of a Member State competent to ensure compliance with the requirements of this Regulation or any other authority to which that central authority has delegated that competence; it shall also include, where appropriate, the corresponding authority of a third country;

- (e) "equivalent" means, in respect of different systems, capable of meeting the same objectives;
- (f) "contamination" means the presence or introduction of a hazard;
- (g) "potable water" means water meeting the minimum requirements laid down in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption <sup>1</sup>;
- (h) "clean seawater" means natural, artificial or purified seawater or brackish water that does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food;
- (i) "clean water" means clean seawater and fresh water of a similar quality;
- (j) "wrapping" means the placing of a foodstuff in a wrapper or container in direct contact with the foodstuff concerned, and the wrapper or container itself;
- (k) "packaging" means the placing of one or more wrapped foodstuffs in a second container, and the latter container itself;
- (l) "hermetically sealed container" means a container that is designed and intended to be secure against the entry of hazards;

---

<sup>1</sup> OJ L 330, 5.12.1998, p. 32. Directive as modified by Regulation (EC) No 1882/2003.



- (m) "processing" means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes;
- (n) "unprocessed products" means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;
- (o) "processed products" means foodstuffs resulting from the processing of unprocessed products. These products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.

2. The definitions laid down in Regulation (EC) No 178/2002 shall also apply.

3. In the Annexes to this Regulation the terms "where necessary", "where appropriate", "adequate" and "sufficient" shall mean respectively where necessary, where appropriate, adequate or sufficient to achieve the objectives of this Regulation.

## CHAPTER II

### FOOD BUSINESS OPERATORS' OBLIGATIONS

#### Article 3

##### General obligation

Food business operators shall ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in this Regulation.

#### Article 4

##### General and specific hygiene requirements

1. Food business operators carrying out primary production and those associated operations listed in Annex I shall comply with the general hygiene provisions laid down in Part A of Annex I and any specific requirements provided for in Regulation (EC) No ...../2004 \*.
2. Food business operators carrying out any stage of production, processing and distribution of food after those stages to which paragraph 1 applies shall comply with the general hygiene requirements laid down in Annex II and any specific requirements provided for in Regulation (EC) No ...../2004 \*.

---

\* Note to Official Journal: insert No of Regulation laying down specific hygiene rules for food of animal origin.

3. Food business operators shall, as appropriate, adopt the following specific hygiene measures:

- (a) compliance with microbiological criteria for foodstuffs;
- (b) procedures necessary to meet targets set to achieve the objectives of this Regulation;
- (c) compliance with temperature control requirements for foodstuffs;
- (d) maintenance of the cold chain;
- (e) sampling and analysis.

4. The criteria, requirements and targets referred to in paragraph 3 shall be adopted in accordance with the procedure referred to in Article 14(2).

Associated sampling and analysis methods shall be laid down in accordance with the same procedure.

5. When this Regulation, Regulation (EC) No ...../2004 <sup>\*</sup> and their implementing measures do not specify sampling or analysis methods, food business operators may use appropriate methods laid down in other Community or national legislation or, in the absence of such methods, methods that offer equivalent results to those obtained using the reference method, if they are scientifically validated in accordance with internationally recognised rules or protocols.
6. Food business operators may use the guides provided for in Articles 7, 8 and 9 as an aid to compliance with their obligations under this Regulation.

### Article 5

#### Hazard analysis and critical control points

1. Food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
2. The HACCP principles referred to in paragraph 1 consist of the following:
  - (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
  - (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;

---

<sup>\*</sup> Note to Official Journal: insert number of Regulation laying down specific hygiene rules for food of animal origin.

- (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- (d) establishing and implementing effective monitoring procedures at critical control points;
- (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- (f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
- (g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

When any modification is made in the product, process, or any step, food business operators shall review the procedure and make the necessary changes to it.

3. Paragraph 1 shall apply only to food business operators carrying out any stage of production, processing and distribution of food after primary production and those associated operations listed in Annex I.

4. Food business operators shall:

- (a) provide the competent authority with evidence of their compliance with paragraph 1 in the manner that the competent authority requires, taking account of the nature and size of the food business;
- (b) ensure that any documents describing the procedures developed in accordance with this Article are up-to-date at all times;
- (c) retain any other documents and records for an appropriate period.

5. Detailed arrangements for the implementation of this Article may be laid down in accordance with the procedure referred to in Article 14(2). Such arrangements may facilitate the implementation of this Article by certain food business operators, in particular by providing for the use of procedures set out in guides for the application of HACCP principles, in order to comply with paragraph 1. Such arrangements may also specify the period during which food business operators shall retain documents and records in accordance with paragraph 4(c).

## Article 6

### Official controls, registration and approval

1. Food business operators shall cooperate with the competent authorities in accordance with other applicable Community legislation or, if it does not exist, with national law.

2. In particular, every food business operator shall notify the appropriate competent authority, in the manner that the latter requires, of each establishment under its control that carries out any of the stages of production, processing and distribution of food, with a view to the registration of each such establishment.

Food business operators shall also ensure that the competent authority always has up-to-date information on establishments, including by notifying any significant change in activities and any closure of an existing establishment.

3. However, food business operators shall ensure that establishments are approved by the competent authority, following at least one on-site visit, when approval is required:

- (a) under the national law of the Member State in which the establishment is located;
- (b) under Regulation (EC) No ...../2004<sup>\*</sup>; or
- (c) by a decision adopted in accordance with the procedure referred to in Article 14(2).

Any Member State requiring the approval of certain establishments located on its territory under national law, as provided for in subparagraph (a), shall inform the Commission and other Member States of the relevant national rules.

---

<sup>\*</sup> Note to Official Journal: insert number of Regulation laying down specific hygiene rules for food of animal origin.

## CHAPTER III

### GUIDES TO GOOD PRACTICE

#### Article 7

##### Development, dissemination and use of guides

Member States shall encourage the development of national guides to good practice for hygiene and for the application of HACCP principles in accordance with Article 8. Community guides shall be developed in accordance with Article 9.

The dissemination and use of both national and Community guides shall be encouraged. Nevertheless, food business operators may use these guides on a voluntary basis.

#### Article 8

##### National guides

1. When national guides to good practice are developed, they shall be developed and disseminated by food business sectors:
  - (a) in consultation with representatives of parties whose interests may be substantially affected, such as competent authorities and consumer groups;



- (b) having regard to relevant codes of practice of the Codex Alimentarius; and
  - (c) when they concern primary production and those associated operations listed in Annex I, having regard to the recommendations set out in Part B of Annex I.
2. National guides may be developed under the aegis of a national standards institute referred to in Annex II to Directive 98/34/EC<sup>1</sup>.
3. Member States shall assess national guides in order to ensure that:
- (a) they have been developed in accordance with paragraph 1;
  - (b) their contents are practicable for the sectors to which they refer; and
  - (c) they are suitable as guides to compliance with Articles 3, 4 and 5 in the sectors and for the foodstuffs covered.
4. Member States shall forward to the Commission national guides complying with the requirements of paragraph 3. The Commission shall set up and run a registration system for such guides and make it available to Member States.
5. Guides to good practice drawn up under Directive 93/43/EEC shall continue to apply after the entry into force of this Regulation, provided that they are compatible with its objectives.

---

<sup>1</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p. 37). Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

## Article 9

### Community guides

1. Before Community guides to good practice for hygiene or for the application of the HACCP principles are developed, the Commission shall consult the Committee referred to in Article 14. The objective of this consultation shall be to consider the case for such guides, their scope and subject matter.
2. When Community guides are prepared, the Commission shall ensure that they are developed and disseminated:
  - (a) by or in consultation with appropriate representatives of European food business sectors, including SMEs, and other interested parties, such as consumer groups;
  - (b) in collaboration with parties whose interests may be substantially affected, including competent authorities;
  - (c) having regard to relevant codes of practice of the Codex Alimentarius; and
  - (d) when they concern primary production and those associated operations listed in Annex I, having regard to the recommendations set out in Part B of Annex I.

3. The Committee referred to in Article 14 shall assess draft Community guides in order to ensure that:

- (a) they have been developed in accordance with paragraph 2;
- (b) their contents are practicable for the sectors to which they refer throughout the Community;  
and
- (c) they are suitable as guides to compliance with Articles 3, 4 and 5 in the sectors and for the foodstuffs covered.

4. The Commission shall invite the Committee referred to in Article 14 periodically to review any Community guides prepared in accordance with this Article, in cooperation with the bodies mentioned in paragraph 2.

The aim of this review shall be to ensure that the guides remain practicable and to take account of technological and scientific developments.

5. The titles and references of Community guides prepared in accordance with this Article shall be published in the C series of the Official Journal of the European Union.

## CHAPTER IV

### IMPORTS AND EXPORTS

#### Article 10

##### Imports

As regards the hygiene of imported food, the relevant requirements of food law referred to in Article 11 of Regulation (EC) No 178/2002 shall include the requirements laid down in Articles 3 to 6 of this Regulation.

#### Article 11

##### Exports

As regards the hygiene of exported or re-exported food, the relevant requirements of food law referred to in Article 12 of Regulation (EC) No 178/2002 shall include the requirements laid down in Articles 3 to 6 of this Regulation.

## CHAPTER V

### FINAL PROVISIONS

#### Article 12

##### Implementing measures and transitional arrangements

Implementing measures and transitional arrangements may be laid down in accordance with the procedure referred to in Article 14(2).

#### Article 13

##### Amendment and adaptation of Annexes I and II

1. Annexes I and II may be adapted or updated in accordance with the procedure referred to in Article 14(2), taking into account:
  - (a) the need to revise the recommendations set out in Annex I, Part B, paragraph 2;
  - (b) the experience gained from the implementation of HACCP-based systems pursuant to Article 5;
  - (c) technological developments and their practical consequences and consumer expectations with regard to food composition;

(d) scientific advice, particularly new risk assessments;

(e) microbiological and temperature criteria for foodstuffs.

2. Derogations from Annexes I and II may be granted, in particular in order to facilitate the implementation of Article 5 for small businesses, in accordance with the procedure referred to in Article 14(2), taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation.

3. Member States may, without compromising achievement of the objectives of this Regulation, adopt, in accordance with paragraphs 4 to 7 of this Article, national measures adapting the requirements laid down in Annex II.

4.(a) The national measures referred to in paragraph 3 shall have the aim of:

(i) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food; or

(ii) accommodating the needs of food businesses situated in regions that are subject to special geographical constraints.

(b) In other cases, they shall apply only to the construction, layout and equipment of establishments.

5. Any Member State wishing to adopt national measures as referred to in paragraph 3 shall notify the Commission and other Member States. The notification shall:

- (a) provide a detailed description of the requirements that that Member State considers need to be adapted and the nature of the adaptation sought;
- (b) describe the foodstuffs and establishments concerned;
- (c) explain the reasons for the adaptation, including, where relevant, by providing a summary of the hazard analysis carried out and any measures to be taken to ensure that the adaptation will not compromise the objectives of this Regulation; and
- (d) give any other relevant information.

6. The other Member States shall have three months from the receipt of a notification referred to in paragraph 5 to send written comments to the Commission. In the case of the adaptations arising from paragraph 4(b), this period shall, at the request of any Member State, be extended to four months. The Commission may, and when it receives written comments from one or more Member States shall, consult Member States within the committee referred to in Article 14(1). The Commission may decide, in accordance with the procedure referred to in Article 14(2), whether the envisaged measures may be implemented, subject, if necessary, to appropriate amendments. Where appropriate, the Commission may propose general measures in accordance with paragraph 1 or 2.

7. A Member State may adopt national measures adapting the requirements of Annex II only:
- (a) in compliance with a decision adopted in accordance with paragraph 6; or
  - (b) if, one month after the expiry of the period referred to in paragraph 6, the Commission has not informed Member States that it has received written comments or that it intends to propose the adoption of a decision in accordance with paragraph 6.

#### Article 14

##### Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.



## Article 15

### Consultation of the European Food Safety Authority

The Commission shall consult the European Food Safety Authority on any matter falling within the scope of this Regulation that could have a significant impact on public health and, in particular, before proposing criteria, requirements or targets in accordance with Article 4(4).

## Article 16

### Report to the European Parliament and the Council

1. The Commission shall, not later than .....<sup>\*</sup>, submit a report to the European Parliament and the Council.
2. The report shall, in particular, review the experience gained from the application of this Regulation and consider whether it would be desirable and practicable to provide for the extension of the requirements of Article 5 to food business operators carrying out primary production and those associated operations listed in Annex I.
3. The Commission shall, if appropriate, accompany the report with relevant proposals.

---

<sup>\*</sup> Five years after the entry into force of this Regulation.

## Article 17

### Repeal

1. Directive 93/43/EEC shall be repealed with effect from the date of application of this Regulation.
2. References to the repealed Directive shall be construed as being made to this Regulation.
3. However, decisions adopted pursuant to Articles 3(3) and 10 of Directive 93/43/EEC shall remain in force pending their replacement by decisions adopted in accordance with this Regulation or Regulation (EC) No 178/2002. Pending the setting of the criteria or requirements referred to in Article 4(3), points (a) to (e) of this Regulation, Member States may maintain any national rules establishing such criteria or requirements that they had adopted in accordance with Directive 93/43/EEC.
4. Pending the application of new Community legislation laying down rules for official controls on food, Member States shall take all appropriate measures to ensure the fulfilment of the obligations laid down in or under this Regulation.

## Article 18

### Entry into force

This Regulation shall enter into force twenty days after the date of its publication in the Official Journal of the European Union.

It shall apply 18 months after the date on which all of the following acts have entered into force:

- (a) Regulation (EC) No .../2004 <sup>\*</sup>;
- (b) Regulation (EC) No .../2004 of the European Parliament and of the Council of ..... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>1</sup>; and
- (c) Directive 2004/41/EC of the European Parliament and of the Council of ..... repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption <sup>2</sup>.

However, it shall apply no earlier than 1 January 2006.

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

Done at Strasbourg, 29 April 2004.

For the European Parliament  
The President  
P. COX

For the Council  
The President  
M. McDOWELL

---

<sup>\*</sup> Note to Official Journal: insert number of Regulation laying down specific hygiene rules for food of animal origin.

<sup>1</sup> See p. of this Official Journal.

<sup>2</sup> See p. of this Official Journal.

**PRIMARY PRODUCTION**

**PART A: GENERAL HYGIENE PROVISIONS FOR PRIMARY PRODUCTION AND  
ASSOCIATED OPERATIONS**

**I. SCOPE**

1. This Annex applies to primary production and the following associated operations:
  - (a) the transport, storage and handling of primary products at the place of production, provided that this does not substantially alter their nature;
  - (b) the transport of live animals, where this is necessary to achieve the objectives of this Regulation; and
  - (c) in the case of products of plant origin, fishery products and wild game, transport operations to deliver primary products, the nature of which has not been substantially altered, from the place of production to an establishment.

**II. HYGIENE PROVISIONS**

2. As far as possible, food business operators are to ensure that primary products are protected against contamination, having regard to any processing that primary products will subsequently undergo.

3. Notwithstanding the general duty laid down in paragraph 2, food business operators are to comply with appropriate Community and national legislative provisions relating to the control of hazards in primary production and associated operations, including:
  - (a) measures to control contamination arising from the air, soil, water, feed, fertilisers, veterinary medicinal products, plant protection products and biocides and the storage, handling and disposal of waste; and
  - (b) measures relating to animal health and welfare and plant health that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.
4. Food business operators rearing, harvesting or hunting animals or producing primary products of animal origin are to take adequate measures, as appropriate:
  - (a) to keep any facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, where necessary after cleaning, to disinfect them in an appropriate manner;
  - (b) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, equipment, containers, crates, vehicles and vessels;

- (c) as far as possible to ensure the cleanliness of animals going to slaughter and, where necessary, production animals;
- (d) to use potable water, or clean water, whenever necessary to prevent contamination;
- (e) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- (f) as far as possible to prevent animals and pests from causing contamination;
- (g) to store and handle waste and hazardous substances so as to prevent contamination;
- (h) to prevent the introduction and spread of contagious diseases transmissible to humans through food, including by taking precautionary measures when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority;
- (i) to take account of the results of any relevant analyses carried out on samples taken from animals or other samples that have importance to human health; and
- (j) to use feed additives and veterinary medicinal products correctly, as required by the relevant legislation.

5. Food business operators producing or harvesting plant products are to take adequate measures, as appropriate:
- (a) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, facilities, equipment, containers, crates, vehicles and vessels;
  - (b) to ensure, where necessary, hygienic production, transport and storage conditions for, and the cleanliness of, plant products;
  - (c) to use potable water, or clean water, whenever necessary to prevent contamination;
  - (d) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
  - (e) as far as possible to prevent animals and pests from causing contamination;
  - (f) to store and handle wastes and hazardous substances so as to prevent contamination;
  - (g) to take account of the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health; and
  - (h) to use plant protection products and biocides correctly, as required by the relevant legislation.

6. Food business operators are to take appropriate remedial action when informed of problems identified during official controls.

### III. RECORD-KEEPING

7. Food business operators are to keep and retain records relating to measures put in place to control hazards in an appropriate manner and for an appropriate period, commensurate with the nature and size of the food business. Food business operators are to make relevant information contained in these records available to the competent authority and receiving food business operators on request.
8. Food business operators rearing animals or producing primary products of animal origin are, in particular, to keep records on:
  - (a) the nature and origin of feed fed to the animals;
  - (b) veterinary medicinal products or other treatments administered to the animals, dates of administration and withdrawal periods;
  - (c) the occurrence of diseases that may affect the safety of products of animal origin;
  - (d) the results of any analyses carried out on samples taken from animals or other samples taken for diagnostic purposes, that have importance for human health; and
  - (e) any relevant reports on checks carried out on animals or products of animal origin.



9. Food business operators producing or harvesting plant products are, in particular, to keep records on:
  - (a) any use of plant protection products and biocides;
  - (b) any occurrence of pests or diseases that may affect the safety of products of plant origin;  
and
  - (c) the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health.
10. The food business operators may be assisted by other persons, such as veterinarians, agronomists and farm technicians, with the keeping of records.

## PART B: RECOMMENDATIONS FOR GUIDES TO GOOD HYGIENE PRACTICE

1. National and Community guides referred to in Articles 7 to 9 of this Regulation should contain guidance on good hygiene practice for the control of hazards in primary production and associated operations.
2. Guides to good hygiene practice should include appropriate information on hazards that may arise in primary production and associated operations and actions to control hazards, including relevant measures set out in Community and national legislation or national and Community programmes. Examples of such hazards and measures may include:
  - (a) the control of contamination such as mycotoxins, heavy metals and radioactive material;
  - (b) the use of water, organic waste and fertilisers;
  - (c) the correct and appropriate use of plant protection products and biocides and their traceability;
  - (d) the correct and appropriate use of veterinary medicinal products and feed additives and their traceability;
  - (e) the preparation, storage, use and traceability of feed;

- (f) the proper disposal of dead animals, waste and litter;
  - (g) protective measures to prevent the introduction of contagious diseases transmissible to humans through food, and any obligation to notify the competent authority;
  - (h) procedures, practices and methods to ensure that food is produced, handled, packed, stored and transported under appropriate hygienic conditions, including effective cleaning and pest-control;
  - (i) measures relating to the cleanliness of slaughter and production animals;
  - (j) measures relating to record-keeping.
-

GENERAL HYGIENE REQUIREMENTS FOR ALL FOOD BUSINESS OPERATORS  
(EXCEPT WHEN ANNEX I APPLIES)

INTRODUCTION

Chapters V to XII apply to all stages of production, processing and distribution of food and the remaining Chapters apply as follows:

- Chapter I applies to all food premises, except premises to which Chapter III applies;
- Chapter II applies to all rooms where food is prepared, treated or processed, except dining areas and premises to which Chapter III applies;
- Chapter III applies to those premises listed in the heading to the Chapter;
- Chapter IV applies to all transportation.

CHAPTER I

GENERAL REQUIREMENTS FOR FOOD PREMISES  
(OTHER THAN THOSE SPECIFIED IN CHAPTER III)

1. Food premises are to be kept clean and maintained in good repair and condition.

2. The layout, design, construction, siting and size of food premises are to:
  - (a) permit adequate maintenance, cleaning and/or disinfection, avoid or minimise air-borne contamination, and provide adequate working space to allow for the hygienic performance of all operations;
  - (b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces;
  - (c) permit good food hygiene practices, including protection against contamination and, in particular, pest control; and
  - (d) where necessary, provide suitable temperature-controlled handling and storage conditions of sufficient capacity for maintaining foodstuffs at appropriate temperatures and designed to allow those temperatures to be monitored and, where necessary, recorded.
3. An adequate number of flush lavatories are to be available and connected to an effective drainage system. Lavatories are not to open directly into rooms in which food is handled.
4. An adequate number of washbasins is to be available, suitably located and designated for cleaning hands. Washbasins for cleaning hands are to be provided with hot and cold running water, materials for cleaning hands and for hygienic drying. Where necessary, the facilities for washing food are to be separate from the hand-washing facility.

5. There is to be suitable and sufficient means of natural or mechanical ventilation. Mechanical airflow from a contaminated area to a clean area is to be avoided. Ventilation systems are to be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.
6. Sanitary conveniences are to have adequate natural or mechanical ventilation.
7. Food premises are to have adequate natural and/or artificial lighting.
8. Drainage facilities are to be adequate for the purpose intended. They are to be designed and constructed to avoid the risk of contamination. Where drainage channels are fully or partially open, they are to be so designed as to ensure that waste does not flow from a contaminated area towards or into a clean area, in particular an area where foods likely to present a high risk to the final consumer are handled.
9. Where necessary, adequate changing facilities for personnel are to be provided.
10. Cleaning agents and disinfectants are not to be stored in areas where food is handled.

## CHAPTER II

### SPECIFIC REQUIREMENTS IN ROOMS WHERE FOODSTUFFS ARE PREPARED, TREATED OR PROCESSED (EXCLUDING DINING AREAS AND THOSE PREMISES SPECIFIED IN CHAPTER III)

1. In rooms where food is prepared, treated or processed (excluding dining areas and those premises specified in Chapter III, but including rooms contained in means of transport) the design and layout are to permit good food hygiene practices, including protection against contamination between and during operations. In particular:
  - (a) floor surfaces are to be maintained in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials unless food business operators can satisfy the competent authority that other materials used are appropriate. Where appropriate, floors are to allow adequate surface drainage;
  - (b) wall surfaces are to be maintained in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials and require a smooth surface up to a height appropriate for the operations unless food business operators can satisfy the competent authority that other materials used are appropriate;
  - (c) ceilings (or, where there are no ceilings, the interior surface of the roof) and overhead fixtures are to be constructed and finished so as to prevent the accumulation of dirt and to reduce condensation, the growth of undesirable mould and the shedding of particles;

- (d) windows and other openings are to be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment are, where necessary, to be fitted with insect-proof screens which can be easily removed for cleaning. Where open windows would result in contamination, windows are to remain closed and fixed during production;
  - (e) doors are to be easy to clean and, where necessary, to disinfect. This will require the use of smooth and non-absorbent surfaces unless food business operators can satisfy the competent authority that other materials used are appropriate; and
  - (f) surfaces (including surfaces of equipment) in areas where foods are handled and in particular those in contact with food are to be maintained in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable corrosion-resistant and non-toxic materials, unless food business operators can satisfy the competent authority that other materials used are appropriate.
- 2. Adequate facilities are to be provided, where necessary, for the cleaning, disinfecting and storage of working utensils and equipment. These facilities are to be constructed of corrosion-resistant materials, be easy to clean and have an adequate supply of hot and cold water.
  - 3. Adequate provision is to be made, where necessary, for washing food. Every sink or other such facility provided for the washing of food is to have an adequate supply of hot and/or cold potable water consistent with the requirements of Chapter VII and be kept clean and, where necessary, disinfected.



## CHAPTER III

### REQUIREMENTS FOR MOVABLE AND/OR TEMPORARY PREMISES (SUCH AS MARQUEES, MARKET STALLS, MOBILE SALES VEHICLES), PREMISES USED PRIMARILY AS A PRIVATE DWELLING HOUSE BUT WHERE FOODS ARE REGULARLY PREPARED FOR PLACING ON THE MARKET, AND VENDING MACHINES

1. Premises and vending machines are, so far as is reasonably practicable, to be so sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests.
2. In particular, where necessary:
  - (a) appropriate facilities are to be available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities);
  - (b) surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable, corrosion-resistant and non-toxic materials, unless food business operators can satisfy the competent authority that other materials used are appropriate;
  - (c) adequate provision is to be made for the cleaning and, where necessary, disinfecting of working utensils and equipment;

- (d) where foodstuffs are cleaned as part of the food business' operations, adequate provision is to be made for this to be undertaken hygienically;
- (e) an adequate supply of hot and/or cold potable water is to be available;
- (f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) are to be available;
- (g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions are to be available;
- (h) foodstuffs are to be so placed as to avoid the risk of contamination so far as is reasonably practicable.

## CHAPTER IV

### TRANSPORT

1. Conveyances and/or containers used for transporting foodstuffs are to be kept clean and maintained in good repair and condition to protect foodstuffs from contamination and are, where necessary, to be designed and constructed to permit adequate cleaning and/or disinfection.

2. Receptacles in vehicles and/or containers are not to be used for transporting anything other than foodstuffs where this may result in contamination.
3. Where conveyances and/or containers are used for transporting anything in addition to foodstuffs or for transporting different foodstuffs at the same time, there is, where necessary, to be effective separation of products.
4. Bulk foodstuffs in liquid, granulate or powder form are to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. Such containers are to be marked in a clearly visible and indelible fashion, in one or more Community languages, to show that they are used for the transport of foodstuffs, or are to be marked "for foodstuffs only".
5. Where conveyances and/or containers have been used for transporting anything other than foodstuffs or for transporting different foodstuffs, there is to be effective cleaning between loads to avoid the risk of contamination.
6. Foodstuffs in conveyances and/or containers are to be so placed and protected as to minimise the risk of contamination.
7. Where necessary, conveyances and/or containers used for transporting foodstuffs are to be capable of maintaining foodstuffs at appropriate temperatures and allow those temperatures to be monitored.

## CHAPTER V

### EQUIPMENT REQUIREMENTS

1. All articles, fittings and equipment with which food comes into contact are to:
  - (a) be effectively cleaned and, where necessary, disinfected. Cleaning and disinfection are to take place at a frequency sufficient to avoid any risk of contamination;
  - (b) be so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination;
  - (c) with the exception of non-returnable containers and packaging, be so constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept clean and, where necessary, to be disinfected; and
  - (d) be installed in such a manner as to allow adequate cleaning of the equipment and the surrounding area.
2. Where necessary, equipment is to be fitted with any appropriate control device to guarantee fulfilment of this Regulation's objectives.
3. Where chemical additives have to be used to prevent corrosion of equipment and containers, they are to be used in accordance with good practice.

## CHAPTER VI

### FOOD WASTE

1. Food waste, non-edible by-products and other refuse are to be removed from rooms where food is present as quickly as possible, so as to avoid their accumulation.
2. Food waste, non-edible by-products and other refuse are to be deposited in closable containers, unless food business operators can demonstrate to the competent authority that other types of containers or evacuation systems used are appropriate. These containers are to be of an appropriate construction, kept in sound condition, be easy to clean and, where necessary, to disinfect.
3. Adequate provision is to be made for the storage and disposal of food waste, non-edible by-products and other refuse. Refuse stores are to be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.
4. All waste is to be eliminated in a hygienic and environmentally friendly way in accordance with Community legislation applicable to that effect, and is not to constitute a direct or indirect source of contamination.

## CHAPTER VII

### WATER SUPPLY

1. (a) There is to be an adequate supply of potable water, which is to be used whenever necessary to ensure that foodstuffs are not contaminated;

- (b) Clean water may be used with whole fishery products. Clean seawater may be used with live bivalve molluscs, echinoderms, tunicates and marine gastropods; clean water may also be used for external washing. When such water is used, adequate facilities are to be available for its supply.
2. Where non-potable water is used, for example for fire control, steam production, refrigeration and other similar purposes, it is to circulate in a separate duly identified system. Non-potable water is not to connect with, or allow reflux into, potable water systems.
  3. Recycled water used in processing or as an ingredient is not to present a risk of contamination. It is to be of the same standard as potable water, unless the competent authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.
  4. Ice which comes into contact with food or which may contaminate food is to be made from potable water or, when used to chill whole fishery products, clean water. It is to be made, handled and stored under conditions that protect it from contamination.
  5. Steam used directly in contact with food is not to contain any substance that presents a hazard to health or is likely to contaminate the food.
  6. Where heat treatment is applied to foodstuffs in hermetically sealed containers it is to be ensured that water used to cool the containers after heat treatment is not a source of contamination for the foodstuff.

## CHAPTER VIII

### PERSONAL HYGIENE

1. Every person working in a food-handling area is to maintain a high degree of personal cleanliness and is to wear suitable, clean and, where necessary, protective clothing.
2. No person suffering from, or being a carrier of a disease likely to be transmitted through food or afflicted, for example, with infected wounds, skin infections, sores or diarrhoea is to be permitted to handle food or enter any food-handling area in any capacity if there is any likelihood of direct or indirect contamination. Any person so affected and employed in a food business and who is likely to come into contact with food is to report immediately the illness or symptoms, and if possible their causes, to the food business operator.

## CHAPTER IX

### PROVISIONS APPLICABLE TO FOODSTUFFS

1. A food business operator is not to accept raw materials or ingredients, other than live animals, or any other material used in processing products, if they are known to be, or might reasonably be expected to be, contaminated with parasites, pathogenic microorganisms or toxic, decomposed or foreign substances to such an extent that, even after the food business operator had hygienically applied normal sorting and/or preparatory or processing procedures, the final product would be unfit for human consumption.

2. Raw materials and all ingredients stored in a food business are to be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.
3. At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.
4. Adequate procedures are to be in place to control pests. Adequate procedures are also to be in place to prevent domestic animals from having access to places where food is prepared, handled or stored (or, where the competent authority so permits in special cases, to prevent such access from resulting in contamination).
5. Raw materials, ingredients, intermediate products and finished products likely to support the reproduction of pathogenic micro-organisms or the formation of toxins are not to be kept at temperatures that might result in a risk to health. The cold chain is not to be interrupted. However, limited periods outside temperature control are permitted, to accommodate the practicalities of handling during preparation, transport, storage, display and service of food, provided that it does not result in a risk to health. Food businesses manufacturing, handling and wrapping processed foodstuffs are to have suitable rooms, large enough for the separate storage of raw materials from processed material and sufficient separate refrigerated storage.
6. Where foodstuffs are to be held or served at chilled temperatures they are to be cooled as quickly as possible following the heat-processing stage, or final preparation stage if no heat process is applied, to a temperature which does not result in a risk to health.



7. The thawing of foodstuffs is to be undertaken in such a way as to minimise the risk of growth of pathogenic microorganisms or the formation of toxins in the foods. During thawing, foods are to be subjected to temperatures that would not result in a risk to health. Where run-off liquid from the thawing process may present a risk to health it is to be adequately drained. Following thawing, food is to be handled in such a manner as to minimise the risk of growth of pathogenic microorganisms or the formation of toxins.
8. Hazardous and/or inedible substances, including animal feed, are to be adequately labelled and stored in separate and secure containers.

## CHAPTER X

### PROVISIONS APPLICABLE TO THE WRAPPING AND PACKAGING OF FOODSTUFFS

1. Material used for wrapping and packaging are not to be a source of contamination.
2. Wrapping materials are to be stored in such a manner that they are not exposed to a risk of contamination.
3. Wrapping and packaging operations are to be carried out so as to avoid contamination of the products. Where appropriate and in particular in the case of cans and glass jars, the integrity of the container's construction and its cleanliness is to be assured.
4. Wrapping and packaging material re-used for foodstuffs is to be easy to clean and, where necessary, to disinfect.

## CHAPTER XI

### HEAT TREATMENT

The following requirements apply only to food placed on the market in hermetically sealed containers:

1. any heat treatment process used to process an unprocessed product or to process further a processed product is:
  - (a) to raise every party of the product treated to a given temperature for a given period of time; and
  - (b) to prevent the product from becoming contaminated during the process;
2. to ensure that the process employed achieves the desired objectives, food business operators are to check regularly the main relevant parameters (particularly temperature, pressure, sealing and microbiology), including by the use of automatic devices;
3. the process used should conform to an internationally recognised standard (for example, pasteurisation, ultra high temperature or sterilisation).

## CHAPTER XII

### TRAINING

Food business operators are to ensure:

1. that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate with their work activity;
2. that those responsible for the development and maintenance of the procedure referred to in Article 5(1) of this Regulation or for the operation of relevant guides have received adequate training in the application of the HACCP principles; and
3. compliance with any requirements of national law concerning training programmes for persons working in certain food sectors.

---

## I

*(Acts whose publication is obligatory)*

**REGULATION (EC) No 882/2004 OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL  
of 29 April 2004**

on official controls performed to ensure  
the verification of compliance with feed and food law,  
animal health and animal welfare rules

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 95 and 152(4)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee <sup>1</sup>,

Having regard to the Opinion of the Committee of the Regions <sup>2</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>3</sup>,

---

<sup>1</sup> OJ C 234, 30.9.2003, p. 25.

<sup>2</sup> OJ C 23, 27.1.2004, p. 14.

<sup>3</sup> Opinion of the European Parliament of 9 March 2004 (not yet published in the Official Journal) and Council Decision of 26 April 2004.

Whereas:

- (1) Feed and food should be safe and wholesome. Community legislation comprises a set of rules to ensure that this objective is attained. These rules extend to the production and the placing on the market of both feed and food.
- (2) The basic rules with regard to feed and food law are laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority, and laying down procedures in matters of food safety<sup>1</sup>.
- (3) In addition to those basic rules, more specific feed and food law covers different areas such as animal nutrition including medicated feedingstuffs, feed and food hygiene, zoonoses, animal by-products, residues and contaminants, control and eradication of animal diseases with a public health impact, feed and food labelling, pesticides, feed and food additives, vitamins, mineral salts, trace elements and other additives, materials in contact with food, quality and compositional requirements, drinking water, ionisation, novel foods and genetically modified organisms (GMOs).

---

<sup>1</sup> OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

- (4) Community feed and food law is based on the principle that feed and food business operators at all stages of production, processing and distribution within the businesses under their control are responsible for ensuring that feed and food satisfy the requirements of feed and food law which are relevant to their activities.
- (5) Animal health and animal welfare are important factors that contribute to the quality and safety of food, to the prevention of the spreading of animal diseases and to a humane treatment of animals. The rules covering these matters are laid down in several acts. These acts specify the obligations of natural and legal persons with regard to animal health and animal welfare as well as the duties of the competent authorities.
- (6) The Member States should enforce feed and food law, animal health and animal welfare rules and monitor and verify that the relevant requirements thereof are fulfilled by business operators at all stages of production, processing and distribution. Official controls should be organised for that purpose.
- (7) It is therefore appropriate to establish at Community level a harmonised framework of general rules for the organisation of such controls. It is appropriate to assess in the light of experience whether such a general framework functions properly, in particular in the area of animal health and welfare. It is therefore appropriate for the Commission to present a report together with any necessary proposal.

- (8) As a general rule this Community framework should not include official controls with regard to organisms harmful to plants and plant products since these controls are already adequately covered by Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>1</sup>. Certain aspects of this Regulation should however also apply to the plant health sector and in particular those concerning the establishment of multi-annual national control plans and Community inspections within the Member States and in third countries. It is therefore appropriate to amend Directive 2000/29/EC accordingly.
- (9) Council Regulations (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs <sup>2</sup>, (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>3</sup>, and (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs <sup>4</sup> contain specific measures for the verification of compliance with the requirements contained therein. The requirements of this Regulation should be flexible enough so as to take account of the specificity of these areas.

---

<sup>1</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/31/EC (OJ L 85, 23.3.2004, p. 18).

<sup>2</sup> OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Regulation (EC) No 392/2004 (OJ L 65, 3.3.2004, p. 1).

<sup>3</sup> OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>4</sup> OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003.

- (10) For the verification of compliance with the rules on the common organisation of the markets of agricultural products (arable crops, wine, olive oil, fruit and vegetables, hops, milk and milk products, beef and veal, sheepmeat and goatmeat and honey) a well established and specific control system is already in place. This Regulation should therefore not apply to these areas, all the more since the objectives of this Regulation differ from the objectives pursued by the control mechanisms for the common organisation of the markets of agricultural products.
- (11) The competent authorities for performing official controls should meet a number of operational criteria so as to ensure their impartiality and effectiveness. They should have a sufficient number of suitably qualified and experienced staff and possess adequate facilities and equipment to carry out their duties properly.
- (12) The official controls should be carried out using appropriate techniques developed for that purpose, including routine surveillance checks and more intensive controls such as inspections, verifications, audits, sampling and the testing of samples. The correct implementation of those techniques requires appropriate training of the staff performing official controls. Training is also required in order to ensure that the competent authorities take decisions in a uniform way, in particular with regard to the implementation of the Hazard Analysis and Critical Control Points (HACCP) principles.



- (13) The frequency of official controls should be regular and proportionate to the risk, taking into account the results of the checks carried out by feed and food business operators under HACCP based control programmes or Quality Assurance Programmes, where such programmes are designed to meet requirements of feed and food law, animal health and animal welfare rules. Ad hoc controls should be carried out in case of suspicion of non-compliance. Additionally ad hoc controls could be carried out at any time, even where there is no suspicion of non-compliance.
- (14) Official controls should take place on the basis of documented procedures so as to ensure that these controls are carried out uniformly and are of a consistently high quality.
- (15) The competent authorities should ensure that where different control units are involved in carrying out official controls, appropriate coordination procedures are in place and effectively implemented.
- (16) The competent authorities should also ensure that, where the competence to carry out official controls has been delegated from the central level to a regional or local level, there is effective and efficient coordination between the central level and that regional or local level.
- (17) Laboratories involved in the analysis of official samples should work in accordance with internationally approved procedures or criteria based performance standards and use methods of analysis that have as far as possible been validated. Such laboratories should in particular have equipment that enables the correct determination of standards such as maximum residue levels fixed by Community law.

- (18) The designation of Community and national reference laboratories should contribute to a high quality and uniformity of analytical results. This objective can be achieved by activities such as the application of validated analytical methods, ensuring that reference materials are available, the organisation of comparative testing and the training of staff from laboratories.
- (19) The activities of reference laboratories should cover all the areas of feed and food law and animal health, in particular those areas where there is a need for precise analytical and diagnostic results.
- (20) For a number of activities related to official controls, the European Committee for Standardisation (CEN) has developed European Standards (EN Standards) appropriate for the purpose of this Regulation. These EN Standards relate in particular to the operation and assessment of testing laboratories and to the operation and accreditation of control bodies. International standards have also been drawn up by the International Organisation for Standardisation (ISO) and the International Union of Pure and Applied Chemistry (IUPAC). These standards might, in certain well defined cases, be appropriate for the purposes of this Regulation, taking into account that performance criteria are laid down in feed and food law in order to ensure flexibility and cost effectiveness.
- (21) Provision should be made for delegating competence for performing specific control tasks from the competent authority to a control body, and for the conditions under which such delegation can take place.

- 
- (22) Appropriate procedures should be available for the cooperation of the competent authorities in and between the Member States, in particular when official controls reveal that feed and food problems extend to more than one Member State. In order to facilitate such cooperation, Member States should designate one or more liaison bodies with the role of coordinating the transmission and reception of requests for assistance.
- (23) In accordance with Article 50 of Regulation (EC) No 178/2002, the Member States shall inform the Commission where information relating to the existence of a serious direct or indirect risk to human health deriving from food or feed is available.
- (24) It is important to create uniform procedures for the control of feed and food from third countries introduced into the territory of the Community, taking into account that harmonised import procedures have already been established for food of animal origin by virtue of Council Directive 97/78/EC <sup>1</sup>, and for live animals by virtue of Council Directive 91/496/EEC <sup>2</sup>.

These existing procedures function properly and should be maintained.

---

<sup>1</sup> Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

<sup>2</sup> Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (OJ L 268, 24.9.1991, p. 56). Directive as last amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

- 
- (25) The checks on feed and food from third countries referred to in Directive 97/78/EC are limited to veterinary aspects. It is necessary to supplement these checks with official controls on aspects that are not covered by veterinary checks, such as those on additives, labelling, traceability, irradiation of food and materials in contact with food.
- (26) Community legislation also provides for procedures for the control of imported feed by virtue of Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition<sup>1</sup>. That Directive contains principles and procedures that must be applied by the Member States when releasing imported feed for free circulation.
- (27) It is appropriate to establish Community rules in order to ensure that feed and food from third countries is submitted to official controls before release for free circulation in the Community. Special attention should be paid to import controls of feed and food for which there may be an increased risk of contamination.
- (28) Provision should also be made for the organisation of official controls of feed and food that is introduced into the territory of the Community under customs procedures other than free circulation, and in particular those introduced under the customs procedures referred to in points (b) to (f) of Article 4(16) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>2</sup>, as well as their entry into a free zone or free warehouse. This includes the introduction of feed and food from third countries by passengers of international means of transport and through parcels sent by mail.

---

<sup>1</sup> OJ L 265, 8.11.1995, p. 17. Directive as last amended by Directive 2001/46/EC of the European Parliament and of the Council (OJ L 234, 1.9.2001, p. 55).

<sup>2</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

- (29) For the purpose of official controls on feed and food, it is necessary to define the territory of the Community in which the rules apply in order to ensure that feed and food that is introduced into this territory is submitted to the controls laid down by this Regulation. This territory is not necessarily the same as provided for in Article 299 of the Treaty, or as defined in Article 3 of Regulation (EEC) No 2913/92.
- (30) In order to ensure a more efficient organisation of the official controls on feed and food from third countries and in order to facilitate commercial flows, it may be necessary to designate specific points of entry for feed and food from third countries into the territory of the Community. Likewise, it may be necessary to require prior notification of the arrival of goods at the territory of the Community. It should be ensured that each designated point of entry has access to the appropriate facilities to operate controls within reasonable time limits.
- (31) In establishing rules on the official controls of feed and food from third countries, it should be ensured that the competent authorities and the customs services work together, taking into account the fact that rules to that effect already exist in Council Regulation (EEC) No 339/93 of 8 February 1993 on checks for conformity with the rules on product safety in the case of products imported from third countries <sup>1</sup>.

---

<sup>1</sup> OJ L 40, 17.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 806/2003.

- (32) Adequate financial resources should be available for organising official controls. Hence, the competent authorities of the Member States should be able to levy the fees or charges to cover the costs incurred through official controls. In the process, the competent authorities of the Member States will be at liberty to establish the fees and charges as flat-rate amounts based on the costs incurred and taking the specific situation of the establishments into account. Where fees are imposed on operators, common principles should apply. It is appropriate therefore to lay down the criteria for setting the level of inspection fees. With regard to fees applicable for import controls, it is appropriate to establish directly the rates for main import items with a view to ensuring their uniform application and to avoiding trade distortions.
- (33) Community feed and food law provides for the registration or approval of certain feed and food businesses by the competent authority. This is particularly the case in Regulation (EC) No .../... of the European Parliament and of the Council of ..... on the hygiene of foodstuffs<sup>+</sup>, Regulation (EC) No .../... of the European Parliament and of the Council of ..... laying down specific hygiene rules for food of animal origin<sup>+</sup>, Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector<sup>1</sup> and the future Regulation on feed hygiene.

Procedures should be put in place in order to ensure that registration and approval of feed and food businesses are carried out in an effective and transparent way.

---

<sup>+</sup> OJ: Insert reference to Regulation.

<sup>1</sup> OJ L 332, 30.12.1995, p. 15. Directive as last amended by Regulation (EC) No 806/2003.

- (34) In order to have a global and uniform approach with regard to official controls, Member States should establish and implement multi-annual national control plans in accordance with broad guidelines drawn up at Community level. These guidelines should promote coherent national strategies, and identify risk-based priorities and the most effective control procedures. A Community strategy should take a comprehensive, integrated approach to the operation of controls. In view of the non-binding character of certain technical guidelines to be established it is appropriate to establish them by means of a consultative Committee procedure.
- (35) The multi-annual national control plans should cover feed and food law, and the legislation on animal health and animal welfare.
- (36) The multi-annual national control plans should establish a solid basis for the Commission inspection services to carry out controls in the Member States. The control plans should enable the Commission inspection services to verify whether the official controls in the Member States are organised in accordance with the criteria laid down in this Regulation. Where appropriate and, in particular, where the audit of the Member States against the multi-annual national control plans shows weaknesses or failures, detailed inspections and audits should be carried out.
- (37) Member States should be required to present an annual report to the Commission with information on the implementation of the multi-annual national control plans. This report should provide the results of the official controls and audits carried out during the previous year and, where necessary, an update of the initial control plan in response to these results.

- (38) Community controls in the Member States should allow the Commission control services to verify whether feed and food law and the legislation on animal health and animal welfare are implemented in a uniform and correct way throughout the Community.
- (39) Community controls in third countries are required in order to verify compliance or equivalence with Community feed and food law as well as with the legislation on animal health and, where appropriate, welfare. Third countries may also be requested to provide information on their control systems. This information, which should be established on the basis of Community guidelines, should form the basis for subsequent Commission controls, which should be carried out within a multidisciplinary framework covering the main sectors exporting to the Community. This evolution should allow a simplification of the current regime, enhance effective control cooperation, and consequently facilitate trade flows.
- (40) In order to ensure that imported goods comply with or are equivalent to Community feed and food law, it is necessary to establish procedures that allow the definition of import conditions and certification requirements as appropriate.
- (41) Breaches of feed and food law and of animal health and animal welfare rules may constitute a threat to human health, animal health, and animal welfare. Such breaches should therefore be subject to effective, dissuasive and proportionate measures at national level throughout the Community.



- (42) Such measures should include administrative action by the competent authorities in the Member States who should have procedures in place for that purpose. The advantage of such procedures is that quick action can be undertaken in order to restore the situation.
- (43) Operators should have a right to appeal against the decisions taken by the competent authority as a result of the official controls, and be informed of such a right.
- (44) It is appropriate to take account of the special needs of developing countries, and in particular of the least-developed countries, and to introduce measures to that effect. The Commission should be committed to support developing countries with regard to feed and food safety, which is an important element of human health and trade development. Such support should be organised in the context of the Community's Development Cooperation Policy.
- (45) The rules contained in this Regulation underpin the integrated and horizontal approach necessary to implement a coherent control policy on feed and food safety, animal health and animal welfare. There should be room however to develop specific control rules where required, for example with regard to the setting of maximum residue levels for certain contaminants at EC level. Likewise, more specific rules existing in the area of feed and food and animal health and animal welfare controls should be kept in place.

These include in particular the following acts: Directive 96/22/EC <sup>1</sup>, Directive 96/23/EC <sup>2</sup>, Regulation (EC) No .../...<sup>+</sup>, Regulation (EC) No 999/2001 <sup>3</sup>, Regulation (EC) No 2160/2003 <sup>4</sup>, Directive 86/362/EEC <sup>5</sup>, Directive 90/642/EEC <sup>6</sup> and the implementing rules resulting therefrom, Directive 92/1/EEC <sup>7</sup>, Directive 92/2/EEC <sup>8</sup>, and acts on the control of animal diseases such as foot-and-mouth disease, swine fever etc., as well as requirements on the official controls on the welfare of animals.

---

<sup>1</sup> Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, (OJ L 125, 23.5.1996, p. 3). Directive as last amended by Directive 2003/74/EC of the European Parliament and of the Council (OJ L 262, 14.10.2003, p. 17).

<sup>2</sup> Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products (OJ L 125, 23.5.1996, p. 10). Directive as last amended by Regulation (EC) No 806/2003.

<sup>+</sup> Regulation (EC) No .../... of the European Parliament and of the Council of [...] laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ: insert Reference to Regulation).

<sup>3</sup> Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1). Regulation as last amended by Commission Regulation (EC) No 2245/2003 (OJ L 333, 20.12.2003, p. 28).

<sup>4</sup> Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other food-borne zoonotic agents (OJ L 325, 12.12.2003, p.1).

<sup>5</sup> Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals (OJ L 221, 7.8.1986, p. 37). Directive as last amended by Commission Directive 2004/2/EC (OJ L 14, 21.01.2004, p. 10).

<sup>6</sup> Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables (OJ L 350, 14.12.1990, p. 71). Directive as last amended by Commission Directive 2004/2/EC.

<sup>7</sup> Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption (OJ L 34, 11.2.1992, p. 28).

<sup>8</sup> Commission Directive 92/2/EEC of 13 January 1992 laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption (OJ L 34, 11.2.1992, p. 30).

- (46) This Regulation covers areas that are already covered in certain acts in force at present. It is appropriate therefore to repeal in particular the following acts on feed and food controls and to replace them by the rules of this Regulation: Council Directive 70/373/EEC <sup>1</sup>; Council Directive 85/591/EEC <sup>2</sup>; Council Directive 89/397/EEC <sup>3</sup>; Council Directive 93/99/EEC <sup>4</sup>; Council Decision 93/383/EEC <sup>5</sup>; Council Directive 95/53/EC; Council Directive 96/43/EC <sup>6</sup>; Council Decision 98/728/EC <sup>7</sup>; and Council Decision 1999/313/EC <sup>8</sup>.

- 
- <sup>1</sup> Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs (OJ L 170, 3.8.1970, p. 2). Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).
- <sup>2</sup> Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption (OJ L 372, 31.12.1985, p. 50). Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
- <sup>3</sup> Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs (OJ L 186, 30.6.1989, p. 23).
- <sup>4</sup> Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs (OJ L 290, 24.11.1993, p. 14). Directive as amended by Regulation (EC) No 1882/2003.
- <sup>5</sup> Council Decision 93/383/EEC of 14 June 1993 of reference laboratories for the monitoring of marine biotoxins (OJ L 166, 8.7.1993, p. 31). Decision as amended by Decision 1999/312/EC (OJ L 120, 8.5.1999, p. 37).
- <sup>6</sup> Council Directive 96/43/EC of 26 June 1996 amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products (OJ L 162, 1.7.1996, p. 1).
- <sup>7</sup> Council Decision 98/728/EC of 14 December 1998 concerning a Community system for fees in the animal feed sector (OJ L 346, 22.12.1998, p. 51).
- <sup>8</sup> Council Decision 1999/313/EC of 29 April 1999 on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs (OJ L 120, 8.5.1999, p. 40).

- 
- (47) In the light of this Regulation, Directive 96/23/EC, Directive 97/78/EC and Directive 2000/29/EC should be amended.
- (48) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to official controls, cannot be sufficiently achieved by the Member States and can therefore, by reason of its complexity, its transborder character and, with regard to feed and food imports, its international character, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (49) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>1</sup>,

HAVE ADOPTED THIS REGULATION:

---

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

## TITLE I

## SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

## Subject matter and scope

1. This Regulation lays down general rules for the performance of official controls to verify compliance with rules aiming, in particular, at:
  - (a) preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment; and
  - (b) guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information.
2. This Regulation shall not apply to official controls for the verification of compliance with the rules on common market organisations of agricultural products.

3. This Regulation shall be without prejudice to specific Community provisions concerning official controls.

4. The performance of official controls pursuant to this Regulation shall be without prejudice to feed and food business operators' primary legal responsibility for ensuring feed and food safety, as laid down in Regulation (EC) No 178/2002, and any civil or criminal liability arising from the breach of their obligations.

## Article 2

### Definitions

For the purposes of this Regulation, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 shall apply.

The following definitions shall also apply:

- 1) "official control" means any form of control that the competent authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules;

- 2) "verification" means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled;
- 3) "feed law" means the laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed;
- 4) "competent authority" means the central authority of a Member State competent for the organisation of official controls or any other authority to which that competence has been conferred; it shall also include, where appropriate, the corresponding authority of a third country;
- 5) "control body" means an independent third party to which the competent authority has delegated certain control tasks;
- 6) "audit" means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;
- 7) "inspection" means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and animal welfare rules;

- 8) "monitoring" means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules;
- 9) "surveillance" means a careful observation of one or more feed or food businesses, feed or food business operators or their activities ;
- 10) "non-compliance" means non-compliance with feed or food law, and with the rules for the protection of animal health and welfare;
- 11) "sampling for analysis" means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules;
- 12) "official certification" means the procedure by which the competent authority or control bodies, authorised to act in such a capacity, provide written, electronic or equivalent assurance concerning compliance;
- 13) "official detention" means the procedure by which the competent authority ensures that feed or food is not moved or tampered with pending a decision on its destination; it includes storage by feed and food business operators in accordance with instructions from the competent authority;



- 
- 14) "equivalence" means the capability of different systems or measures to meet the same objectives; and "equivalent" means different systems or measures capable of meeting the same objectives;
  - 15) "import" means the release for free circulation of feed or food or the intention to release feed or food for free circulation within the meaning of Article 79 of Regulation (EEC) No 2913/92 in one of the territories referred to in Annex I;
  - 16) "introduction" means import as defined in point 15 above, and the placing of goods under the customs procedures referred to in points (b) to (f) of Article 4(16) of Regulation (EEC) No 2913/92, as well as their entry into a free zone or free warehouse;
  - 17) "documentary check" means the examination of commercial documents and, where appropriate, of documents required under feed or food law that are accompanying the consignment;
  - 18) "identity check" means a visual inspection to ensure that certificates or other documents accompanying the consignment tally with the labelling and the content of the consignment;
  - 19) "physical check" means a check on the feed or food itself which may include checks on the means of transport, on the packaging, labelling and temperature, the sampling for analysis and laboratory testing and any other check necessary to verify compliance with feed or food law;
  - 20) "control plan" means a description established by the competent authority containing general information on the structure and organisation of its official control systems.

## TITLE II

### OFFICIAL CONTROLS BY MEMBER STATES

#### CHAPTER I : GENERAL OBLIGATIONS

##### Article 3

##### General obligations with regard to the organisation of official controls

1. Member States shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of:
  - (a) identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare;
  - (b) feed or food business operators' past record as regards compliance with feed or food law or with animal health and animal welfare rules;
  - (c) the reliability of any own checks that have already been carried out; and
  - (d) any information that might indicate non-compliance.

2. Official controls shall be carried out without prior warning, except in cases such as audits where prior notification of the feed or food business operator is necessary.

Official controls may also be carried out on an ad hoc basis.

3. Official controls shall be carried out at any of the stages of production, processing and distribution of feed or food and of animals and animal products. They shall include controls on feed and food businesses, on the use of feed and food, on the storage of feed and food, on any process, material, substance, activity or operation including transport applied to feed or food and on live animals, required to achieve the objectives of this Regulation.

4. Official controls shall be applied, with the same care, to exports outside the Community, to the placing on the market within the Community, and to introductions from third countries into the territories referred to in Annex I.

5. Member States shall take all necessary measures to ensure that products intended for dispatch to another Member State are controlled with the same care as those intended to be placed on the market in their own territory.

6. The competent authority of the Member State of destination may check compliance of feed and food with feed and food law by means of non-discriminatory checks. To the extent strictly necessary for the organisation of the official controls, Member States may ask operators who have goods delivered to them from another Member State to report the arrival of such goods.

7. If, during a check carried out at the place of destination or during storage or transport, a Member State establishes non-compliance, it shall take the appropriate measures, which may include re-dispatch to the Member State of origin.

## CHAPTER II: COMPETENT AUTHORITIES

### Article 4

#### Designation of competent authorities and operational criteria

1. Member States shall designate the competent authorities responsible for the purposes and official controls set out in this Regulation.
2. The competent authorities shall ensure:
  - (a) the effectiveness and appropriateness of official controls on live animals, feed and food at all stages of production, processing and distribution, and on the use of feed;
  - (b) that staff carrying out official controls are free from any conflict of interest;
  - (c) that they have, or have access to, an adequate laboratory capacity for testing and a sufficient number of suitably qualified and experienced staff so that official controls and control duties can be carried out efficiently and effectively;
  - (d) that they have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls efficiently and effectively;

- (e) that they have the legal powers to carry out official controls and to take the measures provided for in this Regulation;
- (f) that they have contingency plans in place, and are prepared to operate such plans in the event of an emergency;
- (g) that the feed and food business operators are obliged to undergo any inspection carried out in accordance with this Regulation and to assist staff of the competent authority in the accomplishment of their tasks.

3. When a Member State confers the competence to carry out official controls on an authority or authorities other than a central competent authority, in particular those at regional or local level, efficient and effective coordination shall be ensured between all the competent authorities involved, including where appropriate in the field of environmental and health protection.

4. Competent authorities shall ensure the impartiality, quality and consistency of official controls at all levels. The criteria listed in paragraph 2 must be fully respected by every authority on which the competence to carry out official controls is conferred.

5. When, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

6. Competent authorities shall carry out internal audits or may have external audits carried out, and shall take appropriate measures in the light of their results, to ensure that they are achieving the objectives of this Regulation. These audits shall be subject to independent scrutiny and shall be carried out in a transparent manner.

7. Detailed rules for the implementation of this Article may be adopted in accordance with the procedure referred to in Article 62(3).

#### Article 5

##### Delegation of specific tasks related to official controls

1. The competent authority may delegate specific tasks related to official controls to one or more control bodies in accordance with paragraphs 2 to 4.

A list of tasks that may or may not be delegated may be established in accordance with the procedure referred to in Article 62(3).

However, the activities referred to in Article 54 shall not be the subject of such a delegation.

2. The competent authority may delegate specific tasks to a particular control body only if:

(a) there is an accurate description of the tasks that the control body may carry out and of the conditions under which it may carry them out;

- (b) there is proof that the control body:
  - (i) has the expertise, equipment and infrastructure required to carry out the tasks delegated to it,
  - (ii) has a sufficient number of suitably qualified and experienced staff, and
  - (iii) is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it;
- (c) the control body works and is accredited in accordance with European Standard EN 45004 "General criteria for the operation of various types of bodies performing inspection" and/or another standard if more relevant to the delegated tasks in question;
- (d) laboratories operate in accordance with the standards referred to in Article 12(2);
- (e) the control body communicates the results of the controls carried out to the competent authority on a regular basis and whenever the competent authority so requests. If the results of the controls indicate non-compliance or point to the likelihood of non-compliance, the control body shall immediately inform the competent authority;
- (f) there is efficient and effective coordination between the delegating competent authority and the control body.

3. Competent authorities delegating specific tasks to control bodies shall organise audits or inspections of control bodies as necessary. If, as a result of an audit or an inspection, it appears that such bodies are failing to carry out properly the tasks delegated to them, the delegating competent authority may withdraw the delegation. It shall withdraw it without delay if the control body fails to take appropriate and timely remedial action.

4. Any Member State wishing to delegate a specific control task to a control body shall notify the Commission. This notification shall provide a detailed description of:

- (a) the competent authority that would delegate the task;
- (b) the task that it would delegate; and
- (c) the control body to which it would delegate the task.

#### Article 6

##### Staff performing official controls

The competent authority shall ensure that all of its staff performing official controls:

- (a) receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner. This training shall cover as appropriate the areas referred to in Annex II, Chapter I;



- (b) keep up-to-date in their area of competence and receive regular additional training as necessary; and
- (c) have aptitude for multidisciplinary cooperation.

#### Article 7

#### Transparency and Confidentiality

1. The competent authorities shall ensure that they carry out their activities with a high level of transparency. For that purpose, relevant information held by them shall be made available to the public as soon as possible.

In general, the public shall have access to:

- (a) information on the control activities of the competent authorities and their effectiveness, and
- (b) information pursuant to Article 10 of Regulation (EC) No 178/2002.

2. The competent authority shall take steps to ensure that members of their staff are required not to disclose information acquired when undertaking their official control duties which by its nature is covered by professional secrecy in duly justified cases. Protection of professional secrecy shall not prevent the dissemination by the competent authorities of information referred to in paragraph 1(b). The rules of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>1</sup> remain unaffected.

---

<sup>1</sup> OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003.

3. Information covered by professional secrecy includes in particular:
- the confidentiality of preliminary investigation proceedings or of current legal proceedings;
  - personal data;
  - the documents covered by an exception in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>1</sup>;
  - information protected by national and Community legislation concerning in particular professional secrecy, the confidentiality of deliberations, international relations and national defence.

#### Article 8

##### Control and verification procedures

1. Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II.
2. Member States shall ensure that they have legal procedures in place in order to ensure that staff of the competent authorities have access to premises of and documentation kept by feed and food business operators so as to be able to accomplish their tasks properly.

---

<sup>1</sup> OJ L 145, 31.5.2001, p. 43.

3. Competent authorities shall have procedures in place :

- (a) to verify the effectiveness of official controls that they carry out; and
- (b) to ensure that corrective action is taken when needed and that the documentation referred to in paragraph 1 is updated as appropriate.

4. The Commission may establish guidelines for official controls in accordance with the procedure referred to in Article 62 (2).

The guidelines may, in particular, contain recommendations concerning official controls on:

- (a) the implementation of HACCP principles;
- (b) management systems that feed or food business operators operate with a view to meeting the requirements of feed or food law;
- (c) the microbiological, physical and chemical safety of feed and food.

### Article 9

#### Reports

1. The competent authority shall draw up reports on the official controls that it has carried out.
2. These reports shall include a description of the purpose of the official controls, the control methods applied, the results of the official controls and, where appropriate, action that the business operator concerned is to take.
3. The competent authority shall provide the business operator concerned with a copy of the report referred to in paragraph 2, at least in case of non-compliance.

### Article 10

#### Control activities, methods and techniques

1. Tasks related to official controls shall, in general, be carried out using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis.
2. Official controls on feed and food shall include, inter alia, the following activities:
  - (a) examination of any control systems that feed and food business operators have put in place and the results obtained;

- (b) inspection of:
  - (i) primary producers' installations, feed and food businesses, including their surroundings, premises, offices, equipment, installations and machinery, transport, as well as of feed and food;
  - (ii) raw materials, ingredients, processing aids and other products used for the preparation and production of feed and food;
  - (iii) semi-finished products;
  - (iv) materials and articles intended to come into contact with food;
  - (v) cleaning and maintenance products and processes, and pesticides;
  - (vi) labelling, presentation and advertising;
- (c) checks on the hygiene conditions in feed and food businesses;
- (d) assessment of procedures on good manufacturing practices (GMP), good hygiene practices (GHP), good farming practices and HACCP, taking into account the use of guides established in accordance with Community legislation;

- (e) examination of written material and other records which may be relevant to the assessment of compliance with feed or food law;
- (f) interviews with feed and food business operators and with their staff;
- (g) the reading of values recorded by feed or food business measuring instruments;
- (h) controls carried out with the competent authority's own instruments to verify measurements taken by feed and food business operators;
- (i) any other activity required to ensure that the objectives of this Regulation are met.

### CHAPTER III : SAMPLING AND ANALYSIS

#### Article 11

##### Methods of sampling and analysis

1. Sampling and analysis methods used in the context of official controls shall comply with relevant Community rules or,
  - (a) if no such rules exist, with internationally recognised rules or protocols, for example those that the European Committee for standardisation (CEN) has accepted or those agreed in national legislation; or,

- (b) in the absence of the above, with other methods fit for the intended purpose or developed in accordance with scientific protocols.
2. Where paragraph 1 does not apply, validation of methods of analysis may take place within a single laboratory according to an internationally accepted protocol.
3. Wherever possible, methods of analysis shall be characterised by the appropriate criteria set out in Annex III.
4. The following implementing measures may be taken in accordance with the procedure referred to in Article 62(3):
- (a) methods of sampling and analysis, including the confirmatory or reference methods to be used in the event of a dispute;
  - (b) performance criteria, analysis parameters, measurement uncertainty and procedures for the validation of the methods referred to in (a); and
  - (c) rules on the interpretation of results.

5. The competent authorities shall establish adequate procedures in order to guarantee the right of feed and food business operators whose products are subject to sampling and analysis to apply for a supplementary expert opinion, without prejudice to the obligation of competent authorities to take prompt action in case of emergency.

6. In particular, they shall ensure that feed and food business operators can obtain sufficient numbers of samples for a supplementary expert opinion, unless impossible in case of highly perishable products or very low quantity of available substrate.

7. Samples must be handled and labelled in such a way as to guarantee both their legal and analytical validity.

### Article 12

#### Official laboratories

1. The competent authority shall designate laboratories that may carry out the analysis of samples taken during official controls.

2. However, competent authorities may only designate laboratories that operate and are assessed and accredited in accordance with the following European Standards:

(a) EN ISO/IEC 17025 on "General requirements for the competence of testing and calibration laboratories";



- (b) EN 45002 on "General criteria for the assessment of testing laboratories";
- (c) EN 45003 on "Calibration and testing laboratory accreditation system-General requirements for operation and recognition",

taking into account criteria for different testing methods laid down in Community feed and food law.

- 3. The accreditation and assessment of testing laboratories referred to in paragraph 2 may relate to individual tests or groups of tests.
- 4. The competent authority may cancel the designation referred to in paragraph 1 when the conditions referred to in paragraph 2 are no longer fulfilled.

#### CHAPTER IV: CRISIS MANAGEMENT

##### Article 13

##### Contingency plans for feed and food

- 1. For the implementation of the general plan for crisis management referred to in Article 55 of Regulation (EC) No 178/2002, Member States shall draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to pose a serious risk to humans or animals either directly or through the environment.

2. These contingency plans shall specify:

- (a) the administrative authorities to be engaged;
- (b) their powers and responsibilities; and
- (c) channels and procedures for sharing information between the relevant parties.

3. Member States shall review these contingency plans as appropriate, particularly in the light of changes in the organisation of the competent authority and of experience, including experience gained from simulation exercises.

4. Where necessary, implementing measures may be adopted in accordance with the procedure referred to in Article 62(3). Such measures shall establish harmonised rules for contingency plans to the extent necessary to ensure that such plans are compatible with the general plan for crisis management referred to in Article 55 of Regulation (EC) No 178/2002. They shall also indicate the role of stakeholders in the establishment and operation of contingency plans.

CHAPTER V : OFFICIAL CONTROLS ON THE INTRODUCTION OF  
FEED AND FOOD FROM THIRD COUNTRIES

Article 14

Official controls on feed and food of animal origin

1. This Regulation shall not affect the requirements for veterinary checks on feed and food of animal origin provided for in Directive 97/78/EC. However, the competent authority designated in accordance with Directive 97/78/EC shall, in addition, carry out official controls to verify compliance with aspects of feed or food law that that Directive does not cover, as appropriate, including those aspects referred to in Title VI, Chapter II of this Regulation.
2. The general rules of Articles 18 to 25 of this Regulation shall also apply to official controls on all feed and food, including feed and food of animal origin.
3. Satisfactory results of checks on goods that are:
  - (a) placed under one of the customs procedures referred to in points (b) to (f) of Article 4(16) of Regulation (EEC) No 2913/92; or
  - (b) to be handled in free zones or free warehouses, as defined in Article 4(15)(b) of Regulation (EEC) No 2913/92,

shall neither affect the duty of feed and food business operators to ensure that feed and food comply with feed and food law from the moment of release for free circulation nor prevent further official controls on the feed or food concerned from being carried out.

### Article 15

#### Official controls on feed and food of non-animal origin

1. The competent authority shall carry out regular official controls on feed and food of non-animal origin not included in the scope of Directive 97/78/EC, imported into the territories referred to in Annex I. It shall organise these controls on the basis of the multi-annual national control plan drawn up in accordance with Articles 41 to 43 and in the light of potential risks. The controls shall cover all aspects of feed and food law.
2. These controls shall be carried out at an appropriate place, including the point of entry of the goods into one of the territories referred to in Annex I, the point of release for free circulation, warehouses, the premises of the importing feed and food business operator, or other points of the feed and food chain.
3. These controls may also be carried out on goods that are:
  - (a) placed under one of the customs procedures referred to in points (b) to (f) of Article 4(16) of Regulation (EEC) No 2913/92; or
  - (b) to enter free zones or free warehouses, as defined in Article 4(15)(b) of Regulation (EEC) No 2913/92.

4. Satisfactory results of checks referred to in paragraph 3 shall neither affect the duty of feed and food business operators to ensure that feed and food comply with feed and food law from the moment of release for free circulation nor prevent further official controls on the feed or food concerned from being carried out.

5. A list of feed and food of non-animal origin that is, on the basis of known or emerging risk, to be subject to an increased level of official controls at the point of entry into territories referred to in Annex I shall be drawn up and updated, in accordance with the procedure referred to in Article 62(3). The frequency and nature of these controls shall be laid down in accordance with the same procedure. At the same time, the fees related to such controls may be established in accordance with the same procedure.

### Article 16

#### Types of checks on feed and food of non-animal origin

1. The official controls referred to in Article 15(1) shall include at least a systematic documentary check, a random identity check and, as appropriate, a physical check.
2. Physical checks shall be carried out at a frequency depending on:
  - (a) the risks associated with different types of feed and food;
  - (b) the history of compliance with the requirements for the product concerned of the third country and establishment of origin and of the feed or food business operators importing and exporting the product;

- (c) the controls that the feed or food business operator importing the product has carried out;
- (d) the guarantees that the competent authority of the third country of origin has given.

3. The Member States shall ensure that physical checks are carried out under appropriate conditions and at a place with access to appropriate control facilities allowing investigations to be conducted properly, a number of samples adapted to the risk management to be taken, and the feed and food to be handled hygienically. Samples must be handled in such a way as to guarantee both their legal and analytical validity. Member States shall ensure that the equipment and methodology are adequate for measuring the limit values laid down under Community or national legislation.

#### Article 17

##### Points of entry and prior notification

1. Member States shall, for the organisation of the official controls referred to in Article 15(5):
  - designate particular points of entry in their territory which have access to the appropriate control facilities for different types of feed and food; and
  - require feed and food business operators responsible for consignments to give prior notification of their arrival and nature.

Member States may apply the same rules for other feed of non-animal origin.

2. Member States shall inform the Commission and other Member States of any measures that they take in accordance with paragraph 1.

They shall design those measures in such a way as to avoid unnecessary disruption of trade.

### Article 18

#### Action in case of suspicion

In case of suspicion of non-compliance or if there is doubt as to the identity or the actual destination of the consignment, or as to the correspondence between the consignment and the certified guarantees, the competent authority shall carry out official controls in order to confirm or to eliminate the suspicion or doubt. The competent authority shall place the consignment concerned under official detention until it obtains the results of such official controls.

### Article 19

#### Action following official controls on feed and food from third countries

1. The competent authority shall place under official detention feed or food from third countries that does not comply with feed or food law and, having heard the feed or food business operators responsible for the consignment, it shall take the following measures in respect of such feed or food:

- (a) order that such feed or food be destroyed, subjected to a special treatment in accordance with Article 20 or re-dispatched outside the Community in accordance with Article 21; other appropriate measures such as the use of feed or food for purposes other than those for which they were originally intended may also be taken.

- (b) if the feed or food has already been placed on the market, monitor or, if necessary, order its recall or withdrawal before taking one of the measures referred to above;
- (c) verify that feed and food does not give rise to any adverse effects on human or animal health, either directly or through the environment, during or pending the implementation of any of the measures referred to in subparagraphs (a) and (b).

2. If, however:

- (a) the official controls provided for in Articles 14 and 15 indicate that a consignment is injurious to human or animal health or unsafe, the competent authority shall place the consignment in question under official detention pending its destruction or any other appropriate measure necessary to protect human and animal health;
- (b) feed or food of non-animal origin for which an increased level of controls has been laid down in accordance with Article 15(5) is not presented for official controls, or is not presented in accordance with any specific requirements established in accordance with Article 17, the competent authority shall order that it be recalled and placed under official detention without delay and that it be then either destroyed or re-dispatched in accordance with Article 21.

3. When it does not permit the introduction of feed or food, the competent authority shall notify the Commission and other Member States of its findings and of the identification of the products concerned in accordance with the procedure provided for in Article 50(3) of Regulation (EC) No 178/2002 and shall notify its decisions to the customs services, together with information as regards the final destination of the consignment.



4. Decisions on consignments shall be subject to the right of appeal referred to in Article 54(3).

#### Article 20

##### Special treatment

1. The special treatment referred to in Article 19 may include:
  - (a) treatment or processing to bring the feed or food into line with the requirements of Community law, or with the requirements of a third country of re-dispatch, including decontamination, where appropriate, but excluding dilution;
  - (b) processing in any other suitable manner for purposes other than animal or human consumption.
2. The competent authority shall ensure that special treatment takes place in establishments under its control, or under the control of another Member State, and in accordance with conditions laid down in accordance with the procedure referred to in Article 62(3) or, in the absence of such conditions, with national rules.

#### Article 21

##### Re-dispatch of consignments

1. The competent authority shall allow re-dispatch of consignments only if:
  - (a) the destination has been agreed with the feed or food business operator responsible for the consignment; and

- (b) the feed and food business operator has first informed the competent authority of the third country of origin or third country of destination, if different, of the reasons and circumstances preventing the placing on the market of the feed or food concerned within the Community; and
- (c) when the third country of destination is not the third country of origin, the competent authority of the third country of destination has notified the competent authority of its preparedness to accept the consignment.

2. Without prejudice to the national rules applicable with respect to the time limits for applying for a supplementary expert opinion, and where the results of official controls do not preclude it, re-dispatch shall, as a general rule, take place no more than 60 days after the day on which the competent authority decided on the destination of the consignment, unless legal action has been undertaken. If, after the expiry of the 60 day period, re-dispatch does not take place, the consignment shall be destroyed, unless a delay is justified.

3. Pending re-dispatch of consignments or confirmation of the reasons for rejection, the competent authority shall place consignments under official detention.

4. The competent authority shall notify the Commission and other Member States in accordance with the procedure provided for in Article 50(3) of Regulation (EC) No 178/2002 and shall notify its decisions to the customs services. Competent authorities shall cooperate in accordance with Title IV to take any further measures necessary to ensure that it is not possible to reintroduce the rejected consignments into the Community.

## Article 22

### Costs

The feed or food business operator responsible for the consignment or its representative shall be liable for the costs incurred by competent authorities for the activities referred to in Articles 18, 19, 20 and 21.

## Article 23

### Approval of pre-export checks by third countries

1. Specific pre-export checks that a third country carries out on feed and food immediately prior to export to the Community with a view to verifying that the exported products satisfy Community requirements may be approved in accordance with the procedure referred to in Article 62(3). The approval may apply only to feed and food originating in the third country concerned and may be granted for one or more products.
2. Where such approval has been granted, the frequency of import controls for feed or food may be reduced as a consequence. However, Member States shall carry out official controls on feed and food imported in accordance with the approval referred to in paragraph 1 so as to ensure that the pre-export checks carried out in the third country remain effective.

3. The approval referred to in paragraph 1 may only be granted to a third country if:
  - (a) a Community audit has shown that feed or food exported to the Community meets Community requirements, or equivalent requirements;
  - (b) the controls carried out in the third country prior to dispatch are considered sufficiently effective and efficient as to replace or reduce the documentary, identity and physical checks laid down in Community law.
4. The approval referred to in paragraph 1 shall specify the competent authority of the third country under the responsibility of which the pre-export checks are performed and, if appropriate, any control body to which that competent authority may delegate certain tasks. Such delegation may be approved only if it meets the criteria of Article 5 or equivalent conditions.
5. The competent authority and any control body specified in the approval shall be responsible for contacts with the Community.
6. The competent authority or control body of the third country shall ensure the official certification of each consignment checked prior to its entry into one of the territories referred to in Annex I. The approval referred to in paragraph 1 shall specify a model for such certificates.

7. Without prejudice to Article 50(3) of Regulation (EC) No 178/2002, when official controls on imports subject to the procedure referred to in paragraph 2 reveal significant non-compliance, Member States shall immediately notify the Commission and other Member States and the operators concerned in accordance with the procedure provided for in Title IV of this Regulation; Member States shall increase the number of consignments checked and, where necessary to allow a proper analytical examination of the situation, keep an appropriate number of samples under appropriate storage conditions.

8. If it is found that, in a significant number of consignments, the goods do not correspond to the information in the certificates that the competent authority or control body of the third country has issued, the reduced frequency referred to in paragraph 2 shall no longer apply.

#### Article 24

##### Competent authorities and customs services

1. For the organisation of the official controls referred to in this Chapter, the competent authorities and the customs services shall cooperate closely.

2. With regard to consignments of feed and food of animal origin and of feed and food referred to in Article 15(5), customs services shall not allow their entry or handling in free zones or free warehouses without the agreement of the competent authority.

3. Where samples are taken, the competent authority shall inform the customs services and the operators concerned and indicate whether or not the goods can be released before the results of the analysis of the samples are available, provided the traceability of the consignment is ensured.
4. In the case of release for free circulation, competent authorities and customs services shall work together in accordance with the requirements laid down in Articles 2 to 6 of Regulation (EEC) No 339/93.

#### Article 25

##### Implementing measures

1. Measures necessary to ensure the uniform implementation of official controls on the introduction of feed and food shall be laid down in accordance with the procedure referred to in Article 62(3).
2. In particular, detailed rules may be laid down for:
  - (a) feed and food imported or placed under one of the customs procedures referred to in Article 4(16)(b) to (f) of Regulation (EEC) No 2913/92 or that are to be handled in free zones or free warehouses, as defined in Article 4(15)(b) of Regulation (EEC) No 2913/92;
  - (b) food for the supply of the crew and passengers of international means of transport;
  - (c) feed and food ordered remotely (for example, by mail, by telephone or via the internet) and delivered to the consumer;

- (d) feed intended for pets or horses and food carried by passengers and crew of international means of transport;
- (e) specific conditions or exemptions concerning certain territories referred to in Article 3 of Regulation (EEC) No 2913/92, so as to take account of the natural constraints specific to those territories;
- (f) the purpose of ensuring the consistency of decisions by competent authorities concerning feed and food from third countries within the framework of Article 19;
- (g) consignments of Community origin that are returned from a third country;
- (h) documents that must accompany consignments when samples have been taken.

## CHAPTER VI : FINANCING OF OFFICIAL CONTROLS

### Article 26

#### General principle

Member States shall ensure that adequate financial resources are available to provide the necessary staff and other resources for official controls by whatever means considered appropriate, including through general taxation or by establishing fees or charges.

Article 27

Fees or charges

1. Member States may collect fees or charges to cover the costs occasioned by official controls.
2. However, as regards the activities referred to in Annex IV, section A, and Annex V, section A, Member States shall ensure the collection of a fee.
3. Without prejudice to paragraphs 4 and 6, fees collected as regards the specific activities mentioned in Annex IV, section A and Annex V, section A shall not be lower than the minimum rates specified in Annex IV, section B and Annex V, section B. However, for a transitional period until 1 January 2008, as regards the activities referred to in Annex IV, section A, Member States may continue to use the rates currently applied pursuant to Directive 85/73/EEC.

The rates in Annex IV, Section B and Annex V, Section B shall be updated at least every two years, in accordance with the procedure referred to in Article 62(3), in particular to take account of inflation.

4. Fees collected for the purposes of official controls in accordance with paragraph 1 or 2:
  - (a) shall not be higher than the costs borne by the responsible competent authorities in relation to the items listed in Annex VI; and
  - (b) may be fixed at a flat-rate on the basis of the costs borne by the competent authorities over a given period of time or, where applicable, at the amounts fixed in Annex IV, section B or in Annex V, section B.



5. In setting the fees Member States shall take into consideration:

- (a) the type of business concerned and relevant risk factors;
- (b) the interests of businesses with a low throughput;
- (c) traditional methods used for production, processing and distribution;
- (d) the needs of businesses located in regions subject to particular geographical constraints.

6. When, in view of own-check and tracing systems implemented by the feed or food business as well as of the level of compliance found during official controls, for a certain type of feed or food or activities, official controls are carried out with a reduced frequency or to take account of the criteria referred to in paragraph 5(b) to (d), Member States may set the official control fee below the minimum rates referred to in paragraph 4(b), provided that the Member State concerned provides the Commission with a report specifying:

- (a) the type of feed or food or activity concerned;
- (b) the controls performed in the feed and food business concerned; and
- (c) the method for calculating the reduction of the fee.

7. When the competent authority carries out several official controls at the same time in a single establishment, it shall consider these controls as a single activity and charge a single fee.
8. Fees relating to import controls are to be paid by the operator or his representative to the competent authority in charge of import controls.
9. Fees shall not directly or indirectly be refunded, unless unduly collected.
10. Without prejudice to the costs deriving from the expenses referred to in Article 28, Member States shall not collect any fees other than those referred to in this Article for the implementation of this Regulation.
11. Operators or other relevant businesses or their representatives shall receive proof of their payment of fees.
12. The Member States shall make public the method of calculation of fees and communicate it to the Commission. The Commission shall examine whether the fees comply with the requirements of this Regulation.

### Article 28

#### Expenses arising from additional official controls

When the detection of non-compliance leads to official controls that exceed the competent authority's normal control activities, the competent authority shall charge the operators responsible for the non-compliance, or may charge the operator owning or keeping the goods at the time when the additional official controls are carried out, for the expenses arising from the additional official controls. Normal control activities are the routine control activities required under Community or national law and, in particular, those described in the plan provided for in Article 41. Activities that exceed normal control activities include the taking and analysis of samples as well as other controls that are required to check the extent of a problem, to verify whether corrective action has been taken, or to detect and/or substantiate non-compliance.

### Article 29

#### Level of expenses

When setting the level of expenses referred to in Article 28, account shall be taken of the principles laid down in Article 27.

## CHAPTER VII : OTHER PROVISIONS

Article 30

## Official certification

1. Without prejudice to requirements concerning official certification adopted for animal health or animal welfare purposes, requirements may be adopted, in accordance with the procedure referred to in Article 62(3), concerning:
  - (a) the circumstances in which official certification is required;
  - (b) model certificates;
  - (c) qualifications of the certifying staff;
  - (d) the principles to be respected to ensure reliable certification, including electronic certification;
  - (e) the procedures to be followed in case of withdrawal of certificates and for replacement certificates;
  - (f) consignments that are split into smaller consignments or that are mixed with other consignments;
  - (g) documents that must follow goods after official controls have been carried out.

2. Where official certification is required, it shall be ensured that:
  - (a) a link exists between the certificate and the consignment;
  - (b) the information in the certificate is accurate and authentic.
3. A single model certificate shall, where appropriate, combine requirements concerning the official certification of feed and food and other requirements for official certification.

### Article 31

#### Registration/approval of feed and food business establishments

1.
  - (a) Competent authorities shall establish procedures for feed and food business operators to follow when applying for the registration of their establishments in accordance with Regulation (EC) No .../...<sup>+</sup>, Directive 95/69/EC, or with the future Regulation on feed hygiene;
  - (b) They shall draw up and keep up-to-date a list of feed and food business operators which have been registered. Where such a list already exists for other purposes, it may also be used for the purposes of this Regulation.

2. (a) Competent authorities shall establish procedures for feed and food business operators to follow when applying for the approval of their establishments in accordance with Regulation (EC) No .../...<sup>\*</sup>, Regulation (EC) No .../...<sup>1</sup>, Directive 95/69/EC or with the future Regulation on feed hygiene;
- (b) Upon receipt of an application for approval from a feed or food business operator, the competent authority shall make an on-site visit;
- (c) It shall approve an establishment for the activities concerned only if the feed or food business operator has demonstrated that it complies with the relevant requirements of feed or food law;
- (d) The competent authority may grant conditional approval if it appears that the establishment meets all the infrastructure and equipment requirements. It shall grant full approval only if it appears from a new official control of the establishment, carried out within three months of granting conditional approval, that the establishment meets the other relevant requirements of feed or food law. If clear progress has been made but the establishment still does not meet all of the relevant requirements, the competent authority may prolong conditional approval. However, conditional approval shall not exceed a total of six months;

---

<sup>\*</sup> Note to OJ: Insert No of Regulation from footnote 1 on previous page.

<sup>1</sup> Regulation (EC) No .../.... of the European Parliament and of the Council of ....., laying down specific hygiene rules for food of animal origin intended for human consumption, and amending Directives 89/662/EEC and 91/67/EEC (OJ L....).

- (e) The competent authority shall keep the approval of establishments under review when carrying out official controls. If the competent authority identifies serious deficiencies or has to stop production at an establishment repeatedly and the feed or food business operator is not able to provide adequate guarantees regarding future production, the competent authority shall initiate procedures to withdraw the establishment's approval. However, the competent authority may suspend an establishment's approval if the feed or food business operator can guarantee that it will resolve deficiencies within a reasonable time;
- (f) The competent authorities shall maintain up-to-date lists of approved establishments and make them available to other Member States and to the public in a manner that may be specified in accordance with the procedure referred to in Article 62(3).

## TITLE III

## REFERENCE LABORATORIES

Article 32

## Community reference laboratories

1. The Community reference laboratories for feed and food referred to in Annex VII shall be responsible for:
  - (a) providing national reference laboratories with details of analytical methods, including reference methods;
  - (b) coordinating application by the national reference laboratories of the methods referred to in (a), in particular by organising comparative testing and by ensuring an appropriate follow-up of such comparative testing in accordance with internationally accepted protocols, when available;
  - (c) coordinating, within their area of competence, practical arrangements needed to apply new analytical methods and informing national reference laboratories of advances in this field;
  - (d) conducting initial and further training courses for the benefit of staff from national reference laboratories and of experts from developing countries;



(e) providing scientific and technical assistance to the Commission, especially in cases where Member States contest the results of analyses;

(f) collaborating with laboratories responsible for analysing feed and food in third countries.

2. The Community reference laboratories in the animal health sector shall be responsible for:

(a) coordinating the methods employed in the Member States for diagnosing diseases;

(b) assisting actively in the diagnosis of disease outbreaks in Member States by receiving pathogen isolates for confirmatory diagnosis, characterisation and epizootic studies;

(c) facilitating the initial or further training of experts in laboratory diagnosis with a view to the harmonisation of diagnostic techniques throughout the Community;

(d) collaborating, as regards methods of diagnosing animal diseases falling within their competence, with the competent laboratories in third countries where those diseases are prevalent;

(e) conducting initial and further training courses for the benefit of staff from national reference laboratories and of experts from developing countries;

3. Article 12(2) and (3) shall apply to Community reference laboratories.
4. Community reference laboratories shall fulfil the following requirements. They must:
  - (a) have suitably qualified staff with adequate training in diagnostic and analytical techniques applied in their area of competence;
  - (b) possess the equipment and products needed to carry out the tasks assigned to them;
  - (c) have an appropriate administrative infrastructure;
  - (d) ensure that their staff respect the confidential nature of certain subjects, results or communications;
  - (e) have sufficient knowledge of international standards and practices;
  - (f) have available, if appropriate, an updated list of available reference substances and reagents and an updated list of manufacturers and suppliers of such substances and reagents;
  - (g) take account of research activities at national and Community level;
  - (h) have trained personnel available for emergency situations occurring within the Community.

5. Other Community reference laboratories relevant to the areas referred to in Article 1 may be included in Annex VII in accordance with the procedure referred to in Article 62(3). In accordance with the same procedure, Annex VII may be updated.
6. Additional responsibilities and tasks for Community reference laboratories may be laid down in accordance with the procedure referred to in Article 62(3).
7. Community reference laboratories may be granted a Community financial contribution in accordance with Article 28 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>1</sup>.
8. Community reference laboratories may be subject to Community controls to verify compliance with the requirements of this Regulation. If these controls find that a laboratory is not complying with those requirements or tasks for which they have been designated, necessary measures may be taken in accordance with the procedure referred to in Article 62(3).
9. Paragraphs 1 to 7 shall apply without prejudice to more specific rules, and in particular Chapter VI of Regulation (EC) No 999/2001 and Article 14 of Directive 96/23/EC.

---

<sup>1</sup> OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003.

### Article 33

#### National reference laboratories

1. Member States shall arrange for the designation of one or more national reference laboratories for each Community reference laboratory referred to in Article 32. A Member State may designate a laboratory situated in another Member State or European Free Trade Association (EFTA) Member and a single laboratory may be the national reference laboratory for more than one Member State.
2. These national reference laboratories shall:
  - (a) collaborate with the Community reference laboratory in their area of competence;
  - (b) coordinate, for their area of competence, the activities of official laboratories responsible for the analysis of samples in accordance with Article 11;
  - (c) where appropriate, organise comparative tests between the official national laboratories and ensure an appropriate follow-up of such comparative testing;
  - (d) ensure the dissemination to the competent authority and official national laboratories of information that the Community reference laboratory supplies;
  - (e) provide scientific and technical assistance to the competent authority for the implementation of coordinated control plans adopted in accordance with Article 53;
  - (f) be responsible for carrying out other specific duties provided for in accordance with the procedure referred to in Article 62(3), without prejudice to existing additional national duties.

3. Article 12(2) and (3) shall apply to national reference laboratories.
4. Member States shall communicate the name and address of each national reference laboratory to the Commission, the relevant Community reference laboratory and other Member States.
5. Member States that have more than one national reference laboratory for a Community reference laboratory must ensure that these laboratories work closely together, so as to ensure efficient coordination between them, with other national laboratories and with the Community reference laboratory.
6. Additional responsibilities and tasks for national reference laboratories may be laid down in accordance with the procedure referred to in Article 62(3).
7. Paragraphs 1 to 5 shall apply without prejudice to more specific rules and in particular Chapter VI of Regulation (EC) No 999/2001 and Article 14 of Directive 96/23/EC.

## TITLE IV

### ADMINISTRATIVE ASSISTANCE AND COOPERATION IN THE AREAS OF FEED AND FOOD

#### Article 34

##### General principles

1. Where the outcome of official controls on feed and food requires action in more than one Member State, competent authorities in the Member States concerned shall provide each other with administrative assistance.
2. Competent authorities shall provide administrative assistance upon request, or spontaneously when the course of investigations so requires. Administrative assistance may include, where appropriate, participation in on-the-spot controls that the competent authority of another Member State carries out.
3. Articles 35 to 40 shall not prejudice national rules applicable to the release of documents that are the object of, or are related to, court proceedings, or rules aimed at the protection of natural or legal persons' commercial interests.

### Article 35

#### Liaison bodies

1. Each Member State shall designate one or more liaison bodies to liaise as appropriate with other Member States' liaison bodies. The role of liaison bodies shall be to assist and coordinate communication between competent authorities and, in particular, the transmission and reception of requests for assistance.
2. Member States shall inform the Commission and other Member States of all the relevant details of their designated liaison bodies, and of any modification of these details.
3. Without prejudice to paragraph 1, the designation of liaison bodies shall not preclude direct contacts, exchange of information or cooperation between the staff of competent authorities in different Member States.
4. The competent authorities to which Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure correct application of the legislation on veterinary and zootechnical matters <sup>1</sup> applies, shall liaise as appropriate with the authorities operating under this Title.

---

<sup>1</sup> OJ L 351, 2.12.1989, p. 34.

### Article 36

#### Assistance on request

1. Upon receiving a reasoned request, the requested competent authority shall ensure that the requesting competent authority is provided with all necessary information and documents enabling the latter to verify compliance with feed and food law within its jurisdiction. For that purpose, the requested competent authority shall arrange for the conduct of any administrative enquiries necessary to obtain such information and documents.
2. Information and documents provided pursuant to paragraph 1 shall be forwarded without undue delay. Documents may be transmitted in their original form or copies may be provided.
3. By agreement between the requesting authority and the requested authority, staff designated by the requesting authority may be present during administrative enquiries.

Such enquiries shall always be carried out by staff of the requested authority.

The requesting authority's staff may not, on their own initiative, exercise the powers of enquiry conferred on officials of the requested authority. They shall, however, have access to the same premises and documents as the latter, through their intermediary, and for the sole purpose of the administrative enquiry being carried out.



4. Staff of the requesting authority present in another Member State in accordance with paragraph 3 shall at all times be able to produce written authority stating their identity and their official capacity.

#### Article 37

##### Assistance without request

1. When a competent authority becomes aware of non-compliance, and if such non-compliance may have implications for another Member State or States, it shall pass such information to the other Member State(s) without prior request and without delay.

2. Member States receiving such information shall investigate the matter and inform the Member State that provided the information of the results of this investigation and, where appropriate, of any measures taken.

#### Article 38

##### Assistance in the event of non-compliance

1. If, during an official control carried out at the place of destination of the goods, or during their transport, the competent authority of the Member State of destination establishes that the goods do not comply with feed or food law in such a way as to create a risk to human or animal health or to constitute a serious infringement of feed or food law, it shall contact the competent authority of the Member State of dispatch without delay.

2. The competent authority of the Member State of dispatch shall investigate the matter, take all necessary measures and notify the competent authority of the Member State of destination of the nature of the investigations and official controls carried out, the decisions taken and the reasons for such decisions.

3. If the competent authority of the Member State of destination has reason to believe that such measures are inadequate, the two Member States' competent authorities shall together seek ways and means of remedying the situation including, if appropriate, a joint on-the-spot inspection carried out in accordance with Article 36(3) and (4). They shall inform the Commission if they are not able to agree on appropriate measures.

### Article 39

#### Relations with third countries

1. When a competent authority receives information from a third country indicating non-compliance and/or a risk to human or animal health, that authority shall pass that information on to competent authorities in other Member States if it considers that they might be interested in it or if they request it. It shall also communicate such information to the Commission whenever it is of relevance at Community level.

2. If the third country has given a legal undertaking to provide the assistance required to gather evidence of the irregular nature of transactions that are or appear to be contrary to the relevant feed and food law, information obtained under this Regulation may be communicated to that third country, with the consent of the competent authorities that supplied the information, in accordance with laws applying to the communication of personal data to third countries.

Article 40

Coordinated assistance and follow up by the Commission

1. The Commission shall coordinate without delay the action undertaken by Member States when it, further to information received from Member States or from other sources, becomes aware of activities that are, or appear to be, contrary to feed or food law and are of particular interest at Community level, and in particular when:
  - (a) such activities have, or might have, ramifications in several Member States;
  - (b) it appears that similar activities have been carried out in several Member States; or
  - (c) Member States are unable to agree on appropriate action to address non-compliance.
2. When official controls at destination show repeated non-compliance or other risks to humans, plants or animals from feed or food, either directly or through the environment, the competent authority of the Member State of destination shall inform the Commission and the competent authorities of the other Member States without delay.

3. The Commission may:

- (a) in collaboration with the Member State concerned, send an inspection team to carry out an official control on-the-spot;
- (b) request that the competent authority of the Member State of dispatch intensify relevant official controls and report on the action and measures taken.

4. Where the measures provided for in paragraphs 2 and 3 are taken to deal with repeated non-compliance by a feed or food business, the competent authority shall charge any expenses arising from such measures to the business in question.

## TITLE V

### CONTROL PLANS

#### Article 41

##### Multi-annual national control plans

In order to ensure the effective implementation of Article 17(2) of Regulation (EC) No 178/2002, of animal health and animal welfare rules and of Article 45 of this Regulation, each Member State shall prepare a single integrated multi-annual national control plan.

Article 42

Principles for the preparation of multi-annual national control plans

1. Member States shall:
  - (a) implement the plan referred to in Article 41 for the first time no later than 1 January 2007;  
and
  - (b) regularly update it in the light of developments; and
  - (c) provide the Commission with the latest version of the plan on request.
2. Each multi-annual national control plan shall contain general information on the structure and organisation of the systems of feed and food control, and of animal health and animal welfare control in the Member State concerned, in particular on:
  - (a) the strategic objectives of the plan and on how the prioritisation of controls and allocation of resources reflect these objectives;
  - (b) the risk categorisation of the activities concerned;
  - (c) the designation of competent authorities and their tasks at central, regional and local level, and on resources available to these authorities;
  - (d) the general organisation and management of official controls at national, regional and local level, including official controls in individual establishments;

- (e) control systems applied to different sectors and coordination between the different services of competent authorities responsible for official controls in these sectors;
- (f) where appropriate, the delegation of tasks to control bodies;
- (g) methods to ensure compliance with the operational criteria of Article 4(2);
- (h) the training of staff performing official controls referred to in Article 6;
- (i) the documented procedures referred to in Articles 8 and 9;
- (j) the organisation and operation of contingency plans for animal or food-borne disease emergencies, feed and food contamination incidents and other human health risks;
- (k) the organisation of cooperation and mutual assistance.

3. Multi-annual national control plans may be adjusted during their implementation.

Amendments may be made in the light of, or in order to take account of, factors including:

- (a) new legislation;
- (b) the emergence of new diseases or other health risks;

- (c) significant changes to the structure, management or operation of the competent national authorities;
- (d) the results of Member States' official controls;
- (e) the results of Community controls carried out in accordance with Article 45;
- (f) any amendment of the guidelines referred to in Article 43;
- (g) scientific findings;
- (h) the outcome of 'audits performed by a third country in a Member State.

#### Article 43

##### Guidelines for multi-annual national control plans

1. The multi-annual national control plans referred to in Article 41 shall take account of guidelines to be drawn up by the Commission in accordance with the procedure referred to in Article 62(2). These guidelines shall in particular:

- (a) promote a consistent, comprehensive and integrated approach to official controls of feed and food, animal health and animal welfare legislation, and embrace all sectors and all stages of the feed and food chain, including import and introduction;

- (b) identify risk-based priorities and criteria for the risk categorisation of the activities concerned and the most effective control procedures;
- (c) identify other priorities and the most effective control procedures;
- (d) identify the stages of production, processing and distribution of feed and food, including the use of feed, which will provide the most reliable and indicative information about compliance with feed and food law;
- (e) encourage the adoption of best practices at all levels of the control system;
- (f) encourage the development of effective controls on traceability systems;
- (g) provide advice on the development of systems to record the performance and results of control actions;
- (h) reflect relevant international bodies' standards and recommendations regarding the organisation and operation of official services;
- (i) lay down criteria for the conduct of the audits referred to in Article 4(6);
- (j) lay down the structure of, and information to be included in, the annual reports required in Article 44;



(k) indicate the main performance indicators to be applied in assessing multi-annual national control plans.

2. Where necessary, the guidelines shall be adapted in the light of the analysis of annual reports that Member States submit in accordance with Article 44 or Community controls carried out in accordance with Article 45.

#### Article 44

##### Annual reports

1. One year after starting the implementation of multi-annual national control plans, and subsequently every year, Member States shall submit to the Commission a report indicating:

- (a) any amendments made to multi-annual national control plans to take account of the factors referred to in Article 42(3);
- (b) the results of controls and audits conducted in the previous year under the provisions of the multi-annual national control plan;
- (c) the type and number of cases of non-compliance identified;
- (d) actions to ensure the effective operation of multi-annual national control plans, including enforcement action and its results.

2. In order to promote the consistent presentation of this report and in particular of the results of official controls, the information referred to in paragraph 1 shall take account of guidelines to be drawn up by the Commission in accordance with the procedure referred to in Article 62(2).
3. Member States shall finalise their reports and transmit them to the Commission, within six months of the end of the year to which the reports relate.
4. In the light of the reports referred to in paragraph 1, the outcome of Community controls carried out in accordance with Article 45 and any other relevant information, the Commission shall establish an annual report on the overall operation of official controls in Member States. This report may, where appropriate, include recommendations on:
  - (a) possible improvements to official control and audit systems in Member States, including their scope, management and implementation;
  - (b) specific control actions concerning sectors or activities, regardless of whether these are covered by multi-annual national control plans;
  - (c) coordinated plans aiming at addressing issues of particular interest.
5. Multi-annual national control plans and the related guidelines shall, where appropriate, be adapted on the basis of the conclusions and recommendations contained in the Commission's report.
6. The Commission shall submit its report to the European Parliament and the Council and make it available to the public.

## TITLE VI

## COMMUNITY ACTIVITIES

## CHAPTER I: COMMUNITY CONTROLS

Article 45

## Community controls in Member States

1. Commission experts shall carry out general and specific audits in Member States. The Commission may appoint experts from Member States to assist its own experts. General and specific audits shall be organised in cooperation with Member States' competent authorities. Audits shall be carried out on a regular basis. Their main purpose shall be to verify that, overall, official controls take place in Member States in accordance with the multi-annual national control plans referred to in Article 41 and in compliance with Community law. For this purpose, and in order to facilitate the efficiency and effectiveness of the audits, the Commission may, in advance of carrying out such audits, request that the Member States provide, as soon as possible, up-to-date copies of national control plans.
2. Specific audits and inspections in one or more specific areas may supplement general audits. These specific audits and inspections shall in particular serve to:
  - (a) verify the implementation of the multi-annual national control plan, feed and food law and animal health and animal welfare legislation and may include, as appropriate, on-the-spot inspections of official services and of facilities associated with the sector being audited;

- (b) verify the functioning and organisation of competent authorities;
- (c) investigate important or recurring problems in Member States;
- (d) investigate emergency situations, emerging problems or new developments in Member States.

3. The Commission shall report on the findings of each control carried out. Its report shall, if appropriate, contain recommendations for Member States on the improvement of compliance with feed and food law and animal health and animal welfare rules. The Commission shall make its reports publicly available. In the case of reports on controls carried out in a Member State, the Commission shall provide the relevant competent authority with a draft report for comments, take those comments into consideration in preparing the final report and publish the competent authority's comments together with the final report.

4. The Commission shall establish an annual control programme, communicate it to Member States in advance, and report on its results. The Commission may amend the programme to take account of developments in the fields of feed and food safety, animal health, animal welfare and plant health.

5. Member States shall:

- (a) take appropriate follow-up action in the light of the recommendations resulting from Community controls;

- (b) give all necessary assistance and provide all documentation and other technical support that Commission experts request to enable them to carry out controls efficiently and effectively;
  - (c) ensure that Commission experts have access to all premises or parts of premises and to information, including computing systems, relevant to the execution of their duties.
6. Detailed rules concerning Community controls in Member States may be drawn up or amended in accordance with the procedure referred to in Article 62(3).

#### Article 46

##### Community controls in third countries

1. Commission experts may carry out official controls in third countries in order to verify, on the basis of the information referred to in Article 47(1), the compliance or equivalence of third country legislation and systems with Community feed and food law and Community animal health legislation. The Commission may appoint experts from Member States to assist its own experts. Such official controls shall have particular regard to:
- (a) the legislation of the third country;
  - (b) the organisation of the third country's competent authorities, their powers and independence, the supervision to which they are subject and the authority they have to enforce the applicable legislation effectively;

- (c) the training of staff in the performance of official controls;
- (d) the resources including diagnostic facilities available to competent authorities;
- (e) the existence and operation of documented control procedures and control systems based on priorities;
- (f) where applicable, the situation regarding animal health, zoonoses and plant health, and procedures for notifying the Commission and relevant international bodies of outbreaks of animal and plant diseases;
- (g) the extent and operation of official controls on imports of animals, plants and their products;
- (h) the assurances which the third country can give regarding compliance with, or equivalence to, Community requirements.

2. In order to facilitate the efficiency and effectiveness of the controls in a third country, the Commission may, in advance of carrying out such controls, request that the third country concerned provide the information referred to in Article 47(1) and, where appropriate, the written records on the implementation of such controls.

3. The frequency of Community controls in third countries shall be determined on the basis of:

- (a) a risk assessment of the products exported to the Community;
- (b) the provisions of Community legislation;
- (c) the volume and nature of imports from the country concerned;
- (d) the results of controls that the Commission services or other inspection bodies have already carried out;
- (e) the results of import controls and of any other controls that competent authorities of Member States have carried out;
- (f) information received from the European Food Safety Authority or similar bodies;
- (g) information received from internationally recognised bodies such as the World Health Organisation (WHO), the Codex Alimentarius Commission and the World Organisation for Animal Health (OIE), or from other sources;
- (h) evidence of emerging disease situations or other circumstances that might result in live animals, live plants or feed or food imported from a third country presenting health risks;
- (i) the need to investigate or respond to emergency situations in individual third countries.

The criteria for determining risk for the purpose of the risk assessment referred to in point (a) shall be decided in accordance with the procedure referred to in Article 62(3).

4. The procedure and detailed rules for controls in third countries may be determined or amended in accordance with the procedure referred to in Article 62(3).

They shall include, in particular, procedures for and detailed rules on:

- (a) controls in third countries in the context of a bilateral agreement;
- (b) controls in other third countries.

According to the same procedure, charges for the abovementioned controls may be established on a reciprocal basis.

5. If, during a Community control, a serious risk to human or animal health is identified, the Commission shall immediately take any necessary emergency measures in accordance with Article 53 of Regulation (EC) No 178/2002 or safeguard provisions in other relevant Community legislation.

6. The Commission shall report on the findings of each Community control carried out. Its report shall, if appropriate, contain recommendations. The Commission shall make its reports publicly available.

7. The Commission shall communicate its programme of controls in third countries to Member States in advance and report on the results. It may amend the programme to take account of developments in the fields of feed and food safety, animal health and plant health.



## CHAPTER II : IMPORT CONDITIONS

### Article 47

#### General import conditions

1. The Commission shall be responsible for requesting third countries intending to export goods to the Community to provide the following accurate and up-to-date information on the general organisation and management of sanitary control systems:

- (a) any sanitary or phytosanitary regulations adopted or proposed within its territory;
- (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures operated within its territory;
- (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- (d) where appropriate, the follow-up given to the recommendations made pursuant to controls referred to in Article 46.

2. The information referred to in paragraph 1 shall be proportionate to the nature of the goods and may take account of the specific situation and structure of the third country and the nature of the products exported to the Community. Its scope shall cover at least the goods intended to be exported to the Community.

3. The information referred to in paragraphs 1 and 2 may also relate to:
- (a) results of the national controls carried out on goods intended to be exported to the Community;
  - (b) important changes which have been made to the structure and functioning of the relevant control systems, in particular to meet Community requirements or recommendations.
4. Where a third country does not provide such information or where such information is inadequate, specific import conditions may be fixed in accordance with the procedure referred to in Article 62(3) on a case by case and strictly temporary basis following consultations with the third country concerned.
5. Guidelines, specifying how the information referred to in paragraphs 1, 2 and 3 shall be drawn up and presented to the Commission, as well as transitional measures allowing time for third countries to prepare this information shall be established in accordance with the procedure referred to in Article 62(2).

### Article 48

#### Specific import conditions

1. To the extent that the conditions and detailed procedures to be respected when importing goods from third countries or their regions are not provided for by Community law and in particular by Regulation (EC) No .../2004<sup>+</sup>, they shall, if necessary, be laid down in accordance with the procedure referred to in Article 62(3).
2. The conditions and detailed procedures referred to in paragraph 1 may include:
  - (a) the establishment of a list of third countries from which specific products may be imported into one of the territories referred to in Annex I;
  - (b) the establishment of models of certificates accompanying consignments;
  - (c) special import conditions, depending on the type of product or animal and the possible risks associated therewith.
3. Third countries shall appear on the lists referred to in paragraph 2(a) only if their competent authorities provide appropriate guarantees as regards compliance or equivalence with Community feed and food law and animal health rules.

---

<sup>+</sup> OJ: Please insert reference to Regulation, as in Recital 45 (between footnotes 2 and 3).

4. When drawing up or updating lists, particular account shall be taken of the following criteria:
- (a) the third country's legislation in the sector concerned;
  - (b) the structure and organisation of the competent authority of the third country and its control services, as well as the powers available to it/them and the guarantees that can be provided with regard to the implementation of the legislation concerned;
  - (c) the existence of adequate official controls;
  - (d) the regularity and rapidity of information supplied by the third country on the presence of hazards in feed and food, and in live animals;
  - (e) the guarantees given by a third country that:
    - (i) conditions applied to the establishments from which feed and food may be imported in the Community comply with or are equivalent to the requirements in Community feed and food law;
    - (ii) a list of such establishments is drawn up and kept up-to-date;
    - (iii) the list of establishments and its updated versions are communicated to the Commission without delay;
    - (iv) the establishments are the subject of regular and effective controls by the competent authority of the third country.

5. When adopting the special import conditions referred to in paragraph 2(c), account shall be taken of information that the third countries concerned have provided and, where necessary, the results of Community controls carried out in such third countries. Special import conditions may be established for a single product or for a group of products. They may apply to a single third country, to regions of a third country, or to a group of third countries.

#### Article 49

##### Equivalence

1. Following the implementation of an equivalence agreement, or a satisfactory audit, a decision may be taken, in accordance with the procedure referred to in Article 62(3), recognising that measures that third countries or their regions apply in specific areas offer guarantees equivalent to those applied in the Community, if the third countries supply objective proof in this respect.
2. The decision referred to in paragraph 1 shall set out the conditions governing the imports from that third country or region of a third country.

The conditions may include:

- (a) the nature and content of the certificates that must accompany the products;

- (b) specific requirements applicable to importation into the Community;
  - (c) where necessary, procedures for drawing up and amending lists of regions or establishments from which imports are permitted.
3. The decision referred to in paragraph 1 shall be repealed in accordance with the same procedure and without delay where any of the conditions for recognition of equivalence established at the time of its adoption cease to be fulfilled.

#### Article 50

##### Support for developing countries

1. In accordance with the procedure referred to in Article 62(3) the following measures may be adopted and maintained so long as they have a demonstrable effect in ensuring that developing countries are able to comply with the provisions of this Regulation:
- (a) a phased introduction of the requirements referred to in Article 47 and Article 48 for products exported to the Community. Progress in meeting these requirements shall be evaluated and taken into account in determining the need for specified time-limited exemptions in whole or in part from the requirements. The phased introduction shall also take into account the progress in building the institutional capacity referred to in paragraph 2;
  - (b) assistance with providing the information referred to in Article 47, if necessary by Community experts;

- (c) the promotion of joint projects between developing countries and Member States;
- (d) the development of guidelines to assist developing countries in organising official controls on products exported to the Community;
- (e) sending Community experts to developing countries so as to assist in the organisation of official controls;
- (f) the participation of control staff from developing countries in the training courses referred to in Article 51.

2. In the context of the Community's Development Cooperation Policy, the Commission shall promote support to developing countries with regard to feed and food safety in general and compliance with feed and food standards in particular, in order to build the institutional capacity required to meet the requirements referred to in Articles 5, 12, 47 and 48.

### CHAPTER III: TRAINING OF CONTROL STAFF

#### Article 51

##### Training of control staff

1. The Commission may organise training courses for the staff of the competent authorities of Member States responsible for the official controls referred to in this Regulation. These training courses shall serve to develop a harmonised approach to official controls in Member States. They may include in particular training on:

- (a) Community feed and food law and animal health and animal welfare rules;
- (b) control methods and techniques, such as the auditing of systems that operators design to comply with feed and food law, animal health and animal welfare rules;
- (c) controls to be carried out on goods imported into the Community;
- (d) feed and food production, processing and marketing methods and techniques.

2. The training courses referred to in paragraph 1 may be open to participants from third countries, in particular developing countries.

3. Detailed rules for the organisation of training courses may be laid down in accordance with the procedure referred to in Article 62(3).



#### Chapter IV: Other Community activities

##### Article 52

##### Third country controls in Member States

1. Commission experts may, at the request of and in cooperation with the competent authorities of Member States, assist Member States during controls that third countries carry out.
2. In such cases, Member States in whose territory a third country is to carry out a control shall inform the Commission about the planning, scope, documentation and any other relevant information enabling the Commission to take part effectively in the control.
3. The Commission's assistance shall serve in particular to:
  - (a) clarify Community feed and food law and animal health and animal welfare rules;
  - (b) provide information and data available at Community level that may be useful for the control carried out by the third country;
  - (c) ensure uniformity with regard to controls carried out by third countries.

### Article 53

#### Coordinated control plans

The Commission may recommend coordinated plans in accordance with the procedure referred to in Article 62(2). These plans shall be:

- (a) organised annually in accordance with a programme; and
- (b) where considered necessary, organised on an ad-hoc basis, in particular with a view to establishing the prevalence of hazards in feed, food or animals.

## TITLE VII

### ENFORCEMENT MEASURES

#### CHAPTER I: NATIONAL ENFORCEMENT MEASURES

### Article 54

#### Action in case of non-compliance

1. When the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and that operator's past record with regard to non-compliance.

2. Such action shall include, where appropriate, the following measures:
- (a) the imposition of sanitation procedures or any other action deemed necessary to ensure the safety of feed or food or compliance with feed or food law, animal health or animal welfare rules;
  - (b) the restriction or prohibition of the placing on the market, import or export of feed, food or animals;
  - (c) monitoring and, if necessary, ordering the recall, withdrawal and/or destruction of feed or food;
  - (d) the authorisation to use feed or food for purposes other than those for which they were originally intended;
  - (e) the suspension of operation or closure of all or part of the business concerned for an appropriate period of time;
  - (f) the suspension or withdrawal of the establishment's approval;
  - (g) the measures referred to in Article 19 on consignments from third countries;
  - (h) any other measure the competent authority deems appropriate.

3. The competent authority shall provide the operator concerned, or a representative, with:
  - (a) written notification of its decision concerning the action to be taken in accordance with paragraph 1, together with the reasons for the decision; and
  - (b) information on rights of appeal against such decisions and on the applicable procedure and time limits.
4. Where appropriate, the competent authority shall also notify the competent authority of the Member State of dispatch of its decision.
5. All expenditure incurred pursuant to this Article shall be borne by the responsible feed and food business operator.

#### Article 55

##### Sanctions

1. Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.
2. Member States shall notify the provisions applicable to infringements of feed and food law and any subsequent amendment to the Commission without delay.

## Chapter II: Community enforcement measures

Article 56

## Safeguard measures

1. Measures shall be taken under the procedures provided for in Article 53 of Regulation (EC) No 178/2002 if:

- (a) the Commission has evidence of a serious failure in a Member State's control systems; and
- (b) such failure may constitute a possible and widespread risk for human health, animal health or animal welfare, either directly or through the environment.

2. Such measures shall be adopted only after:

- (a) Community controls have shown and reported non-compliance with Community legislation; and
- (b) the Member State concerned has failed to correct the situation upon request and within the time limit set by the Commission.

## TITLE VIII

## ADAPTATION OF COMMUNITY LEGISLATION

Article 57

## Amendment of Directive 96/23/EC

Directive 96/23/EC is hereby amended as follows:

- 1) In Article 14, paragraph 2 shall be replaced by the following:

"2. The Community reference laboratories shall be those referred to in the relevant part of Annex VII of Regulation (EC) No .../2004 of the European Parliament and of the Council of  
on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules \*.

---

\* OJ L (Note to OJ. Insert details of No and date of present Regulation at publication in OJ)";

- 2) In Article 30, the part of paragraph 1 beginning "Where such additional checks demonstrate..." and ending "...or to use it for other purposes authorised by Community legislation, without indemnity or compensation", shall be replaced by the following:

"Where checks demonstrate the presence of unauthorised substances or products or when maximum limits have been exceeded, the provisions of Articles 19 to 22 of Regulation (EC) No .../2004 <sup>+</sup> shall apply.";

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.

- 3) Annex V shall be deleted.

### Article 58

#### Amendment of Directive 97/78/EC

Directive 97/78/EC is hereby amended as follows:

- 1) Article 1 shall be replaced by the following:

"Veterinary checks on products from third countries introduced into one of the territories listed in Annex I shall be carried out by Member States in accordance with this Directive and with Regulation (EC) No .../2004 of the European Parliament and of the Council of on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules \*.

\_\_\_\_\_".

\* OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ).";

2) In Article 2, paragraph 2(a) shall be replaced by the following:

"(a) "products" means the products of animal origin referred to in Directives 89/662/EEC and 90/425/EEC, in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption \*, in Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption \*\* and in Regulation (EC) No .... /.... of the European Parliament and of the Council of ... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption \*\*\*; it also includes the plant products referred to in Article 19;

---

\* OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 808/2003 (OJ L 117, 13.5.2003, p. 1).

\*\* OJ L 18, 23.1.2003, p. 11.

\*\*\* OJ L .... (Note to OJ: Insert No and Date of Regulation).";

3) In Article 7(3), the words "inspection fees referred to in Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (amended and consolidated)" shall be replaced by the following:

"inspection fees referred to in Regulation (EC) No .../2004<sup>+</sup>";

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.



- 
- 4) In Article 10, paragraph 1 (b), the following phrase shall be deleted: "or, in the case of establishments approved in accordance with Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, from an establishment which has undergone either a Community or a national inspection";
  - 5) In Article 12, paragraph 9 shall be deleted;
  - 6) In Article 15, paragraph 5 shall be deleted;
  - 7) In Article 16, the following paragraph shall be inserted:

"4. Detailed rules for the introduction of products of animal origin for the supply of the crew and passengers of international means of transport, and for products of animal origin ordered remotely (for example, by mail, by telephone or via the internet) and delivered to the consumer, shall be laid down in accordance with Article 25 of Regulation (EC) No .../...<sup>+</sup>.";
  - 8) Article 21 shall be deleted;
  - 9) Article 23 shall be deleted;
  - 10) In Article 24, paragraph 1, second indent, the words "in accordance with Article 17(2) (a) and (b)" shall be replaced by the words "in accordance with Article 17".

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.

Article 59

## Amendment of Directive 2000/29/EC

The following Article shall be inserted in Directive 2000/29/EC:

"Article 27a

For the purpose of this Directive and without prejudice of Article 21 thereof, Articles 41 to 46 of Regulation (EC) No .../... of the European Parliament and of the Council of .....on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules \* shall apply, as appropriate.

---

\* OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ)."

Article 60Amendment of Regulation (EC) .../...<sup>+</sup>

Regulation (EC) .../...<sup>+</sup> is hereby amended as follows:

1) In Article 1, the following paragraph shall be added:

"1a. This Regulation shall apply in addition to Regulation (EC) No .../... of the European Parliament and of the Council of ... on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules \*.

---

\* OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ)."

2) In Article 2:

(a) in paragraph 1, subparagraphs (a), (b), (d) and (e) shall be deleted; and

(b) the following subparagraph shall be added to paragraph 2:

"(ba) Regulation (EC) No .../...<sup>++</sup>".

---

<sup>+</sup> Note to OJ: insert reference to the relevant Regulation cited in Recital 45 (between footnotes 2 and 3).

<sup>++</sup> Note to OJ. Insert No of present Regulation.

3) In Article 3:

(a) paragraph 1 shall be replaced by the following:

"1. The competent authorities shall approve establishments when, and in the manner, specified in Article 31(2) of Regulation (EC) No .../...<sup>+</sup>"; and

(b) paragraphs 4(a) and (b) and paragraph 6 shall be deleted.

4) Article 9 shall be deleted.

5) Article 10 shall be replaced with the following:

"Article 10

To ensure the uniform application of the principles and conditions laid down in Article 11 of Regulation (EC) No 178/2002 and Title VI, Chapter II, of Regulation (EC) No .../...<sup>+</sup> the procedures laid down in this Chapter shall apply."

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.

6) In Article 11:

(a) paragraph 2 shall be replaced by the following:

"2. A third country shall appear on such lists only if a Community control in that country has taken place and demonstrates that the competent authority provides appropriate guarantees as specified in Article 48(3) of Regulation (EC) No .../...<sup>+</sup>. However, a third country may appear on such lists without a Community control having taken place if:

- (a) the risk determined in accordance with Article 46(3)(a) of Regulation (EC) No .../...<sup>+</sup> does not warrant it; and
- (b) it is determined, when deciding to add a particular third country to a list in accordance with paragraph 1, that other information indicates that the competent authority provides the necessary guarantees.";

(b) in paragraph 4, the introduction shall be replaced by the following:

"4. When drawing up or updating lists, particular account shall be taken of the criteria listed in Articles 46 and 48(3) of Regulation (EC) No .../...<sup>+</sup>. Regard shall also be had to:"; and

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.

(c) subparagraphs (b) to (h) of paragraph 4 shall be deleted.

7) Article 14(2)(b) shall be replaced by the following:

"(b) any specific import conditions established in accordance with Article 48 of Regulation (EC) No .../...<sup>+</sup>".

8) In Article 18, points (17) to (20) shall be deleted.

### Article 61

#### Repeal of Community acts

1. Directives 70/373/EEC, 85/591/EEC, 89/397/EEC, 93/99/EEC and 95/53/EC and Decisions 93/383/EEC, 98/728/EC and 1999/313/EC are hereby repealed with effect from 1 January 2006. Directive 85/73/EEC is hereby repealed with effect from 1 January 2008.

2. However, the implementing rules adopted on the basis of those acts, in particular those referred to in Annex VIII, shall remain in force insofar as they are not in contradiction with this Regulation, pending the adoption of the necessary provisions on the basis of this Regulation.

3. Reference to the repealed acts shall be construed as references to this Regulation.

---

<sup>+</sup> Note to OJ. Insert No of present Regulation.

## TITLE IX

## GENERAL PROVISIONS

Article 62

## Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health instituted by Article 58 of Regulation (EC) No 178/2002 or, where dealing with matters mainly relating to plant health, by the Standing Committee on plant health set up by Council Decision 76/894/EEC <sup>1</sup>.
  2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
  3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.
4. The Committee shall adopt its rules of procedure.

---

<sup>1</sup> OJ L 340, 9.12.1976, p. 25.

Article 63

## Implementing and transitional measures

1. Implementing and transitional measures necessary to ensure the uniform application of this Regulation may be laid down in accordance with the procedure referred to in Article 62(3).

This applies in particular to:

- (a) the delegation of control tasks to control bodies referred to in Article 5, where these control bodies were already in operation before the entry into force of this Regulation;
- (b) any modification with regard to the standards referred to in Article 12(2);
- (c) the non-compliance referred to in Article 28 which gives rise to expenses arising from additional official controls;
- (d) expenditure incurred pursuant to Article 54;
- (e) rules on microbiological, physical and/or chemical analysis in official controls, in particular in case of suspicion of risk and including the surveillance of the safety of products imported from third countries;
- (f) defining what feed is to be considered as feed of animal origin for the purpose of this Regulation.



2. In order to take account of the specificity of Regulations (EEC) No 2092/91, (EEC) No 2081/92 and (EEC) No 2082/92, specific measures to be adopted in accordance with the procedure referred to in Article 62(3) may provide for the necessary derogations from and adjustments to the rules laid down in this Regulation.

#### Article 64

##### Amendment of Annexes and references to European Standards

In accordance with the procedure referred to in Article 62(3):

- 1) the Annexes to this Regulation may be updated, except for Annex I, Annex IV and Annex V, without prejudice to Article 27(3), in particular in order to take account of administrative changes and scientific and/or technological progress;
- 2) the references to the European Standards referred to in this Regulation may be updated in the event that CEN amends these references.

#### Article 65

##### Report to the European Parliament and the Council

1. The Commission shall, not later than <sup>\*</sup>, submit a report to the European Parliament and the Council.

---

<sup>\*</sup>

Three years after the entry into force of this Regulation.

2. The report shall, in particular, review the experience gained from the application of this Regulation and consider in particular the following issues:

- (a) re-evaluating the scope, in relation to animal health and animal welfare;
- (b) ensuring that other sectors contribute to the financing of official controls by extending the list of activities referred to in Annex IV, section A and in Annex V, section A, and taking into account in particular the impact of the Community feed and food hygiene legislation after its adoption;
- (c) setting updated minimum rates for fees referred to in Annex IV, section B and in Annex V, section B, taking into account in particular risk factors.

3. The Commission shall, if appropriate, accompany the report with relevant proposals.

#### Article 66

##### Community financial support

1. The appropriations required for:

- (a) the travel and subsistence expenses that Member States' experts incur as a result of the Commission appointing them to assist its experts as provided for in Articles 45(1) and 46(1);

- (b) the training of control staff provided for in Article 51;
- (c) the financing of other measures necessary to ensure the application of this Regulation,

shall be authorised each year in the framework of the budgetary procedure.

2. The measures referred to in paragraph 1(c) shall include in particular the organisation of conferences, the establishment of databases, the publication of information, the organisation of studies and the organisation of meetings to prepare the sessions of the Standing Committee on the Food Chain and Animal Health.

3. Technical support and a financial contribution from the Community for the organisation of the activities referred to in Article 50 may be granted within the limits of the human and financial resources available to the Commission.

## TITLE X

## FINAL PROVISION

Article 67

## Entry into force

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

It shall apply from 1 January 2006.

However, Articles 27 and 28 shall apply from 1 January 2007.

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

Done at Strasbourg, 29.4.2004.

For the European Parliament

The President

P. COX

For the Council

The President

M. McDOWELL

**ANNEX I**

## TERRITORIES REFERRED TO IN ARTICLE 2(15)

1. The territory of the Kingdom of Belgium.
2. The territory of the Kingdom of Denmark with the exception of the Faroe Islands and Greenland.
3. The territory of the Federal Republic of Germany.
4. The territory of the Kingdom of Spain with the exception of Ceuta and Melilla.
5. The territory of the Hellenic Republic.
6. The territory of the French Republic.
7. The territory of Ireland.
8. The territory of the Italian Republic.
9. The territory of the Grand Duchy of Luxembourg.

10. The territory of the Kingdom of the Netherlands in Europe.
  11. The territory of the Portuguese Republic.
  12. The territory of the United Kingdom of Great Britain and Northern Ireland.
  13. The territory of the Republic of Austria.
  14. The territory of the Republic of Finland.
  15. The territory of the Kingdom of Sweden.
-

**ANNEX II****COMPETENT AUTHORITIES****Chapter I : Subject matter for the training of staff performing official controls**

1. Different control techniques, such as auditing, sampling and inspection.
2. Control procedures.
3. Feed and food law.
4. The different stages of production, processing and distribution, and the possible risks for human health, and where appropriate for the health of animals and plants and for the environment.
5. Assessment of non-compliance with feed and food law.
6. Hazards in animal, feed and food production.

7. The evaluation of the application of HACCP procedures.
8. Management systems such as quality assurance programmes that feed and food businesses operate and their assessment in so far as these are relevant for feed or food law requirements.
9. Official certification systems.
10. Contingency arrangements for emergencies, including communication between Member States and the Commission.
11. Legal proceedings and implications of official controls.
12. Examination of written, documentary material and other records, including those related to proficiency testing, accreditation and risk assessment, which may be relevant to the assessment of compliance with feed or food law; this may include financial and commercial aspects.
13. Any other area, including animal health and animal welfare, necessary to ensure that official controls are carried out in accordance with this Regulation.



## CHAPTER II: SUBJECT AREAS FOR CONTROL PROCEDURES

1. The organisation of the competent authority and the relationship between central competent authorities and authorities to which they have delegated tasks to carry out official controls.
2. The relationship between competent authorities and control bodies to which they have delegated tasks related to official controls.
3. A statement on the objectives to be achieved.
4. Tasks, responsibilities and duties of staff.
5. Sampling procedures, control methods and techniques, interpretation of results and consequent decisions.
6. Monitoring and surveillance programmes.
7. Mutual assistance in the event that official controls require more than one Member State to take action.

8. Action to be taken following official controls.
  9. Cooperation with other services or departments that may have relevant responsibilities.
  10. Verification of the appropriateness of methods of sampling, methods of analysis and detection tests.
  11. Any other activity or information required for the effective functioning of the official controls.
-

**ANNEX III****CHARACTERISATION OF METHODS OF ANALYSIS**

1. Methods of analysis should be characterised by the following criteria:

- (a) accuracy;
- (b) applicability (matrix and concentration range);
- (c) limit of detection;
- (d) limit of determination;
- (e) precision;
- (f) repeatability;
- (g) reproducibility;
- (h) recovery;
- (i) selectivity;
- (j) sensitivity;

- (k) linearity;
  - (l) measurement uncertainty;
  - (m) other criteria that may be selected as required.
2. The precision values referred to in 1(e) shall either be obtained from a collaborative trial which has been conducted in accordance with an internationally recognised protocol on collaborative trials (e.g. ISO 5725:1994 or the IUPAC International Harmonised Protocol) or, where performance criteria for analytical methods have been established, be based on criteria compliance tests. The repeatability and reproducibility values shall be expressed in an internationally recognised form (e.g. the 95% confidence intervals as defined by ISO 5725:1994 or IUPAC). The results from the collaborative trial shall be published or freely available.
  3. Methods of analysis which are applicable uniformly to various groups of commodities should be given preference over methods which apply only to individual commodities.
  4. In situations where methods of analysis can only be validated within a single laboratory then they should be validated in accordance with e.g. IUPAC Harmonised Guidelines, or where performance criteria for analytical methods have been established, be based on criteria compliance tests.
  5. Methods of analysis adopted under this Regulation should be edited in the standard layout for methods of analysis recommended by the ISO.
-

**ANNEX IV**

ACTIVITIES AND MINIMUM RATES FOR FEES OR CHARGES  
RELATED TO OFFICIAL CONTROLS IN RELATION TO  
COMMUNITY ESTABLISHMENTS

SECTION A: ACTIVITIES

1. The activities covered by Directives 89/662/EEC, 90/425/EEC, 93/119/EC and 96/23/EC for which Member States are currently collecting fees under Directive 85/73/EEC.
2. The approval of feed establishments.

SECTION B: MINIMUM RATES

Member States shall collect for controls relating to the following list of products, at least the corresponding minimum rates for fees or charges.

## CHAPTER I:

MINIMUM RATES FOR FEES OR CHARGES  
APPLICABLE TO SLAUGHTER INSPECTION

## (a) beef meat

- adult bovine animals: 5 EUR/animal
- young bovine animals: 2 EUR/animal

## (b) solipeds equidae: 3 EUR/animal

## (c) pigmeat : animals of a carcass weight

- of less than 25 kg: 0,5 EUR/animal
- equal to or greater than 25 kg: 1 EUR/animal

## (d) sheepmeat and goatmeat: animals of a carcass weight

- of less than 12 kg: 0,15 EUR/animal
- equal to or greater than 12 kg: 0,25 EUR/animal

## (e) poultry meat

- poultry of genus Gallus and guinea fowl: 0,005 EUR/animal
- ducks and geese: 0,01 EUR/animal
- turkeys: 0,025 EUR/animal
- farmed rabbit meat: 0,005 EUR/animal.

## CHAPTER II

MINIMUM RATES FOR FEES OR CHARGES  
APPLICABLE TO CUTTING PLANTS CONTROLS

Per tonne of meat:

- beef, veal, pig, solipeds/equidae, sheep and goat meat: EUR 2
- poultry and farmed rabbit meat: EUR 1,5
- farmed and wild game meat:
  - small game birds and ground game: EUR 1,5
  - ratites meat (ostrich, emu, nandou): EUR 3
  - boars and ruminants: EUR 2.

## CHAPTER III

MINIMUM RATES FOR FEES OR CHARGES  
APPLICABLE TO GAME PROCESSING HOUSES

- (a) small game birds: 0,005 EUR/animal
- (b) small ground game : 0,01 EUR/animal
- (c) ratites : 0,5 EUR/animal
- (d) land mammals :
  - boar : 1,5 EUR/animal
  - ruminants : 0,5 EUR/animal

## CHAPTER IV

MINIMUM RATES FOR FEES OR CHARGES  
APPLICABLE TO MILK PRODUCTION

- EUR 1 per 30 tonnes and
- EUR 0,5 per tonne, thereafter.



## CHAPTER V

MINIMUM RATES FOR FEES OR CHARGES APPLICABLE  
TO THE PRODUCING AND PLACING ON THE MARKET  
OF FISHERY PRODUCTS AND AQUACULTURE PRODUCTS

- (a) first placing on the market of fishery and aquaculture products:
- 1 EUR/tonne for the first 50 tonnes in the month;
  - 0,5 EUR/tonne thereafter.
- (b) first sale in fish market
- 0,5 EUR/tonne for the first 50 tonnes in the month;
  - 0,25 EUR/tonne thereafter.
- (c) first sale in case of lack of or insufficient gradation for freshness and/or size in accordance with Regulation (EEC) No 103/76 and No 104/76:
- 1 EUR/tonne for the first 50 tonnes in the month;
  - 0,5 EUR/tonne thereafter.

The fees collected on the species referred to in Annex II to Commission Regulation (EEC)  
No 3703/85 must not exceed EUR 50 per consignment.

Member States will collect 0,5 EUR/tonne for the processing of fishery and aquaculture products.

---

**ANNEX V**

ACTIVITIES AND MINIMUM RATES FOR FEES OR CHARGES  
RELATED TO THE OFFICIAL CONTROLS OF GOODS  
AND LIVE ANIMALS INTRODUCED INTO THE COMMUNITY

SECTION A : ACTIVITIES OR CONTROLS

The activities covered by Directives 97/78/EC and 91/496/EEC for which Member States are currently collecting fees under Directive 85/73/EEC.

SECTION B : FEES OR CHARGES

CHAPTER I : Fees applicable to imported meat

The minimum fee rates for the official control on the import of a consignment of meat are fixed at:

- EUR 55 per consignment, up to 6 tonnes, and
- EUR 9 per tonne, up to 46 tonnes, thereafter, or
- EUR 420 per consignment, over 46 tonnes.

## CHAPTER II

### FEES APPLICABLE TO IMPORTED FISHERY PRODUCTS

1. The minimum fee for the official control on the import of a consignment of fishery products is fixed at:
  - EUR 55 per consignment, up to 6 tonnes, and
  - EUR 9 per tonne, up to 46 tonnes, thereafter, or
  - EUR 420 per consignment, over 46 tonnes.
2. The above amount for the official control on the import of a consignment of fishery products, transported as break bulk shipment, shall be:
  - EUR 600 per vessel, with a cargo of fishery products up to 500 tonnes,
  - EUR 1 200 per vessel, with a cargo of fishery products up to 1000 tonnes,
  - EUR 2 400 per vessel, with a cargo of fishery products up to 2000 tonnes,
  - EUR 3 600 per vessel, with a cargo of fishery products of more than 2000 tonnes.
3. In the case of fishery products caught in their natural environment directly landed by a fishing vessel flying the flag of a third country, the provisions laid down in Annex IV, Section B, Chapter V, point a) shall apply.

### CHAPTER III

#### FEES OR CHARGES APPLICABLE TO MEAT PRODUCTS, POULTRY MEAT, WILD GAME MEAT, RABBIT MEAT, FARMED GAME MEAT, BY-PRODUCTS AND FEED OF ANIMAL ORIGIN

1. The minimum fee for the official control on the import of a consignment of products of animal origin other than those mentioned in Chapters I and II or a consignment of by-products of animal origin or a consignment of feed, is fixed at:
  - EUR 55 per consignment, up to 6 tonnes, and
  - EUR 9 per tonne, up to 46 tonnes, thereafter, or
  - EUR 420 per consignment, over 46 tonnes.
  
2. The above amount for the official control on the import of a consignment of products of animal origin other than those mentioned in Chapters I and II, a consignment of by-products of animal origin or a consignment of feed transported as break bulk shipment, shall be:
  - EUR 600 per vessel, with a cargo of products up to 500 tonnes,
  - EUR 1 200 per vessel, with a cargo of products up to 1000 tonnes,
  - EUR 2 400 per vessel, with a cargo of products up to 2000 tonnes,
  - EUR 3 600 per vessel, with a cargo products of more than 2000 tonnes.

## CHAPTER IV

### FEES APPLICABLE TO TRANSIT THROUGH THE COMMUNITY OF GOODS AND LIVE ANIMALS

The amount of fees or charges for the official control on the transit of goods and live animals through the Community is fixed at a minimum level of EUR 30, increased by EUR 20 per quarter of an hour for every member of staff involved in the controls.

## CHAPTER V

### FEES APPLICABLE TO IMPORTED LIVE ANIMALS

1. The fee for the official control on the import of a consignment of live animals is fixed:
  - (a) for bovine animals, equidae, pigs, sheep, goats, poultry, rabbits and small game birds or ground game and the following land mammals: wild boar and ruminants, at:
    - EUR 55 per consignment, up to 6 tonnes, and
    - EUR 9 per tonne, up to 46 tonnes, thereafter, or
    - EUR 420 per consignment, over 46 tonnes,

(b) for animals of other species at the actual cost of inspection expressed either per animal or per tonne imported, at:

- EUR 55 per consignment, up to 46 tonnes, or
- EUR 420 per consignment, over 46 tonnes,

it being understood that this minimum does not apply to imports of species referred to in Commission Decision 92/432/EEC.

2. At the request of a Member State, accompanied by appropriate supporting documents and in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC, a lower level of fees may be applied to imports from certain third countries.
-

**ANNEX VI**

CRITERIA TO BE TAKEN INTO CONSIDERATION  
FOR THE CALCULATION OF FEES

1. the salaries of the staff involved in the official controls;
  2. the costs for the staff involved in the official controls, including facilities, tools, equipment, training, travel and associated costs;
  3. the laboratory analysis and sampling costs.
-



**ANNEX VII**

## COMMUNITY REFERENCE LABORATORIES

## I. Community reference laboratories for feed and food

## 1. Community reference laboratory for milk and milk products

AFSSA-LERHQA

94700 Maisons-Alfort

France

## 2. Community reference laboratories for the analysis and testing of zoonoses (Salmonella)

Rijksinstituut voor Volksgezondheid en Milieu (RIVM)

3720 BA Bilthoven, The Netherlands

3. Community reference laboratory for the monitoring of marine biotoxins

Ministerio de Sanidad y Consumo, Vigo, Spain.

4. Community reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs

The laboratory of the Centre for Environment, Fisheries and Aquaculture Science,  
Weymouth, United Kingdom.

5. Community reference laboratories for residues

- (a) For the residues listed in Annex I, Group A 1, 2, 3, 4, Group B 2 (d) and Group B 3 (d)  
to Council Directive 96/23/EC

Rijksinstituut voor Volksgezondheid en Milieu (RIVM)  
NL-3720 BA Bithoven, The Netherlands

- (b) For the residues listed in Annex I, Group B 1 and B 3 (e) to Council Directive 96/23/EC and carbadox and olaquidox

Laboratoires d'études et de recherches sur les médicaments vétérinaires et les désinfectants

AFSSA - Site de Fougères

BP 90203, France

- (c) For the residues listed in Annex I, Group A 5 and Group B 2 (a), (b), (e) to Council Directive 96/23/EC

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)

Postfach 140162

53056 Bonn, Germany

- (d) For the residues listed in Annex I, Group B 2 (c) and Group B 3 (a), (b), (c) to Council Directive 96/23/EC

Istituto Superiore di Sanità

I-00161-Roma, Italy

6. Community reference laboratory for transmissible spongiform encephalopathies (TSEs)

The laboratory referred to in Annex X, Chapter B of Regulation (EC) No 999/2001.

7. Community reference laboratory for additives for use in animal nutrition

The laboratory referred to in Annex II of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>1</sup>

8. Community reference laboratory for Genetically Modified Organisms (GMO)

The laboratory referred to in the Annex to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed <sup>2</sup>.

9. Community reference laboratory for material intended to come into contact with foodstuffs  
The Joint Research Centre of the Commission

II. Community reference laboratories for animal health

p.m.

---

<sup>1</sup> OJ L 268, 18.10.2003, p. 29.

<sup>2</sup> OJ L 268, 18.10.2003, p. 1.

**ANNEX VIII**

IMPLEMENTING RULES THAT REMAIN IN FORCE  
PURSUANT TO ARTICLE 61

1. Implementing rules based on Directive 70/373/EEC on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs.
  - (a) First Commission Directive 71/250/EEC of 15 June 1971 establishing Community methods of analysis for the official control of feedingstuffs <sup>1</sup>;
  - (b) Second Commission Directive 71/393/EEC of 18 November 1971 establishing Community methods of analysis for the official control of feedingstuffs <sup>2</sup>;
  - (c) Third Commission Directive 72/199/EEC of 27 April 1972 establishing Community methods of analysis for the official control of feedingstuffs <sup>3</sup>;

---

<sup>1</sup> OJ L 155, 12.7.1971, p. 13. Directive as last amended by Commission Directive 1999/27/EC (OJ L 118, 6.5.1999, p. 36).

<sup>2</sup> OJ L 279, 20.12.1971, p. 7. Directive as last amended by Commission Directive 98/64/EC (OJ L 257, 19.9.1998, p. 14).

<sup>3</sup> OJ L 123, 29.05.1972, p. 6. Directive as last amended by Commission Directive 1999/79/EC (OJ L 209, 7.8.1999, p. 23).

- (d) Fourth Commission Directive 73/46/EEC of 5 December 1972 establishing Community methods of analysis for the official control of feedingstuffs <sup>1</sup>;
- (e) First Commission Directive 76/371/EEC of 1 March 1976 establishing Community methods of sampling for the official control of feedingstuffs <sup>2</sup>;
- (f) Seventh Commission Directive 76/372/EEC of 1 March 1976 establishing Community methods of analysis for the official control of feedingstuffs <sup>3</sup>;
- (g) Eight Commission Directive 78/633/EEC of 15 June 1978 establishing Community methods of analysis for the official control of feedingstuffs <sup>4</sup>;
- (h) Ninth Commission Directive 81/715/EEC of 31 July 1981 establishing Community methods of analysis for the official control of feedingstuffs <sup>5</sup>;

---

<sup>1</sup> OJ L 83, 30.3.1973, p. 21. Directive as last amended by Commission Directive 1999/27/EC.

<sup>2</sup> OJ L 102, 15.4.1976, p. 1.

<sup>3</sup> OJ L 102, 15.4.1976, p. 8. Directive as last amended by Commission Directive 94/14/EC (OJ L 94, 13.4.1994, p. 30).

<sup>4</sup> OJ L 206, 29.7.1978, p. 43. Directive as last amended by Commission Directive 84/4/EEC (OJ L 15, 18.1.1984, p. 28).

<sup>5</sup> OJ L 257, 10.9.1981, p. 38.

- (i) Tenth Commission Directive 84/425/EEC of 25 July 1984 establishing Community methods of analysis for the official control of feedingstuffs <sup>1</sup>;
- (j) Eleventh Commission Directive 93/70/EEC of 28 July 1993 establishing Community methods of analysis for the official control of feedingstuffs <sup>2</sup>;
- (k) Twelfth Commission Directive 93/117/EC of 17 December 1993 establishing Community methods of analysis for the official control of feedingstuffs <sup>3</sup>;
- (l) Commission Directive 98/64/EC of 3 September 1998 establishing Community methods of analysis for the determination of amino-acids, crude oils and fats, and olaquinox in feedingstuffs <sup>4</sup>;
- (m) Commission Directive 2003/126/EC of 23 December 2003 on the analytical method for the determination of constituents of animal origin for the official control of foodstuffs <sup>5</sup>;
- (n) Commission Directive 1999/27/EC of 20 April 1999 establishing Community methods of analysis for the determination of amprolium, diclazuril and carbadox in feedingstuffs <sup>6</sup>;

---

<sup>1</sup> OJ L 238, 6.9.1984, p. 34.

<sup>2</sup> OJ L 234, 17.9.1993, p. 17.

<sup>3</sup> OJ L 329, 30.12.1993, p. 54.

<sup>4</sup> OJ L 257, 19.9.1998, p. 14.

<sup>5</sup> OJ L 339, 24.12.2003, p. 78.

<sup>6</sup> OJ L 118, 6.5.1999, p. 36.

- (o) Commission Directive 1999/76/EC of 23 July 1999 establishing a Community method of analysis for the determination of lasalocid sodium in feedingstuffs <sup>1</sup>;
  - (p) Commission Directive 2000/45/EC of 6 July 2000 establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs <sup>2</sup>;
  - (q) Directive 2002/70/EC of 26 July 2002 establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feedingstuffs <sup>3</sup>.
2. Implementing rules based on Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition

Commission Directive 98/68/EC of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries <sup>4</sup>.

---

---

<sup>1</sup> OJ L 207, 6.8.1999, p. 13.  
<sup>2</sup> OJ L 174, 13.7.2000, p. 32.  
<sup>3</sup> OJ L 209, 6.8.2002, p. 15.  
<sup>4</sup> OJ L 261, 24.9.1998, p. 32.