

**32000L0013****Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs**

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on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal of the Commission,

Having regard to the opinion of the Economic and Social Committee(1),

Acting in accordance with the procedure laid down in Article 251 of the Treaty(2),

Whereas:

(1) Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs(3) has been frequently and substantially amended(4). Therefore, for reasons of clarity and rationality, the said Directive should be consolidated in a single text.

(2) Differences between the laws, regulations and administrative provisions of the Member States on the labelling of foodstuffs may impede the free circulation of these products and can lead to unequal conditions of competition.

(3) Therefore, approximation of these laws would contribute to the smooth functioning of the internal market.

(4) The purpose of this Directive should be to enact Community rules of a general nature applicable horizontally to all foodstuffs put on the market.

(5) Rules of a specific nature which apply vertically only to particular foodstuffs should be laid down in provisions dealing with those products.

(6) The prime consideration for any rules on the labelling of foodstuffs should be the need to inform and protect the consumer.

(7) That need means that Member States may, in compliance with the rules of the Treaty, impose language requirements.

(8) Detailed labelling, in particular giving the exact nature and characteristics of the product which enables the consumer to make his choice in full knowledge of the facts, is the most appropriate since it creates fewest obstacles to free trade.

(9) Therefore, a list should be drawn up of all information which should in principle be included in the labelling of all foodstuffs.

(10) However, the horizontal nature of this Directive does not allow, at the initial stage, the inclusion in the compulsory indications of all the indications which must be added to the list applying in principle to the whole range of foodstuffs. During a later stage, Community provisions should be adopted, aimed at supplementing the existing rules.

(11) Furthermore, in the absence of Community rules of a specific nature Member States should retain the right to lay down certain national provisions which may be added to the general provisions of this Directive, nevertheless these provisions should be subject to a Community procedure.

(12) The said Community procedure must be that of a Community decision when a Member State wishes to enact new legislation.

(13) Provision should also be made for the Community legislator to derogate, in exceptional cases, from certain obligations that have been fixed generally.

(14) The rules on labelling should also prohibit the use of information that would mislead the purchaser or attribute medicinal properties to foodstuffs. To be effective, this prohibition should also apply to the presentation and advertising of foodstuffs.

(15) With a view to facilitating trade between Member States, it may be provided that, at stages prior to sale to the ultimate consumer, only information on the essential elements should appear on the outer packaging and certain mandatory particulars that must appear on a prepackaged foodstuff need appear only on commercial documents referring thereto.

(16) Member States should retain the right, depending on local practical conditions and circumstances, to lay down rules in respect of the labelling of foodstuffs sold in bulk; in such cases, information should nevertheless be provided for the consumer.

(17) With the aim of simplifying and accelerating the procedure, the Commission should be entrusted with the task of adopting implementing measures of a technical nature.

(18) The measures necessary for the implementing of this Directive 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(5).

(19) This Directive should be without prejudice to the obligations of the Member States concerning the time limits for transposition of the Directives set out in Annex IV, Part B,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive concerns the labelling of foodstuffs to be delivered as such to the ultimate consumer and certain aspects relating to the presentation and advertising thereof.

2. This Directive shall apply also to foodstuffs intended for supply to restaurants, hospitals, canteens and other similar mass caterers (hereinafter referred to as "mass caterers").

3. For the purpose of this Directive,

(a) "labelling" shall mean any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff;

(b) "pre-packaged foodstuff" shall mean any single item for presentation as such to the ultimate consumer and to mass caterers, consisting of a foodstuff and the packaging into which

it was put before being offered for sale, whether such packaging encloses the foodstuff completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging.

## Article 2

1. The labelling and methods used must not:

(a) be such as could mislead the purchaser to a material degree, particularly:

(i) as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production;

(ii) by attributing to the foodstuff effects or properties which it does not possess;

(iii) by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics;

(b) subject to Community provisions applicable to natural mineral waters and foodstuffs for particular nutritional uses, attribute to any foodstuff the property of preventing, treating or curing a human disease, or refer to such properties.

2. The Council, in accordance with the procedure laid down in Article 95 of the Treaty, shall draw up a non-exhaustive list of the claims within the meaning of paragraph 1, the use of which must at all events be prohibited or restricted.

3. The prohibitions or restrictions referred to in paragraphs 1 and 2 shall also apply to:

(a) the presentation of foodstuffs, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed;

(b) advertising.

## Article 3

1. In accordance with Articles 4 to 17 and subject to the exceptions contained therein, indication of the following particulars alone shall be compulsory on the labelling of foodstuffs:

(1) the name under which the product is sold;

(2) the list of ingredients;

(3) the quantity of certain ingredients or categories of ingredients as provided for in Article 7;

(4) in the case of prepackaged foodstuffs, the net quantity;

(5) the date of minimum durability or, in the case of foodstuffs which, from the microbiological point of view, are highly perishable, the "use by" date;

(6) any special storage conditions or conditions of use;

(7) the name or business name and address of the manufacturer or packager, or of a seller established within the Community.

However, the Member States shall be authorised, in respect of butter produced in their territory, to require only an indication of the manufacturer, packager or seller.

Without prejudice to the notification provided for in Article 24, Member States shall inform the Commission and the other Member States of any measure taken pursuant to the second paragraph;

(8) particulars of the place of origin or provenance where failure to give such particulars might mislead the consumer to a material degree as to the true origin or provenance of the foodstuff;

(9) instructions for use when it would be impossible to make appropriate use of the foodstuff in the absence of such instructions;

(10) with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume.

2. Notwithstanding the previous paragraph, Member States may retain national provisions which require indication of the factory or packaging centre, in respect of home production.

3. The provisions of this Article shall be without prejudice to more precise or more extensive provisions regarding weights and measures.

#### Article 4

1. Community provisions applicable to specified foodstuffs and not to foodstuffs in general may provide for derogations, in exceptional cases, from the requirements laid down in Article 3(1), points 2 and 5, provided that this does not result in the purchaser being inadequately informed.

2. Community provisions applicable to specified foodstuffs and not to foodstuffs in general may provide that other particulars in addition to those listed in Article 3 must appear on the labelling.

Where there are no Community provisions, Member States may make provision for such particulars in accordance with the procedure laid down in Article 19.

3. The Community provisions referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure laid down in Article 20(2).

#### Article 5

1. The name under which a foodstuff is sold shall be the name provided for in the Community provisions applicable to it.

(a) In the absence of Community provisions, the name under which a product is sold shall be the name provided for in the laws, regulations and administrative provisions applicable in the Member State in which the product is sold to the final consumer or to mass caterers.

Failing this, the name under which a product is sold shall be the name customary in the Member State in which it is sold to the final consumer or to mass caterers, or a description of the foodstuff, and if necessary of its use, which is clear enough to let the purchaser know its true nature and distinguish it from other products with which it might be confused.

(b) The use in the Member State of marketing of the sales name under which the product is legally manufactured and marketed in the Member State of production shall also be allowed.

However, where the application of the other provisions of this Directive, in particular those set out in Article 3, would not enable consumers in the Member State of marketing to know the true nature of the foodstuff and to distinguish it from foodstuffs with which they could confuse it, the sales name shall be accompanied by other descriptive information which shall appear in proximity to the sales name.

(c) In exceptional cases, the sales name of the Member State of production shall not be used in the Member State of marketing when the foodstuff which it designates is so different, as

regards its composition or manufacture, from the foodstuff known under that name that the provisions of point (b) are not sufficient to ensure, in the Member State of marketing, correct information for consumers.

2. No trade mark, brand name or fancy name may be substituted for the name under which the product is sold.

3. The name under which the product is sold shall include or be accompanied by particulars as to the physical condition of the foodstuff or the specific treatment which it has undergone (e.g. powdered, freeze-dried, deep-frozen, concentrated, smoked) in all cases where omission of such information could create confusion in the mind of the purchaser.

Any foodstuff which has been treated with ionising radiation must bear one of the following indications:

- in Spanish:

"irradiado" or "tratado con radiación ionizante",

- in Danish:

"bestrålet/..." or "strålekonservenet" or "behandlet med ioniserende stråling" or "konservenet med ioniserende stråling",

- in German:

"bestrahlt" or "mit ionisierenden Strahlen behandelt",

- in Greek:

"επεξεργασμένο με ιονίζουσα ακτινοβολία" or "ακτινοβολημένο",

- in English:

"irradiated" or "treated with ionising radiation",

- in France:

"traité par rayonnements ionisants" or "traité par ionisation",

- in Italian:

"irradiato" or "trattato con radiazioni ionizzanti",

- in Dutch:

"doorstraald" or "door bestraling behandeld" or "met ioniserende stralen behandeld",

- in Portuguese:

"irradiado" or "tratado por irradiação" or "tratado por radiação ionizante",

- in Finnish:

"säteilytetty" or "käsitelty ionisoivalla säteilyllä",

- in Swedish:

"bestrålad" or "behandlad med joniserande stråling".

Article 6

1. Ingredients shall be listed in accordance with this Article and Annexes I, II and III.

2. Ingredients need not be listed in the case of:

(a) - fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated,

- carbonated water, the description of which indicates that it has been carbonated,

- fermentation vinegars derived exclusively from a single basic product, provided that no other ingredient has been added;

(b) - cheese,

- butter,

- fermented milk and cream,

provided that no ingredient has been added other than lactic products, enzymes and micro-organism cultures essential to manufacture, or the salt needed for the manufacture of cheese other than fresh cheese and processed cheese;

(c) products comprising a single ingredient, where:

- the trade name is identical with the ingredient name, or

- the trade name enables the nature of the ingredient to be clearly identified.

3. In the case of beverages containing more than 1,2 % by volume of alcohol, the Council, acting on a proposal from the Commission, shall, before 22 December 1982, determine the rules for labelling ingredients.

4. (a) "Ingredient" shall mean any substance, including additives, used in the manufacture or preparation of a foodstuff and still present in the finished product, even if in altered form.

(b) Where an ingredient of the foodstuff is itself the product of several ingredients, the latter shall be regarded as ingredients of the foodstuff in question.

(c) The following shall not be regarded as ingredients:

(i) the constituents of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions;

(ii) additives:

- whose presence in a given foodstuff is solely due to the fact that they were contained in one or more ingredients of that foodstuff, provided that they serve no technological function in the finished product,

- which are used as processing aids;

(iii) substances used in the quantities strictly necessary as solvents or media for additives or flavouring.

(d) In certain cases Decisions may be taken in accordance with the procedure laid down in Article 20(2) as to whether the conditions described in point (c)(ii) and (iii) are satisfied.

5. The list of ingredients shall include all the ingredients of the foodstuff, in descending order of weight, as recorded at the time of their use in the manufacture of the foodstuff. It shall appear preceded by a suitable heading which includes the word "ingredients".

However:

- added water and volatile products shall be listed in order of their weight in the finished product; the amount of water added as an ingredient in a foodstuff shall be calculated by deducting from the total amount of the finished product the total amount of the other ingredients used. This amount need not be taken into consideration if it does not exceed 5 % by weight of the finished product,
- ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture may be listed in order of weight as recorded before their concentration or dehydration,
- in the case of concentrated or dehydrated foods which are intended to be reconstituted by the addition of water, the ingredients may be listed in order of proportion in the reconstituted product provided that the list of ingredients is accompanied by an expression such as "ingredients of the reconstituted product", or "ingredients of the ready-to-use product",
- in the case of mixtures of fruit or vegetables where no particular fruit or vegetable significantly predominates in proportion by weight, those ingredients may be listed in another order provided that that list of ingredients is accompanied by an expression such as "in variable proportion",
- in the case of mixtures of spices or herbs, where none significantly predominates in proportion by weight, those ingredients may be listed in another order provided that that list of ingredients is accompanied by an expression such as "in variable proportion".

6. Ingredients shall be designated by their specific name, where applicable, in accordance with the rules laid down in Article 5.

However:

- ingredients which belong to one of the categories listed in Annex I and are constituents of another foodstuff need only be designated by the name of that category.

Alterations to the list of categories in Annex I may be effected in accordance with the procedure laid down in Article 20(2).

However, the designation "starch" listed in Annex I must always be complemented by the indication of its specific vegetable origin, when that ingredient may contain gluten,

- ingredients belonging to one of the categories listed in Annex II must be designated by the name of that category, followed by their specific name or EC number; if an ingredient belongs to more than one of the categories, the category appropriate to the principal function in the case of the foodstuff in question shall be indicated.

Amendments to this Annex based on advances in scientific and technical knowledge shall be adopted in accordance with the procedure laid down in Article 20(2).

However, the designation "modified starch" listed in Annex II must always be complemented by the indication of its specific vegetable origin, when that ingredient may contain gluten,

- flavourings shall be designated in accordance with Annex III,
- the specific Community provisions governing the indication of treatment of an ingredient with ionising radiation shall be adopted subsequently in accordance with Article 95 of the Treaty.

7. Community provisions or, where there are none, national provisions may lay down that the name under which a specific foodstuff is sold is to be accompanied by mention of a particular ingredient or ingredients.

The procedure laid down in Article 19 shall apply to any such national provisions.

The Community provisions referred to in this paragraph shall be adopted in accordance with the procedure laid down in Article 20(2).

8. In the case referred to in paragraph 4(b), a compound ingredient may be included in the list of ingredients, under its own designation in so far as this is laid down by law or established by custom, in terms of its overall weight, provided that it is immediately followed by a list of its ingredients.

Such a list, however, shall not be compulsory:

(a) where the compound ingredient constitutes less than 25 % of the finished product; however, this exemption shall not apply in the case of additives, subject to the provisions of paragraph 4(c);

(b) where the compound ingredient is a foodstuff for which a list of ingredients is not required under Community rules.

9. Notwithstanding paragraph 5 the water content need not be specified:

(a) where the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form;

(b) in the case of a liquid medium which is not normally consumed.

#### Article 7

1. The quantity of an ingredient or category of ingredients used in the manufacture or preparation of a foodstuff shall be stated in accordance with this Article.

2. The indication referred to in paragraph 1 shall be compulsory:

(a) where the ingredient or category of ingredients concerned appears in the name under which the foodstuff is sold or is usually associated with that name by the consumer; or

(b) where the ingredient or category of ingredients concerned is emphasised on the labelling in words, pictures or graphics; or

(c) where the ingredient or category of ingredients concerned is essential to characterise a foodstuff and to distinguish it from products with which it might be confused because of its name or appearance; or

(d) in the cases determined in accordance with the procedure laid down in Article 20(2).

3. Paragraph 2 shall not apply:

(a) to an ingredient or category of ingredients:

- the drained net weight of which is indicated in accordance with Article 8(4), or

- the quantities of which are already required to be given on the labelling under Community provisions, or

- which is used in small quantities for the purposes of flavouring, or

- which, while appearing in the name under which the food is sold, is not such as to govern the choice of the consumer in the country of marketing because the variation in quantity is not essential to characterise the foodstuff or does not distinguish it from similar foods. In cases of doubt it shall be decided by the procedure laid down in Article 20(2) whether the conditions laid down in this indent are fulfilled;



(b) where specific Community provisions stipulate precisely the quantity of an ingredient or of a category of ingredients without providing for the indication thereof on the labelling;

(c) in the cases referred to in the fourth and fifth indents of Article 6(5);

(d) in the cases determined in accordance with the procedure laid down in Article 20(2).

4. The quantity indicated, expressed as a percentage, shall correspond to the quantity of the ingredient or ingredients at the time of its/their use. However, Community provisions may allow for derogations from this principle for certain foodstuffs. Such provisions shall be adopted in accordance with the procedure laid down in Article 20(2).

5. The indication referred to in paragraph 1 shall appear either in or immediately next to the name under which the foodstuff is sold or in the list of ingredients in connection with the ingredient or category of ingredients in question.

6. This Article shall apply without prejudice to Community rules on nutrition labelling for foodstuffs.

#### Article 8

1. The net quantity of prepackaged foodstuffs shall be expressed:

- in units of volume in the case of liquids,

- in units of mass in the case of other products,

using the litre, centilitre, millilitre, kilogram or gram, as appropriate.

Community provisions or, where there are none, national provisions applicable to certain specified foodstuffs may derogate from this rule.

The procedure laid down in Article 19 shall apply to any such national provisions.

2. (a) Where the indication of a certain type of quantity (e.g. nominal quantity, minimum quantity, average quantity) is required by Community provisions or, where there are none, by national provisions, this quantity shall be regarded as the net quantity for the purposes of this Directive.

Without prejudice to the notification provided for in Article 24, Member States shall inform the Commission and the other Member States of any measure taken pursuant to this point.

(b) Community provisions or, where there are none, national provisions may, for certain specified foodstuffs classified by quantity in categories, require other indications of quantity.

The procedure laid down in Article 19 shall apply to any such national provisions.

(c) Where a prepackaged item consists of two or more individual prepackaged items containing the same quantity of the same product, the net quantity shall be indicated by mentioning the net quantity contained in each individual package and the total number of such packages. Indication of these particulars shall not, however, be compulsory where the total number of individual packages can be clearly seen and easily counted from the outside and where at least one indication of the net quantity contained in each individual package can be clearly seen from the outside.

(d) Where a prepackaged item consists of two or more individual packages which are not regarded as units of sale, the net quantity shall be given by indicating the total net quantity and the total number of individual packages. Community provisions or, where there are none, national provisions need not, in the case of certain foodstuffs, require indication of the total number of individual packages.

Without prejudice to the notification provided for in Article 24, Member States shall inform the Commission and the other Member States of any measure taken pursuant to this point.

3. In the case of foodstuffs normally sold by number, Member States need not require indication of the net quantity provided that the number of items can clearly be seen and easily counted from the outside or, if not, is indicated on the labelling.

Without prejudice to the notification provided for in Article 24, Member States shall inform the Commission and the other Member States of any measure taken pursuant to this paragraph.

4. Where a solid foodstuff is presented in a liquid medium, the drained net weight of the foodstuff shall also be indicated on the labelling.

For the purposes of this paragraph, "liquid medium" shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

This list may be supplemented in accordance with the procedure laid down in Article 20(2).

Methods of checking the drained net weight shall be determined in accordance with the procedure laid down in Article 20(2).

5. It shall not be compulsory to indicate the net quantity in the case of foodstuffs:

(a) which are subject to considerable losses in their volume or mass and which are sold by number or weighed in the presence of the purchaser;

(b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs.

Community provisions or, where there are none, national provisions applicable to specified foodstuffs may in exceptional cases lay down thresholds which are higher than 5 g or 5 ml provided that this does not result in the purchaser being inadequately informed.

Without prejudice to the notification provided for in Article 24, Member States shall inform the Commission and the other Member States of any measure taken pursuant to this paragraph.

6. The Community provisions referred to in paragraphs 1, second subparagraph, 2(b) and (d) and 5, second subparagraph, shall be adopted in accordance with the procedure laid down in Article 20(2).

#### Article 9

1. The date of minimum durability of a foodstuff shall be the date until which the foodstuff retains its specific properties when properly stored.

It shall be indicated in accordance with paragraphs 2 to 5.

2. The date shall be preceded by the words:

- "Best before ..." when the date includes an indication of the day,

- "Best before end ..." in other cases.

3. The words referred to in paragraph 2 shall be accompanied by:

- either the date itself, or

- a reference to where the date is given on the labelling.

If need be, these particulars shall be followed by a description of the storage conditions which must be observed if the product is to keep for the specified period.

4. The date shall consist of the day, month and year in uncoded chronological form.

However, in the case of foodstuffs:

- which will not keep for more than three months, an indication of the day and the month will suffice,

- which will keep for more than three months but not more than 18 months, an indication of the month and year will suffice,

- which will keep for more than 18 months, an indication of the year will suffice.

The manner of indicating the date may be specified according to the procedure laid down in Article 20(2).

5. Subject to Community provisions imposing other types of date indication, an indication of the durability date shall not be required for:

- fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated. This derogation shall not apply to sprouting seeds and similar products such as legume sprouts,

- wines, liqueur wines, sparkling wines, aromatised wines and similar products obtained from fruits other than grapes, and beverages falling within CN codes 22060091, 2206 00 93 and 2206 00 99 and manufactured from grapes or grape musts,

- beverages containing 10 % or more by volume of alcohol,

- soft drinks, fruit juices, fruit nectars and alcoholic beverages in individual containers of more than five litres, intended for supply to mass caterers,

- bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture,

- vinegar,

- cooking salt,

- solid sugar,

- confectionery products consisting almost solely of flavoured and/or coloured sugars,

- chewing gums and similar chewing products,

- individual portions of ice-cream.

#### Article 10

1. In the case of foodstuffs which, from the microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the "use by" date.

2. The date shall be preceded by the words:

- in Spanish:

"fecha de caducidad",

- in Danish:

"sidste anvendelsesdato",

- in German:

"verbrauchen bis",

- in Greek:

"ανάλωση μέχρι",

- in English:

"use by",

- in French:

"à consommer jusqu'au",

- in Italian:

"da consumare entro",

- in Dutch:

"te gebruiken tot",

- in Portuguese:

"a consumir até",

- in Finnish:

"viimeinen käyttöajankohta",

- in Swedish:

"sista förbrukningsdag".

These words shall be accompanied by:

- either the date itself, or

- a reference to where the date is given on the labelling.

These particulars shall be followed by a description of the storage conditions which must be observed.

3. The date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form.

4. In some cases it may be decided by the procedure laid down in Article 20(2) whether the conditions laid down in paragraph 1 are fulfilled.

#### Article 11

1. The instructions for use of a foodstuff shall be indicated in such a way as to enable appropriate use to be made thereof.

2. Community provisions or, where there are none, national provisions may, in the case of certain foodstuffs, specify the way in which the instructions for use should be indicated.

The procedure laid down in Article 19 shall apply to such national provisions.

The Community provisions referred to in this paragraph shall be adopted in accordance with the procedure laid down in Article 20(2).

#### Article 12

The rules concerning indication of the alcoholic strength by volume shall, in the case of products covered by tariff heading Nos 22.04 and 22.05, be those laid down in the specific Community provisions applicable to such products.

In the case of other beverages containing more than 1,2 % by volume of alcohol, these rules shall be laid down in accordance with the procedure provided for in Article 20(2).

#### Article 13

1. (a) When the foodstuffs are prepackaged, the particulars provided for in Articles 3 and 4(2) shall appear on the prepackaging or on a label attached thereto.

(b) Notwithstanding point (a) and without prejudice to Community provisions on nominal quantities, where prepackaged foodstuffs are:

- intended for the ultimate consumer but marketed at a stage prior to sale to the ultimate consumer and where sale to a mass caterer is not involved at that stage,
- intended for supply to mass caterers for preparation, processing, splitting or cutting up,

the particulars required under Articles 3 and 4(2) need appear only on the commercial documents referring to the foodstuffs where it can be guaranteed that such documents, containing all the labelling information, either accompany the foodstuffs to which they refer or were sent before or at the same time as delivery.

(c) In the case referred to in point (b), the particulars referred to in Article 3(1) point 1, 5 and 7 and, where appropriate, that referred to in Article 10, shall also appear on the external packaging in which the foodstuffs are presented for marketing.

2. The particulars mentioned in Article 3 and Article 4(2) shall be easy to understand and marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.

3. The particulars listed in Article 3(1), points 1, 4, 5 and 10 shall appear in the same field of vision.

This requirement may be extended to the particulars provided for in Article 4(2).

4. In the case of the glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar and packaging or containers the largest surface of which has an area of less than 10 cm<sup>2</sup> only the particulars listed in Article 3(1) points 1, 4 and 5 need be given.

In this case, paragraph 3 shall not apply.

5. Ireland, the Netherlands and the United Kingdom may derogate from Article 3(1) and paragraph 3 of this Article in the case of milk and milk products put up in glass bottles intended for reuse.

They shall inform the Commission of any measure taken pursuant to the first subparagraph.

#### Article 14

Where foodstuffs are offered for sale to the ultimate consumer or to mass caterers without prepackaging, or where foodstuffs are packaged on the sales premises at the consumer's request or prepackaged for direct sale, the Member States shall adopt detailed rules concerning the manner in which the particulars specified in Article 3 and Article 4(2) are to be shown.

They may decide not to require the provision of all or some of these particulars, provided that the purchaser still receives sufficient information.

#### Article 15

This Directive shall not affect the provisions of national laws which, in the absence of Community provisions, impose less stringent requirements for the labelling of foodstuffs presented in fancy packaging such as figurines or souvenirs.

#### Article 16

1. Member States shall ensure that the sale is prohibited within their own territories of foodstuffs for which the particulars provided for in Article 3 and Article 4(2) do not appear in a language easily understood by the consumer, unless the consumer is in fact informed by means of other measures determined in accordance with the procedure laid down in Article 20(2) as regards one or more labelling particulars.

2. Within its own territory, the Member State in which the product is marketed may, in accordance with the rules of the Treaty, stipulate that those labelling particulars shall be given in one or more languages which it shall determine from among the official languages of the Community.

3. Paragraphs 1 and 2 shall not preclude the labelling particulars from being indicated in several languages.

#### Article 17

Member States shall refrain from laying down requirements more detailed than those already contained in Articles 3 to 13 concerning the manner in which the particulars provided for in Article 3 and Article 4(2) are to be shown.

#### Article 18

1. Member States may not forbid trade in foodstuffs which comply with the rules laid down in this Directive by the application of non-harmonised national provisions governing the labelling and presentation of certain foodstuffs or of foodstuffs in general.

2. Paragraph 1 shall not apply to non-harmonised national provisions justified on grounds of:

- protection of public health,
- prevention of fraud, unless such provisions are liable to impede the application of the definitions and rules laid down by this Directive,
- protection of industrial and commercial property rights, indications of provenance, registered designations of origin and prevention of unfair competition.

#### Article 19

Where reference is made to this Article, the following procedure shall apply should a Member State deem it necessary to adopt new legislation.

It shall notify the Commission and the other Member States of 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 Council Decision 69/414/EEC(6) if it considers such consultation to be useful or if a Member State so requests.

Member States may take such envisaged measures only three months after such notification and provided that the Commission's opinion is not negative.

In the latter event, and before the expiry of the abovementioned period, the Commission shall initiate the procedure provided for in Article 20(2) in order to determine whether the envisaged measures may be implemented subject, if necessary, to the appropriate modifications.

#### Article 20

1. The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as "the Committee").
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 referred to 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 21

If temporary measures prove necessary to facilitate the application of this Directive, they shall be adopted in accordance with the procedure provided for in Article 20(2).

#### Article 22

This Directive shall not affect Community provisions relating to the labelling and presentation of certain foodstuffs already adopted on 22 December 1978.

Any amendments necessary to harmonise such provisions with the rules laid down in this Directive shall be decided in accordance with the procedure applicable to each of the provisions in question.

#### Article 23

This Directive shall not apply to products for export outside the Community.

#### Article 24

Member States shall ensure that the Commission receives the text of any essential provision of national law which they adopt in the field governed by this Directive.

#### Article 25

This Directive shall also apply to the French overseas departments.

#### Article 26

1. Directive 79/112/EEC as amended by the Directives referred to in Annex IV, Part A, is repealed, without prejudice to the obligations of the Member States in respect of the deadlines for transposition laid down in Annex IV, Part B.
2. The reference made to the repealed Directive shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex V.

#### Article 27

This Directive enters into force on the 20th day following its publication in the Official Journal of the European Communities.

#### Article 28

This Directive is addressed to the Member States.

Done at Brussels, 20 March 2000.

For the European Parliament

The President

N. Fontaine

For the Council

The President

J. Gama

(1) OJ C 258, 10.9.1999, p. 12.

(2) Opinion of the European Parliament of 18 January 2000 (not yet published in the Official Journal) and Council Decision of 13 March 2000.

(3) OJ L 33, 8.2.1979, p. 1. Directive as last amended by Directive 97/4/EC of the European Parliament and of the Council (OJ L 43, 14.2.1997, p. 21).

(4) See Annex IV, Part B.

(5) OJ L 184, 17.7.1999, p. 23.

(6) OJ L 291, 29.11.1969, p. 9.

#### ANNEX I

CATEGORIES OF INGREDIENTS WHICH MAY BE DESIGNATED BY THE NAME OF THE CATEGORY RATHER THAN THE SPECIFIC NAME

>TABLE>

#### ANNEX II

CATEGORIES OF INGREDIENTS WHICH MUST BE DESIGNATED BY THE NAME OF THEIR CATEGORY FOLLOWED BY THEIR SPECIFIC NAME OR EC NUMBER

Colour

Preservative

Antioxidant

Emulsifier

Thickener

Gelling agent

Stabiliser

Flavour enhancer

Acid

Acidity regulator



Anti-caking agent  
Modified starch(1)  
Sweetener  
Raising agent  
Anti-foaming agent  
Glazing agent  
Emulsifying salts(2)  
Flour treatment agent  
Firming agent  
Humectant  
Bulking agent  
Propellent gas

(1) The specific name or EC number need not be indicated.

(2) Only for processed cheeses and products based on processed cheeses.

#### ANNEX III

##### DESIGNATION OF FLAVOURINGS IN THE LIST OF INGREDIENTS

1. Flavourings shall be designated either by the word "flavouring(s)" or by a more specific name or description of the flavouring.

2. The word "natural" or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1(2)(b)(i) of 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(1) and/or flavouring preparations as defined in Article 1(2)(c) of the said Directive.

3. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word "natural" or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

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

#### ANNEX IV

##### PART A

##### REPEALED DIRECTIVE AND ITS SUCCESSIVE AMENDMENTS

(referred to by Article 26)

Council Directive 79/112/EEC (OJ L 33, 8.2.1979, p. 1)

Council Directive 85/7/EEC (OJ L 2, 3.1.1985, p. 22), only Article 1(9)

Council Directive 86/197/EEC (OJ L 144, 29.5.1986, p. 38)

Council Directive 89/395/EEC (OJ L 186, 30.6.1989, p. 17)

Commission Directive 91/72/EEC (OJ L 42, 15.2.1991, p. 27)

Commission Directive 93/102/EC (OJ L 291, 25.11.1993, p. 14)

Commission Directive 95/42/EC (OJ L 182, 2.8.1995, p. 20)

European Parliament and Council Directive 97/4/EC (OJ L 43, 14.2.1997, p. 21)

PART B

DEADLINES FOR TRANSPOSITION INTO NATIONAL LAW

(referred to by Article 26)

>TABLE>

ANNEX V

CORRELATION TABLE

>TABLE>

**COMMISSION DIRECTIVE 2001/101/EC  
of 26 November 2001**

**amending Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(1)</sup>, and, in particular, the second paragraph of the first indent of the second subparagraph of Article 6(6) thereof,

Whereas:

- (1) Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat <sup>(2)</sup>, as last amended by Directive 95/23/EC <sup>(3)</sup>, contains a definition of meat which was drawn up for the purposes of hygiene and the protection of public health. This definition covers all parts of animals which are fit for human consumption. It does not correspond, however, to the consumer's perception of meat and does not inform the consumer as to the real nature of the product designated by the term 'meat'.
- (2) Several Member States have adopted a definition of the term 'meat' for the labelling of products that contain meat. However, the diversity of the national approaches has led to difficulties which adversely affect the operation of the internal market and make it necessary to prepare a harmonised definition.
- (3) Annex I to Directive 2000/13/EC defines certain categories of ingredients which may be designated by the name of the category rather than by the specific name of the ingredient considered for inclusion in the list of ingredients.
- (4) The category 'meat' is not defined in that Annex, which creates difficulties in implementing Directive 2000/13/EC, notably as regards indication of the list of ingredients and the quantitative declaration of the ingredients. There is a need, therefore, for a harmonised definition corresponding to the category name '... meat' in order to apply Directive 2000/13/EC.
- (5) In view of the right of consumers to be well and clearly informed so that they can choose what to eat and assess differences in selling prices, the name of the species used

should be an element of the reference to the category name.

- (6) The definition applies exclusively to the labelling of products which contain meat as an ingredient. It does not apply, therefore, to the labelling of meat cuts and anatomical parts which are sold without further processing.
- (7) Mechanically recovered meat differs significantly from 'meat' as perceived by consumers. It should therefore be excluded from the scope of the definition.
- (8) Consequently, it should be designated by its specific name, 'mechanically recovered meat', and by the name of the species, in compliance with the rule set out in Article 6(6) of Directive 2000/13/EC. This labelling rule applies to the products covered by the Community definition of 'mechanically recovered meat'.
- (9) Other animal parts which are fit for human consumption but which do not fall under the definition of the term 'meat' for labelling purposes should also be designated by their specific name in accordance with the same principle.
- (10) In order to determine the 'meat' content of products in a uniform manner, maximum limits should be established for the fat and connective tissue content of products which may be designated by the category name '... meat'. These limits are without prejudice to the specific provisions governing minced meat and meat preparations laid down in Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations <sup>(4)</sup>.
- (11) If these maximum limits are exceeded, but all other criteria for the definition of 'meat' are satisfied, the '... meat' content should be adjusted downwards accordingly and the list of ingredients should mention, in addition to the term '... meat', the presence of fat and/or connective tissue.
- (12) It also appears necessary to establish a harmonised method for determining the connective tissue content.

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(2)</sup> English Special Edition, 1963-64 (II), p. 175.

<sup>(3)</sup> OJ L 243, 11.10.1995, p. 7.

<sup>(4)</sup> OJ L 368, 31.12.1994, p. 10.

- (13) Directive 2000/13/EC should therefore be amended accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Food,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 2000/13/EC is amended in accordance with the text set out in the Annex to this Directive.

*Article 2*

1. Member States shall authorise trade in products that are in conformity with Directive 2000/13/EC, as amended by this Directive, by 31 December 2002 at the latest.

2. Member States shall prohibit, with effect from 1 January 2003, trade in products which are not in conformity with Directive 2000/13/EC, as amended by this Directive.

However, products which are not in conformity with the Directive and which were labelled before 1 January 2003 shall be authorised while stocks last.

*Article 3*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest. They shall immediately inform the Commission thereof.

The provisions adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 4*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 26 November 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

In Annex I to Directive 2000/13/EC, the following text is added:

*Definition*

'Skeletal muscles (\*\*) of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another foodstuff. The products covered by the Community definition of "mechanically recovered meat" are excluded from this definition.

Maximum fat and connective tissue contents for ingredients designated by the term "... meat".

Species	Fat (%)	Connective tissue <sup>(1)</sup> (%)
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

(1) The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.

If these maximum limits are exceeded, but all other criteria for the definition of "meat" are satisfied, the "... meat" content must be adjusted downwards accordingly and the list of ingredients must mention, in addition to the term "... meat", the presence of fat and/or connective tissue.

(\*) For labelling in English, this designation may be replaced by the generic name of the ingredient for the animal species concerned.

(\*\*) The diaphragm and the masseters are part of the skeletal muscles, while the heart, tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus and the tail are excluded.

**COMMISSION DIRECTIVE 2002/86/EC**  
**of 6 November 2002**

**amending Directive 2001/101/EC as regards the date from which trade in products not in conformity with Directive 2000/13/EC of the European Parliament and of the Council is prohibited**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(1)</sup>, as amended by Commission Directive 2001/101/EC<sup>(2)</sup>, and in particular the first indent of the second subparagraph of Article 6(6) thereof,

Whereas:

- (1) The provisions of Directive 2001/101/EC concerning the labelling of products containing meat are not applicable until the day following the final deadline for transposition of that Directive by the Member States.
- (2) Following the adoption of a definition of the term 'meat' for labelling purposes, the operators concerned will have to make considerable changes to the labelling of their products, in particular in respect of the list of ingredients and, where applicable, the meat content.
- (3) Because of the large number of such products on the market and the number of small and medium-sized enterprises affected, an adequate transitional period is needed to enable the labelling of these products to be brought into line with Directive 2001/101/EC.
- (4) Provision must also be made to enable operators to sell on the market products labelled prior to expiry of the transitional period whose labelling does not comply with the abovementioned provisions.
- (5) Directive 2001/101/EC should therefore 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*

Article 2 of Directive 2001/101/EC is replaced by the following:

*'Article 2*

1. Member States shall authorise trade in products that are in conformity with Directive 2000/13/EC from 1 January 2003.
2. Member States shall prohibit, with effect from 1 July 2003, trade in products which are not in conformity with Directive 2000/13/EC.

However, products which are not in conformity with Directive 2000/13/EC and which were labelled before 1 July 2003 shall be authorised while stocks last.'

*Article 2*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 6 November 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(2)</sup> OJ L 310, 28.11.2001, p. 19.

**DIRECTIVE 2003/89/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 10 November 2003**  
**amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 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>,

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

Whereas:

- (1) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it must be ensured that consumers are appropriately informed as regards foodstuffs, *inter alia*, through the listing of all ingredients on labels.
- (2) By virtue of Article 6 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(4)</sup>, certain substances need not appear in the list of ingredients.
- (3) When used in the production of foodstuffs and still present, certain ingredients or other substances are the cause of allergies or intolerances in consumers, and some of those allergies or intolerances constitute a danger to the health of those concerned.
- (4) The Scientific Committee on Food set up by Article 1 of Commission Decision 97/579/EC <sup>(5)</sup> has stated that the incidence of food allergies is such as to affect the lives of many people, causing conditions ranging from very mild to potentially fatal.

(5) The said Committee has acknowledged that common food allergens include cow's milk, fruits, legumes (especially peanuts and soybeans), eggs, crustaceans, tree nuts, fish, vegetables (celery and other foods of the Umbelliferae family), wheat and other cereals.

(6) The most common food allergens are found in a wide variety of processed foods.

(7) The said Committee has also noted that adverse reactions to food additives may occur and that the avoidance of food additives is often difficult since not all of them are invariably included on the labelling.

(8) It is necessary to provide that additives, processing aids and other substances with allergenic effect covered by Article 6(4)(a) of Directive 2000/13/EC are subject to labelling rules, to give appropriate information to consumers suffering from food allergy.

(9) Even if labelling, which is intended for consumers in general, is not to be regarded as the only medium of information acting as substitute for the medical establishment, it is nevertheless advisable to assist consumers who have allergies or intolerances as much as possible by providing them with more comprehensive information on the composition of foodstuffs.

(10) The list of allergenic substances should include those foodstuffs, ingredients and other substances recognised as causing hypersensitivity.

(11) In order to provide all consumers with better information and to protect the health of certain consumers, it should be made obligatory to include in the list of ingredients all ingredients and other substances present in the foodstuff. In the case of alcoholic beverages, it should be mandatory to include in the labelling all ingredients with allergenic effect present in the beverage concerned.

(12) In order to take account of the technical constraints involved in the manufacture of foodstuffs, it is necessary to authorise greater flexibility with regard to the listing of ingredients and other substances used in very small quantities.

<sup>(1)</sup> OJ C 332 E, 27.11.2001, p. 257 and OJ C 331 E, 31.12.2002, p. 188.

<sup>(2)</sup> OJ C 80, 3.4.2002, p. 35.

<sup>(3)</sup> Opinion of the European Parliament of 11 June 2002 (not yet published in the Official Journal), Council Common Position of 20 February 2003 (OJ C 102 E, 29.4.2003, p. 16) and Position of the European Parliament of 2 July 2003 (not yet published in the Official Journal), Council Decision of 22 September 2003.

<sup>(4)</sup> OJ L 109, 6.5.2000, p. 29. Directive as amended by Commission Directive 2001/101/EC (OJ L 310, 28.11.2001, p. 19).

<sup>(5)</sup> OJ L 237, 28.8.1997, p. 18. Decision as amended by Decision 2000/443/EC (OJ L 179, 18.7.2000, p. 13).

**CORRIGENDA****Corrigendum to Decision No 1919/2002/EC of the European Parliament and of the Council of 21 October 2002 amending Council Decision 96/411/EC on improving Community agricultural statistics**

*(Official Journal of the European Communities L 293 of 29 October 2002)*

On page 6:

*for:* 'For the Council  
The President  
M. FISCHER BOEL',

*read:* 'For the Council  
The President  
P. S. MØLLER'.

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- (13) In order to keep up with the development of scientific knowledge and progress as regards technological means of removing the allergenicity in ingredients and other substances and in order to protect consumers against new food allergens and avoid unnecessary obligations on labelling, it is important to be able to revise the list of ingredients rapidly, when necessary by including or deleting certain ingredients or substances. The revision should be based on scientific criteria determined by the European Food Safety Authority set up by Regulation (EC) No 178/2002 <sup>(1)</sup> and take the form of implementing measures of a technical nature, the adoption of which should be entrusted to the Commission in the interest of simplifying and accelerating the procedure. Furthermore, the Commission should, if necessary, draw up technical guidelines for the interpretation of Annex IIIa.
- (14) Directive 2000/13/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 2000/13/EC is amended as follows:

1. Article 6 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. Ingredients shall be listed in accordance with this Article and Annexes I, II, III and IIIa.’;

(b) the following paragraph shall be inserted:

‘3a. Without prejudice to the rules for labelling to be established pursuant to paragraph 3, any ingredient, as defined in paragraph 4(a) and listed in Annex IIIa, shall be indicated on the labelling where it is present in beverages referred to in paragraph 3. This indication shall comprise the word “contains” followed by the name of the ingredient(s) concerned. However, an indication is not necessary when the ingredient is already included under its specific name in the list of ingredients or in the name under which the beverage is sold.

Where necessary, detailed rules for the presentation of the indication referred to in the first subparagraph may be adopted in accordance with the following procedures:

(a) as regards the products referred to in Article 1(2) of Council Regulation (EC) No 1493/99 of 17 May 1999 on the common organisation of the market in wine (\*), under the procedure laid down in Article 75 of that Regulation;

(b) as regards the products referred to in Article 2(1) of 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 (\*\*), under the procedure laid down in Article 13 of that Regulation;

(c) as regards the products referred to in Article 1(2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (\*\*\*), under the procedure laid down in Article 14 of that Regulation;

(d) as regards other products, under the procedure laid down in Article 20(2) of this Directive.

(\*) OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

(\*\*) OJ L 149, 14.6.1991, p. 1. Regulation as last amended by Regulation (EC) No 2061/96 of the European Parliament and of the Council (OJ L 277, 30.10.1996, p. 1).

(\*\*\*) OJ L 160, 12.6.1989, p. 1. Regulation as last amended by Regulation (EC) No 3378/94 of the European Parliament and of the Council (OJ L 366, 31.12.1994, p. 1).;

(c) the following point shall be added to paragraph 4(c):

‘(iv) substances which are not additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in altered form.’;

(d) the second subparagraph of paragraph 5 shall be amended as follows:

(i) the fourth indent shall be replaced by the following:

— where fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, are used in a mixture as ingredients of a foodstuff, they may be grouped together in the list of ingredients under the designation “fruit”, “vegetables” or “mushrooms” followed by the phrase “in varying proportions”, immediately followed by a list of the fruit, vegetables or mushrooms present; in such cases, the mixture shall be included in the list of ingredients in accordance with the first subparagraph, on the basis of the total weight of the fruit, vegetables or mushrooms present.’;

(ii) the following indents shall be added:

— ingredients constituting less than 2 % of the finished product may be listed in a different order after the other ingredients,

<sup>(1)</sup> 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).

- where ingredients which are similar or mutually substitutable are likely to be used in the manufacture or preparation of a foodstuff without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2 % of the finished product, they may be referred to in the list of ingredients by means of the phrase “contains ... and/or ...”, where at least one of no more than two ingredients is present in the finished product. This provision shall not apply to additives or to ingredients listed in Annex IIIa.;

- (e) the second subparagraph of paragraph 8 shall be replaced by the following:

‘The list referred to in the first subparagraph shall not be compulsory:

- (a) where the composition of the compound ingredient is defined in current Community legislation, and in so far as the compound ingredient constitutes less than 2 % of the finished product; however, this provision shall not apply to additives, subject to paragraph 4(c),
- (b) for compound ingredients consisting of mixtures of spices and/or herbs that constitute less than 2 % of the finished product, with the exception of additives, subject to paragraph 4(c),
- (c) where the compound ingredient is a foodstuff for which a list of ingredients is not required under Community legislation.;

- (f) the following paragraphs shall be added:

‘10. Notwithstanding paragraph 2, the second subparagraph of paragraph 6 and the second subparagraph of paragraph 8, any ingredient used in production of a foodstuff and still present in the finished product, even if in altered form, and listed in Annex IIIa or originating from an ingredient listed in Annex IIIa shall be indicated on the label with a clear reference to the name of this ingredient.

The indication referred to in the first subparagraph shall not be required if the name under which the foodstuff is sold clearly refers to the ingredient concerned.

Notwithstanding paragraph 4(c)(ii), (iii) and (iv), any substance used in production of a foodstuff and still present in the finished product, even if in altered form, and originating from ingredients listed in Annex IIIa shall be considered as an ingredient and shall be indicated on the label with a clear reference to the name of the ingredient from which it originates.

11. The list in Annex IIIa shall be systematically re-examined and, where necessary, updated on the basis of the most recent scientific knowledge. The first re-examination shall take place at the latest on 25 November 2005.

Updating could also be effected by the deletion from Annex IIIa of ingredients for which it has been scientifically established that it is not possible for them to cause adverse reactions. To this end, the Commission may be notified until 25 August 2004 of the studies currently being conducted to establish whether ingredients or substances, derived from ingredients listed in Annex IIIa are not likely, under specific circumstances, to trigger adverse reactions. The Commission shall, not later than 25 November 2004, after consultation with the European Food Safety Authority, adopt a list of those ingredients or substances, which shall consequently be excluded from Annex IIIa, pending the final results of the notified studies, or at the latest until 25 November 2007.

Without prejudice to the second subparagraph, Annex IIIa may be amended, in compliance with the procedure referred to in Article 20(2), after an opinion has been obtained from the European Food Safety Authority issued on the basis of Article 29 of 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 (\*).

Where necessary, technical guidelines may be issued for the interpretation of the list in Annex IIIa, in compliance with the procedure referred to in Article 20(2).

(\*) 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).;

- 2. in the second subparagraph of Article 19, ‘Standing Committee on Foodstuffs set up by Council Decision 69/414/EEC (1)’ shall be replaced by ‘Standing Committee on the Food Chain and Animal Health set up by Regulation (EC) No 178/2002’;
- 3. the footnote, ‘OJ L 291, 29.11.1969, p. 9’, shall be deleted;
- 4. in Article 20(1) ‘Standing Committee on Foodstuffs’ shall be replaced by ‘Standing Committee on the Food Chain and Animal Health’;
- 5. in Annex I, the designations ‘crystallised fruit’ and ‘vegetables’, and the corresponding definitions, shall be deleted;
- 6. Annex IIIa, the text of which is set out in the Annex to this Directive, shall be inserted.

## Article 2

- 1. Member States shall bring into force, by 25 November 2004 the laws, regulations and administrative provisions necessary to:

- permit, as from 25 November 2004, the sale of products that comply with this Directive;

— prohibit, as from 25 November 2005, the sale of products that do not comply with this Directive; any products which do not comply with this Directive but which have been placed on the market or labelled prior to this date may, however, be sold while stocks last.

They shall forthwith inform the Commission thereof.

When Member States adopt those measures, 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 day of its publication in the *Official Journal of the European Union*.

#### Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

A. MARZANO

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#### ANNEX

#### 'ANNEX IIIa

#### Ingredients referred to in Article 6(3a), (10) and (11)

Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof

Crustaceans and products thereof

Eggs and products thereof

Fish and products thereof

Peanuts and products thereof

Soybeans and products thereof

Milk and products thereof (including lactose)

Nuts i. e. Almond (*Amygdalus communis* L.), Hazelnut (*Corylus avellana*), Walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nut (*Bertholletia excelsa*), Pistachio nut (*Pistacia vera*), Macadamia nut and Queensland nut (*Macadamia ternifolia*) and products thereof

Celery and products thereof

Mustard and products thereof

Sesame seeds and products thereof

Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>.

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## 32005L0026

### **Commission Directive 2005/26/EC of 21 March 2005 establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the CouncilText with EEA relevance**

*Official Journal L 075 , 22/03/2005 P. 0033 - 0034*

Commission Directive 2005/26/EC

of 21 March 2005

establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [1], and in particular second subparagraph of Article 6(11) thereof,

Whereas:

(1) Annex IIIa of Directive 2000/13/EC establishes a list of food ingredients to be indicated on the label as they are likely to cause adverse reactions in susceptible individuals.

(2) In accordance with Directive 2000/13/EC the Commission may provisionally exclude certain ingredients or products of those ingredients from Annex IIIa to that Directive, while food manufacturers or their associations conduct scientific studies to establish that those ingredients or products comply with the conditions for definite exclusion from that Annex.

(3) The Commission received 27 applications regarding 34 ingredients or products thereof, of which 32 fall within the scope of this Directive, and have been submitted to the European Food Safety Authority (EFSA) for a scientific opinion.

(4) Based on the information provided by the applicant, and other information available, the EFSA has considered that certain products of ingredients are not likely, or not very likely, to cause adverse reactions in susceptible individuals. In certain cases, EFSA has concluded that it cannot draw a firm conclusion, though no reported cases were mentioned.

(5) Those products or ingredients complying with these conditions should therefore provisionally be excluded from Annex IIIa of Directive 2000/13/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The ingredients or substances listed in the Annex to this Directive shall be excluded from Annex IIIa of Directive 2000/13/EC until 25 November 2007.

## Article 2

1. Member States shall adopt and publish, by 21 September 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 25 November 2005.

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 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, 21 March 2005.

For the Commission

Markos Kyprianou

Member of the Commission

[1] OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

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## ANNEX

Ingredients | Products thereof provisionally excluded |

Cereals containing gluten | Wheat based glucose syrups including dextrose  
Wheat based maltodextrins  
Glucose syrups based on barley  
Cereals used in distillates for spirits |

Eggs | Lysozym (produced from egg) used in wine  
Albumin (produced from egg) used as fining agent in wine and cider |

Fish | Fish gelatine used as carrier for vitamins and flavours  
Fish gelatine or Isinglass used as fining agent in beer, cider and wine |

Soybean | Fully refined soybean oil and fat  
Natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources  
Vegetable oils derived phytosterols and phytosterol esters from soybean sources  
Plant stanol ester produced from vegetable oil sterols from soybean sources |

Milk | Whey used in distillates for spirits  
Lactitol  
Milk (casein) products used as fining agents in cider and wines |

Nuts | Nuts used in distillates for spirits  
Nuts (almonds, walnuts) used (as flavour) in spirits |

Celery | Celery leaf and seed oil Celery seed oleoresin |

Mustard | Mustard oil Mustard seed oil Mustard seed oleoresin |

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**32005L0063****Commission Directive 2005/63/EC of 3 October 2005 correcting Directive 2005/26/EC concerning the list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council (Text with EEA relevance)**

*Official Journal L 258 , 04/10/2005 P. 0003 - 0003*

Commission Directive 2005/63/EC

of 3 October 2005

correcting Directive 2005/26/EC concerning the list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [1] and in particular Article 6 (11), thereof,

Whereas:

(1) Commission Directive 2005/26/EC [2] established the list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC, having heard the opinion of the European Food Safety Authority (EFSA).

(2) In its opinion of 2 December 2004 on certain uses of fish gelatine, the EFSA concluded that this product, when used as a carrier for vitamin and carotenoid preparations, is not likely to cause severe allergic reactions.

(3) Carotenoids were wrongly omitted from the list in annex to Directive 2005/26/EC and must therefore be added to it,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the second column of the Annex to Directive 2005/26/EC, the seventh row shall be replaced by the following:

"— Fish gelatine used as a carrier for vitamin or carotenoid preparations and flavours."

Article 2

1. The Member States shall adopt and publish, by 3 December 2005 at the latest, the rules, regulations and administrative provisions necessary to comply with the present Directive. They shall immediately communicate the text of those provisions to the Commission together with a correlation table those provisions and this Directive.

They shall apply those provisions from 25 November 2005.

When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by a reference at the time of their official publication. The Member States shall determine how such reference is to be made.

2. The 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 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, 3 October 2005.

For the Commission

Markos Kyprianou

Member of the Commission

[1] OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

[2] OJ L 75, 22.3.2005, p. 33.

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31987L0250

**Commission Directive 87/250/EEC of 15 April 1987 on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer***Official Journal L 113 , 30/04/1987 P. 0057 - 0058**Finnish special edition: Chapter 15 Volume 7 P. 0220**Swedish special edition: Chapter 15 Volume 7 P. 0220*

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## COMMISSION DIRECTIVE

of 15 April 1987

on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer

(87/250/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (1), as last amended by Directive 86/197/EEC (2), and in particular the second paragraph of Article 10a thereof,

Whereas Article 3 of Directive 79/112/EEC made it mandatory, in the labelling of beverages containing more than 1,2 % by volume of alcohol, to indicate the actual alcoholic strength by volume;

Whereas rules concerning the manner of such indication must be laid down;

Whereas, in the case of products classified under headings No 22.04 and 22.05 of the Common Customs Tariffs, such rules are laid down in the specific Community provisions applicable to them;

Whereas this Directive applies to all other beverages containing more than 1,2 % by volume of alcohol;

Whereas the Annex to Council Directive 76/766/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcohol tables (3) lays down Community rules on the definition and on the method of determining and expressing alcoholic strength by volume;

Whereas this Directive may therefore be confined to introducing the provisions that must supplement such rules;

Whereas for the purpose of establishing tolerances, due regard should be given to the nature of the different beverages concerned, the degree of variability observed and the technical difficulties involved in ensuring that the declared value is consistent with the actual value;

Whereas one or more Community methods of analysis for determining alcoholic strength by volume will have to be adopted in good time in order to allow Directive 79/112/EEC and this Directive to be applied correctly;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive concerns the indication of the actual alcoholic strength by volume in the labelling of beverages containing more than 1,2 % by volume of alcohol other than those classified under headings No 22.04 and 22.05 of the Common Customs Tariff.

#### Article 2

1. Alcoholic strength shall be determined at 20 °C.
2. The figure for alcoholic strength shall be given to not more than one decimal place. It shall be followed by the symbol '% vol.' and may be preceded by the word 'alcohol' or the abbreviation 'alc.'

#### Article 3

1. The positive and negative tolerances allowed in respect of the indication of the alcoholic strength by volume shall be as follows, expressed in absolute values:

(a) Beverages not specified below:

0,3 % vol.;

(b) Beers having an alcoholic strength not exceeding 5,5 % vol.; beverages classified under subheading 22.07 B II of the Common Customs Tariff and made from grapes:

0,5 % vol.;

(c) Beers having an alcoholic strength exceeding 5,5 % vol.; beverages classified under subheading 22.07 B I of the Common Customs Tariff and made from grapes; ciders, perries, fruit wines and the like, obtained from fruits other than grapes, whether or not semi-sparkling or sparkling; beverages based on fermented honey:

1 % vol.;

(d) Beverages containing macerated fruit or parts of plants:

1,5 % vol.

2. The tolerances set out in paragraph 1 shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength.

#### Article 4

1. Member States shall, where necessary, amend their legislation to comply with this Directive and shall forthwith inform the Commission thereof; legislation thus amended shall be applied in such a manner as to:

- permit trade in products which comply with this Directive by 1 May 1988 at the latest,
- prohibit trade in products which do not comply with this Directive as from 1 May 1989.

2. However, trade in beverages which do not comply with this Directive, labelled before the date in the second indent of paragraph 1, shall be permitted until stocks are exhausted.

#### Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 April 1987.

For the Commission

COCKFIELD

Vice-President

(1) OJ No L 33, 8. 2. 1979, p. 1.

(2) OJ No L 144, 29. 5. 1986, p. 38.

(3) OJ No L 262, 27. 9. 1976, p. 149.

**31994L0054****Commission Directive 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC***Official Journal L 300 , 23/11/1994 P. 0014 - 0015**Finnish special edition: Chapter 15 Volume 13 P. 0250**Swedish special edition: Chapter 15 Volume 13 P. 0250*

COMMISSION DIRECTIVE 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (1), as last amended by Commission Directive 93/102/EC (2), and in particular Article 4 (2) thereof,

Whereas, having regard to the scope and effects of the proposed action, the Community measures introduced by this Directive are essential if the objectives set are to be attained; whereas those objectives cannot be attained by the Member States acting individually; whereas, moreover, Directive 79/112/EEC already provides for the attainment of such objectives at Community level;

Whereas, in order to ensure that consumers receive adequate information, it is necessary to provide for compulsory indication, for certain foodstuffs, of other particulars in addition to those provided for in Article 3 of Directive 79/112/EEC;

Whereas packaging gases used in packaging certain foodstuffs should not be regarded as ingredients for the purposes of Article 6 (1) of Directive 79/112/EEC and therefore should not be included in the list of ingredients on the label;

Whereas, however, consumers should be informed of the use of such gases inasmuch as this information enables them to understand why the foodstuff they have purchased has a longer shelf-life than similar products packaged differently;

Whereas, in order to prevent new barriers to trade being created by unilateral measures taken by Member States, it is necessary to adopt Community provisions;

Whereas, in accordance with the procedure of Article 17 of Council Directive 79/112/EEC, this Directive was submitted to the Standing Committee for Foodstuffs which was unable to express an opinion; whereas, under the same procedure, the Commission submitted to the Council a proposal relating to the measures to be taken;

Whereas, since the Council has not adopted any measures by the end of the three months it was given, the Commission should adopt the proposed measures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Without prejudice to the provisions of Article 3 of Directive 79/112/EEC, the labelling of the foodstuffs listed in the Annex to this Directive shall include additional particulars, as set out in that Annex.

#### Article 2

Member States shall, where necessary, amend their laws, regulations and administrative provisions by 30 June 1995 in such a way so as to:

- permit trade in products complying with this Directive no later than 1 July 1995,
- prohibit trade in products not complying with this Directive with effect from 1 January 1997; however, trade in products placed on the market or labelled before that date and not conforming with this Directive may continue until stocks run out.

They shall forthwith 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 3

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Done at Brussels, 18 November 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ No L 33, 8. 2. 1979, p. 1.

(2) OJ No L 291, 25. 11. 1993, p. 14.

#### ANNEX

List of foodstuffs for which the labelling must include one or more additional particulars

>TABLE>

**31996L0021****Council Directive 96/21/EC of 29 March 1996 amending Commission Directive 94/54/EC concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 79/112/EEC**

*Official Journal L 088 , 05/04/1996 P. 0005 - 0006*

COUNCIL DIRECTIVE 96/21/EC of 29 March 1996 amending Commission Directive 94/54/EC concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 79/112/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (1), and in particular Article 4 (2) thereof,

Having regard to European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs, and in particular Article 6 thereof (2),

Having regard to the proposal from the Commission,

Whereas Commission Directive 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 79/112/EEC (3) contains a list of foodstuffs for which the labelling must include one or more additional particulars;

Whereas the purpose of this Directive is to supplement the said Annex with regard to foodstuffs containing sweeteners;

Whereas, having regard to the scope and effects of the proposed action, the Community measures introduced by this Directive are not only necessary but essential if the objectives set are to be attained; whereas those objectives cannot be attained by the Member States acting individually; whereas, moreover, Directive 94/35/EC already provides for the attainment of such objectives at Community level;

Whereas, with a view to providing adequate consumer information, the labelling of foodstuffs which contain sweeteners must bear details to that effect;

Whereas, moreover, warnings should also be given on the labelling of foodstuffs containing certain categories of sweetener;

Whereas, in accordance with the procedure laid down in Article 17 of Directive 79/112/EEC and Article 7 of Directive 94/35/EC, a draft of this Directive was submitted to the Standing Committee on Foodstuffs; whereas the latter was unable to deliver an opinion; whereas in accordance with that same procedure the Commission has submitted a proposal to the Council regarding the measures to be adopted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 94/54/EC is hereby supplemented as follows:

>TABLE>

#### Article 2

Member States shall, where necessary, amend their laws, regulations and administrative provisions before 1 July 1996 so as to:

- allow trade in products complying with this Directive by 1 July 1996 at the latest;
- prohibit trade in products not complying with this Directive from 1 July 1997. However, products placed on the market or labelled before that date which do not comply with this Directive may be marketed until stocks are exhausted.

They shall forthwith inform the Commission thereof.

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

#### Article 3

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

#### Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 March 1996.

For the Council

The President

T. TREU

(1) OJ No L 33, 8. 2. 1979, p. 1. Directive as last amended by Directive 93/102/EC (OJ No L 291, 25. 11. 1993, p. 14).

(2) OJ No L 237, 10. 9. 1994, p. 3.

(3) OJ No L 300, 23. 11. 1994, p. 14.

**COMMISSION DIRECTIVE 2004/77/EC  
of 29 April 2004**

**amending Directive 94/54/EC as regards the labelling of certain foods containing glycyrrhizinic acid and its ammonium salt**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(1)</sup>, and in particular Article 4(2) thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) Commission Directive 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC<sup>(2)</sup> contains a list of foodstuffs for which the labelling must include one or more additional particulars.
- (2) The purpose of this Directive is to supplement that list with regard to certain foods containing glycyrrhizinic acid and its ammonium salt.
- (3) Glycyrrhizinic acid naturally occurs in the liquorice plant *Glycyrrhiza glabra* while its ammonium salt is manufactured from aqueous extracts of liquorice plant *Glycyrrhiza glabra*. Glycyrrhizinic acid and its ammonium salt are included in the Community register of flavouring substances laid down by Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996<sup>(3)</sup>. Exposure to glycyrrhizinic acid and its ammonium salt occur mostly via consumption of liquorice confectionery, including chewing gum, herbal teas and other beverages.
- (4) The Scientific Committee on Food, in its opinion of 4 April 2003 on glycyrrhizinic acid and its ammonium salt, concluded that an upper limit for regular ingestion of 100 mg/day provides a sufficient level of protection for the majority of the population, consumption above

this level may give rise to hypertension. However the Committee noted that within the human population there are subgroups for which this upper limit might not offer sufficient protection. These subgroups comprise people with medical conditions related to disturbed water- and electrolyte homeostasis.

- (5) These findings make it necessary to provide labelling which gives the consumers clear information on the presence of glycyrrhizinic acid or its ammonium salt in confectionery and beverages. In the case of high contents of glycyrrhizinic acid or its ammonium salt in these products, the consumers, and in particular those suffering from hypertension, should in addition be informed that excessive intake should be avoided. To ensure a good understanding of these information by the consumers, the well known term 'liquorice extracts' should be preferably used.
- (6) Directive 94/54/EC should therefore be amended accordingly.
- (7) 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*

Annex to Directive 94/54/EC is amended in accordance with the text set out in the Annex to this Directive.

*Article 2*

1. The Member States shall permit trade in products which comply with this Directive from 20 May 2005 at the latest.
2. The Member States shall prohibit trade in products which do not comply with this Directive from 20 May 2006.

However, products which do not comply with this Directive and which were labelled before 20 May 2006 shall be authorised while stocks last.

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29. Directive as amended by Directive 2003/89/EC of the European Parliament and of the Council of 10 November 2003 (OJ L 308, 25.11.2003, p. 15).

<sup>(2)</sup> OJ L 300, 23.11.1994, p. 14. Directive as amended by Council Directive 96/21/EC (OJ L 88, 5.4.1996, p. 5).

<sup>(3)</sup> OJ L 84, 27.3.1999, p. 1. Decision as amended by Decision 2002/113/EC (OJ 49, 20.2.2002, p. 1).



*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 May 2005 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 4*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 29 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

In Annex to Directive 94/54/EC, the following text is added:

Type or category of foodstuff	Particulars
Confectionery or beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> , at concentration of 100 mg/kg or 10 mg/l or above.	The terms 'contains liquorice' shall be added immediately after the list of ingredients, unless the term 'liquorice' is already included in the list of ingredients or in the name under which the product is sold. In absence of list of ingredients, the particular shall take place nearby the name under which the product is sold.
Confectionery containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 4 g/kg or above.	The following message must be added after the list of ingredients: 'contains liquorice-people suffering from hypertension should avoid excessive consumption'. In absence of list of ingredients, the particular shall take place nearby the name under which the product is sold.
Beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 50 mg/l or above, or of 300 mg/l or above in the case of beverages containing more than 1,2 % by volume of alcohol <sup>(1)</sup> .	The following message must be added after the list of ingredients: 'contains liquorice- people suffering from hypertension should avoid excessive consumption'. In absence of list of ingredients, the particular shall take place nearby the name under which the product is sold.

<sup>(1)</sup> The level shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers

**31989L0396****Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs***Official Journal L 186 , 30/06/1989 P. 0021 - 0022**Finnish special edition: Chapter 15 Volume 9 P. 0071**Swedish special edition: Chapter 15 Volume 9 P. 0071*

COUNCIL DIRECTIVE of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs (89/396/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 it is necessary to adopt measures with the aim of progressively establishing the internal market over the period expiring on 31 December 1992; 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 indication of the lot to which a foodstuff belongs meets the need for better information on the identity of products; whereas it is therefore a useful source of information when foodstuffs are the subject of dispute or constitute a health hazard for consumers;

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising

of foodstuffs (4), as last amended by Directive

89/395/EEC (5), contains no provisions on indication of lot identification; whereas some Member States have meanwhile adopted national measures requiring such indication;

Whereas at international level there is now a general obligation to provide a reference to the manufacturing or packaging lot of prepackaged foodstuffs; whereas it is the Community's duty to contribute to the development of international trade;

Whereas it is therefore advisable to adopt rules of a general and horizontal nature in order to establish a common lot identification system;

Whereas the efficiency of this system depends on its application at the various marketing stages; whereas it is nevertheless desirable to exclude certain products and operations in particular those taking place at the start of the distribution network for agricultural products;

Whereas the concept of a lot implies that several sales units of a foodstuff have almost identical production, manufacture or packaging characteristics; whereas that concept therefore could not apply to bulk products or products which, owing to their individual specificity or heterogeneous nature, could not be considered as forming a homogeneous batch;

Whereas, in view of the variety of identification methods used, it is up to the trader to determine the lot and to affix the corresponding indication or mark;

Whereas, in order to satisfy the information requirements for which it is intended, this indication must be clearly distinguishable and recognizable as such;

Whereas the date of minimum durability or 'use by' date, may, in conformity with Directive 79/112/EEC, serve as the lot identification, provided it is indicated precisely,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive concerns the indication which allows identification of the lot to which a foodstuff belongs.
2. For the purposes of this Directive, 'lot' means a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions.

#### Article 2

1. A foodstuff may not be marketed unless it is accompanied by an indication as referred to in Article 1 (1).
2. However, paragraph 1 shall not apply:
  - (a) to agricultural products which, on leaving the holding are:
    - sold or delivered to temporary storage, preparation or packaging stations,
    - transported to producers' organizations, or
    - collected for immediate integration into an operational preparation or processing system;
  - (b) when, at the point of sale to the ultimate consumer, the foodstuffs are not prepackaged, are packaged at the request of the purchaser or are prepackaged for immediate sale;
  - (c) to packagings or containers, the largest side of which has an area of less than 10 cm<sup>2</sup>.
3. Member States may, until 31 December 1996, refrain from requiring the indication referred to in Article 1 (1) to be mentioned in the case of the glass bottles intended for re-use which are indelibly marked and which therefore bear no label, ring or collar.

#### Article 3

The lot shall be determined in each case by the producer, manufacturer or packager of the foodstuff in question, or the first seller established within the Community.

The indication referred to in Article 1 (1) shall be determined and affixed under the responsibility of one or other of those operators. It shall be preceded by the letter 'L' except in cases where it is clearly distinguishable from the other indications on the label.

#### Article 4

When the foodstuffs are prepackaged, the indication referred to in Article 1 (1) and, where appropriate, the letter 'L' shall appear on the prepackaging or on a label attached thereto.

When the foodstuffs are not prepackaged, the indication referred to in Article 1 (1) and, where appropriate, the letter 'L' shall appear on the packaging or on the container or, failing that, on the relevant commercial documents.

It shall in all cases appear in such a way as to be easily visible, clearly legible and indelible.

#### Article 5

When the date of minimum durability or 'use by' date appears on the label, the indication referred to in Article 1 (1) need not appear on the foodstuff, provided that the date consists at least of the uncoded indication of the day and the month in that order.

#### Article 6

This Directive shall apply without prejudice to the indications laid down by specific Community provisions.

The Commission shall publish and keep up to date a list of the provisions in question.

#### Article 7

Member States shall, where necessary, amend their laws, regulations or administrative provisions so as to:

- authorize trade in products complying with this Directive by not later than 20 June 1990,
- prohibit trade in products not complying with this Directive with effect from 20 June 1991, however, trade in products placed on the market or labelled before that date and not conforming with this Directive may continue until stocks run out.

They shall forthwith inform the Commission thereof.

#### Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 14 June 1989.

For the Council

The President

P. SOLBES

- (1) OJ No C 310, 20. 11. 1987, p. 2.
- (2) OJ No C 167, 27. 6. 1988, p. 425, and OJ No C 120, 16. 5. 1989.
- (3) OJ No C 95, 11. 4. 1988, p. 1.
- (4) OJ No L 33, 8. 2. 1979, p. 1.
- (5) See page 17 of this Official Journal.

## 31991L0238

### **Council Directive 91/238/EEC of 22 April 1991 amending Directive 89/396/EEC on indications or marks identifying the lot to which a foodstuff belongs**

*Official Journal L 107 , 27/04/1991 P. 0050 - 0050*

*Finnish special edition: Chapter 13 Volume 20 P. 0094*

*Swedish special edition: Chapter 13 Volume 20 P. 0094*

COUNCIL DIRECTIVE of 22 April 1991 amending Directive 89/396/EEC on indications or marks identifying the lot to which a foodstuff belongs (91/238/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 it is necessary to take account of the fact that the immediate consumption on purchase of certain foodstuffs such as ice cream in individual portions means that indicating the lot directly on the individual packaging would serve no useful purpose; whereas Directive 89/396/EEC (4) should therefore be amended;

Whereas, however, it must be compulsory in the case of these products to indicate the lot on the combined package,

HAS ADOPTED THIS DIRECTIVE: Article 1

The following is hereby added to Article 2 (2) of Directive 89/396/EEC:

'(d) to individual portions of ice cream. The indication enabling the lot to be identified must appear on the combined package.'

Article 2 This Directive is addressed to the Member States.  
Done at Luxembourg, 22 April 1991. For the Council

The President

R. STEICHEN (1) OJ No C 267, 23. 10. 1990, p. 15. (2) OJ No C 324, 24. 12. 1990, p. 246 and OJ No C 72, 18. 3. 1991. (3) OJ No C 60, 8. 3. 1991, p. 4. (4) OJ No L 186, 30. 6. 1989, p. 21.

## 31992L0011

### **Council Directive 92/11/EEC of 3 March 1992 amending Directive 89/396/EEC on indications or marks identifying the lot to which a foodstuff belongs**

*Official Journal L 065 , 11/03/1992 P. 0032 - 0032*

COUNCIL DIRECTIVE 92/11/EEC of 3 March 1992 amending Directive 89/396/EEC on indications or marks identifying the lot to which a foodstuff belongs

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 take account of the insurmountable technical problems which made it impossible to implement Directive 89/396/EEC (4), as amended by Directive 91/238/EEC (5), by 20 June 1991; whereas it is therefore necessary to postpone the implementation date,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The second indent of the first subparagraph of Article 7 of Directive 89/396/EEC is hereby replaced by the following:

'- prohibit trade in products not complying with this Directive with effect from 1 July 1992. However, trade in products placed on the market or labelled before that date and not conforming with this Directive may continue until stocks run out.'

Article 2

This Directive is addressed to the Member States. Done at Brussels, 3 March 1992. For the Council

The President

Arlindo MARQUES CUNHA

(1) OJ No C 219, 22. 8. 1991, p. 11. (2) OJ No C 305, 25. 11. 1991, p. 54 and Decision of 12 February 1992 (not yet published in the Official Journal). (3) OJ No C 40, 17. 2. 1992, p. 12. (4) OJ No L 186, 30. 6. 1989, p. 21. (5) OJ No L 107, 27. 4. 1991, p. 50.

**31990L0496****Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs***Official Journal L 276 , 06/10/1990 P. 0040 - 0044**Finnish special edition: Chapter 15 Volume 10 P. 0007**Swedish special edition: Chapter 15 Volume 10 P. 0007*

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COUNCIL DIRECTIVE

of 24 September 1990

on nutrition labelling for foodstuffs

(90/496/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 it is important that measures should be adopted with a view to the progressive establishment of the internal market by 31 December 1992; whereas the internal market is an area without internal frontiers in which freedom of movement is ensured for goods, persons, services and capital;

Whereas there is growing public interest in the relationship between diet and health and in the choice of an appropriate diet to suit individual needs;

Whereas the Council and the Representatives of the Governments of the Member States meeting within the Council, in their resolution of 7 July 1986 on the European programme against cancer, considered the improvement of nutrition to be a priority;

Whereas knowledge of the basic principles of nutrition and appropriate nutrition labelling of foodstuffs would contribute significantly towards enabling the consumer to make this choice;

Whereas the provision of nutrition labelling should assist action in the area of nutrition education for the public;

Whereas, for the benefit of the consumer on the one hand, and to avoid any possible technical barriers to trade on the other, nutrition labelling should be presented in a standardized form applying throughout the Community;

Whereas foodstuffs bearing nutrition labelling should conform to the rules laid down in this Directive;

Whereas all other forms of nutrition labelling should be prohibited but foodstuffs bearing no nutrition labelling should be able to circulate freely;

Whereas, to appeal to the average consumer and to serve the purpose for which it is introduced, and given the current low level of knowledge on the subject of nutrition, the information provided should be simple and easily understood;

Whereas application of this Directive for a certain length of time will enable valuable experience on the subject to be gained and consumer reaction to the way in which nutrition information is presented to be evaluated thus enabling the Commission to review the rules and propose any appropriate amendments;

Whereas in order to encourage interested parties, especially small and medium-sized undertakings, to provide nutrition labelling for as many products as possible, measures to make information more complete and more balanced should be introduced gradually;

Whereas the rules laid down in this Directive should also take into account the Codex Alimentarius guidelines on nutrition labelling;

Whereas general labelling provisions and definitions are contained in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (4), as last amended by Directive 89/395/EEC (5); whereas this Directive can therefore be confined to those provisions pertaining to nutrition labelling,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive concerns nutrition labelling of foodstuffs to be delivered as such to the ultimate consumer. It shall also apply to foodstuffs intended for supply to restaurants, hospitals, canteens and other similar mass caterers (hereinafter referred to as 'mass caterers').

2. This Directive shall not apply to:

- natural mineral waters or other waters intended for human consumption,
- diet integrators/food supplements.

3. This Directive shall apply without prejudice to the labelling provisions of 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 (3) and specific Directives as referred to in Article 4 of that Directive.

4. For the purposes of this Directive:

(a) 'nutrition labelling' means any information appearing on labelling and relating to:

(i) energy value;

(ii) the following nutrients:

- protein,
- carbohydrate,
- fat,
- fibre,
- sodium,
- vitamins and minerals listed in the Annex and present in significant amounts as defined in that Annex.



Changes to the list of vitamins, minerals and their recommended daily allowances shall be adopted in accordance with the procedure laid down in Article 10;

(b) 'nutrition claim' means any representation and any advertising message which states, suggests or implies that a foodstuff has particular nutrition properties due to the energy (calorific value) it

- provides,
- provides at a reduced or increased rate or
- does not provide,

and/or due to the nutrients it

- contains,
- contains in reduced or increased proportions or
- does not contain.

A reference to qualities or quantities of a nutrient does not constitute a nutrition claim in so far as it is required by legislation.

In accordance with the procedure laid down in Article 10, it may be decided in certain cases whether the conditions described in this point are satisfied;

(c) 'protein' means the protein content calculated using the formula: protein = total Kjeldahl nitrogen  $\times$  6,25;

(d) 'carbohydrate' means any carbohydrate which is metabolized in man, and includes polyols;

(e) 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols;

(f) 'fat' means total lipids, and includes phospholipids;

(g) 'saturates' means fatty acids without double bond;

(h) 'mono-unsaturates' means fatty acids with one cis double bond;

(i) 'polyunsaturates' means fatty acids with cis, cis-methylene interrupted double bonds;

(j) 'fibre' means the material to be defined in accordance with the procedure laid down in Article 10 and measured by the method of analysis to be determined in accordance with that procedure;

(k) 'average value' means the value which best represents the amount of the nutrient which a given food contains, and reflects allowances for seasonal variability, patterns of consumption and other factors which may cause the actual value to vary.

## Article 2

1. Subject to paragraph 2, nutrition labelling shall be optional.
2. Where a nutrition claim appears on labelling, in presentation or in advertising, with the exclusion of generic advertising, nutrition labelling shall be compulsory.

## Article 3

The only nutrition claims permitted shall be those relating to energy, to the nutrients listed in Article 1 (4) (a) (ii) and to substances which belong to or which are components of a category of those nutrients. Provisions restricting or prohibiting nutrition claims within the meaning of this Article may be adopted by the procedure laid down in Article 10.

#### Article 4

1. Where nutrition labelling is provided, the information to be given shall consist of either group 1 or group 2 in the following order:

##### Group 1

- (a) energy value;
- (b) the amounts of protein, carbohydrate and fat.

##### Group 2

- (a) energy value;
- (b) the amounts of protein, carbohydrate, sugars, fat, saturates, fibre and sodium.

2. Where a nutrition claim is made for sugars, saturates, fibre or sodium, the information to be given shall consist of group 2.

3. Nutrition labelling may also include the amounts of one or more of the following:

- starch,
- polyols,
- mono-unsaturates,
- polyunsaturates,
- cholesterol,
- any of the minerals or vitamins listed in the Annex and present in significant amounts as defined in that Annex.

4. The declaration of substances which belong to or are components of one of the categories of nutrients referred to in paragraphs 1 and 3 shall be compulsory where a nutrition claim is made.

In addition, where the amount of polyunsaturates and/or mono-unsaturates and/or the cholesterol rate is given, the amount of saturates shall also be given, the declaration of the latter not constituting - in this case - a nutrition claim within the meaning of paragraph 2.

#### Article 5

1. The energy value to be declared shall be calculated using the following conversion factors:

- carbohydrate (except polyols) 4 kcal/g - 17 kJ/g
- polyols 2,4 kcal/g - 10 kJ/g
- protein 4 kcal/g - 17 kJ/g
- fat 9 kcal/g - 37 kJ/g
- alcohol (ethanol) 7 kcal/g - 29 kJ/g
- organic acid 3 kcal/g - 13 kJ/g

2. Provisions concerning the following points shall be adopted in accordance with the procedure laid down in Article 10:

- amendments to the conversion factors mentioned in paragraph 1,

- the addition to the list in paragraph 1 of substances which belong to or are components of one of the categories of nutrients referred to in that paragraph and their conversion factors in order to calculate more precisely the energy value of foodstuffs.

#### Article 6

1. The declaration of the energy value and of the proportion of nutrients or their components shall be numerical. The units to be used are the following:

1.2 // - energy - kJ and kcal // // - protein // // - carbohydrate // // - fat // grams (g) // - fibre // // - sodium // // - cholesterol // milligrams (mg) // - vitamins and minerals // the units specified in the Annex

2. Information shall be expressed per 100 g or per 100 ml. In addition, this information may be given per serving as quantified on the label or per portion, provided that the number of portions contained in the package is stated.

3. In accordance with the procedure laid down in Article 10 it may be decided that the information in paragraphs 1 and 2 may also be given in graphical form according to formats to be determined.

4. The amounts mentioned shall be those of the food as sold. Where appropriate, this information may relate to the foodstuff after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

5. (a) Information on vitamins and minerals must also be expressed as a percentage of the recommended daily allowance (RDA) given in the Annex for the amounts as specified in paragraph 2.

(b) The percentage of the recommended daily allowance (RDA) for vitamins and minerals may also be given in graphical form. Rules for implementing this subparagraph may be adopted in accordance with the procedure laid down in Article 10.

6. Where sugars and/or polyols and/or starch are declared, this declaration shall immediately follow the declaration of the carbohydrate content in the following manner:

1.2 // - carbohydrate // g // of which: // // - sugars // g // - polyols // g // - starch // g

7. Where the amount and/or type of fatty acid and/or the cholesterol rate is declared, this declaration shall immediately follow the declaration of total fats in the following manner:

1.2 // - fat // g // of which: // // - saturates // g // - mono-unsaturates // g // - polyunsaturates // g // - cholesterol // mg

8. The declared values shall, according to the individual case, be average values based on:

(a) the manufacturer's analysis of the food;

(b) a calculation from the known or actual average values of the ingredients used; (c) a calculation from generally established and accepted data.

The rules for implementing the first paragraph with regard in particular to the differences between the declared values and those established in the course of official checks shall be decided upon in accordance with the procedure laid down in Article 10.

#### Article 7

1. The information covered by this Directive must be presented together in one place in tabular form, with the numbers aligned if space permits. Where space does not permit, the information shall be presented in linear form.

It shall be printed in legible and indelible characters in a conspicuous place.

2. Member States shall ensure that the information covered by this Directive appears in a language easily understood by purchasers, unless other measures have been taken to ensure that the purchaser is informed. This provision shall not prevent such information from being indicated in more than one language.

3. Member States shall refrain from laying down requirements more detailed than those already contained in this Directive concerning nutrition labelling.

#### Article 8

In the case of non-prepackaged foodstuffs put up for sale to the ultimate consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or prepackaged with a view to immediate sale, the extent of the information referred to in Article 4 and the manner of its communication may be determined by national provisions until the eventual adoption of Community measures in accordance with the procedure laid down in Article 10.

#### Article 9

Any measures likely to have an effect on public health shall be adopted after consultation of the Scientific Committee for Food set up by Decision 74/234/EEC (1).

#### Article 10

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee for Foodstuffs set up by Decision 69/414/EEC (2) (hereinafter referred to as 'the Committee') by its chairman, either on his own initiative or at the request of the 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 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.

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

(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 relating to the measures to be taken. The Council shall act by a qualified majority.

(c) If, on 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.

#### Article 11

1. Member States shall take the measures necessary to comply with this Directive and shall forthwith inform the Commission thereof. Those measures shall be applied in such a way as to:

- permit trade in products complying with this Directive by 1 April 1992,
- prohibit trade in products which do not comply with this Directive with effect from 1 October 1993.

2. Until . . . . (five years following notification of this Directive), the declaration in nutrition labelling, either on a voluntary basis or following a nutrition claim, of one or more of the following nutrients; sugars, saturates, fibre, sodium, shall not trigger the obligation set out in Article 4 (1) and (2) to declare all these nutrients.

3. The Commission shall, by . . . (eight years after notification of this Directive), submit to the European Parliament and the Council a report on the application of

this Directive. At the same time, it shall submit to the Council any appropriate proposals for amendment.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 24 September 1990.

For the Council

The President

V. SACCOMANDI

(1) OJ No C 282, 5. 11. 1988, p. 8 and OJ No C 296, 24. 11. 1989, p. 3.

(2) OJ No C 158, 26. 6. 1989, p. 250 and OJ No C 175, 16. 7. 1990, p. 76.

(3) OJ No C 159, 26. 6. 1989, p. 41.

(4) OJ No L 33, 8. 2. 1979, p. 1.

(5) OJ No L 186, 30. 6. 1989, p. 17.

(1) OJ No L 186, 30. 6. 1989, p. 27.

(1) OJ No L 136, 20. 5. 1974, p. 1.

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

ANNEX

Vitamins and minerals which may be declared and their recommended daily allowances (RDAs)

Vitamin A  $\mu\text{g}$  800

Vitamin D  $\mu\text{g}$  5

Vitamin E mg 10

Vitamin C mg 60

Thiamin mg 1,4

Riboflavin mg 1,6

Niacin mg 18

Vitamin B6 mg 2

Folacin  $\mu\text{g}$  200

Vitamin B12  $\mu\text{g}$  1

Biotin mg 0,15

Pantothenic acid mg 6

Calcium mg 800

Phosphorus mg 800

Iron mg 14

Magnesium mg 300

Zinc mg 15

Iodine  $\mu\text{g}$  150

As a rule, 15 % of the recommended allowance specified in this Annex supplied by 100 g or 100 ml or per package if the package contains only a single portion should be taken into consideration in deciding what constitutes a significant amount.

## 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. ALEMANN

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## 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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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 (1).

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 (2).

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 (3).

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.

(1) 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).

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

(3) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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<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.

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<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".

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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".

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<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>.

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<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.

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(\*) 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).'

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<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).'

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<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.

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(\*) 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).'

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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 <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.

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<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).'

- 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 <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.

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<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).'

- 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 <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.

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<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).'

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<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.

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(\*) 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.

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(\*) 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.

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<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.

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(\*) 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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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 (1).

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 (2).

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).'

(1) OJ L 163, 2.7.1996, p. 1.

(2) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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 2003/120/EC**  
**of 5 December 2003**  
**amending Directive 90/496/EEC on nutrition labelling for foodstuffs**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(1)</sup>, and in particular Article 5(2) thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) The placing on the market of salatrim as novel food ingredients for use in energy-reduced bakery products and confectionery was authorised by Commission Decision 2003/867 <sup>(2)</sup>, under Regulation (EC) No 258/97 of the European Parliament and of the Council <sup>(3)</sup>, as last amended by Regulation (EC) No 1882/2003 <sup>(4)</sup>.
- (2) The Scientific Committee on Food in its opinion on the safety assessment of salatrim for use as reduced calorie fats alternative as a novel food ingredient, expressed on 13 December 2001, noted that the energy provided by salatrim lies between 5 and 6 kcal/gram.
- (3) Under current rules, the energy provided by salatrim, considered to be fats, should be calculated by using the conversion factor for fat, provided for in Article 5(1) of Directive 90/496/EEC, namely 9 kcal/gram. The use of this conversion factor for the declared energy content of a product would misrepresent its reduced energy content achieved by the use of salatrim in its manufacture and would thus result in a failure to fully inform the consumer. Therefore it is necessary to adopt the appropriate conversion factor for salatrim to be used for the calculation of the declared energy value of foodstuffs.
- (4) 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 following is added at the end of Article 5(1) of Directive 90/496/EEC:

‘— salatrim 6 kcal/g-25kJ/g’

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 July 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, 5 December 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(2)</sup> OJ L 326, 13.12.2003, p. 32.

<sup>(3)</sup> OJ L 43, 14.2.1997, p. 1.

<sup>(4)</sup> OJ L 284, 31.10.2003, 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. ALEMANN

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## 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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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 (1).

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 (2).

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 (3).

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.

(1) 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).

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

(3) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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 (1).

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 (2).

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 (3).

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.

(1) 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).

(2) 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).

(3) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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<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.

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<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".

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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".

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<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.

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(\*) 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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) 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.

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(\*) 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.

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(\*) 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).'

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<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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) 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.

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(\*) 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.

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<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.

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(\*) 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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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 (1).

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 (2).

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).'

(1) OJ L 163, 2.7.1996, p. 1.

(2) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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>.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) 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).'

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<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.

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(\*) 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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.

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(\*) Council Decision 1999/468/EC of 28 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.

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(\*) Council Decision 1999/468/EC of 28 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.

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

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<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 2002/67/EC**  
**of 18 July 2002**  
**on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine**  
 (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council, of 20 March 2000, on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(1)</sup>, as amended by Commission Directive 2001/101/EC<sup>(2)</sup>, and in particular Article 4(2) and (3) thereof,

Whereas:

- (1) Quinine and caffeine are used in the production or preparation of certain foodstuffs, either as a flavouring or, in the case of caffeine, as an ingredient. For most consumers, the consumption of these substances in moderation is unlikely to present any health risks.
- (2) According to the conclusions of the Scientific Committee for Food, there is no objection from the point of view of toxicology to the continued use of quinine at a certain maximum level in bitter drinks. However, consumption of quinine may be counter-indicated for certain people for medical reasons, or because they are hypersensitive to the substance.
- (3) As far as caffeine is concerned, the Scientific Committee for Food, in its opinion of 21 January 1999 on caffeine and other substances used as ingredients in 'energy drinks', concluded that, for adults, apart from pregnant women, the contribution of 'energy drinks' to the total consumption of caffeine did not appear to be a cause for concern, assuming that 'energy drinks' replace other sources of caffeine. However, for children, an increase in the daily intake of caffeine to a certain level of consumption per day may bring about temporary changes in behaviour, such as increased excitability, irritability, nervousness or anxiety. In addition, for pregnant women, the Committee's view is that moderation of caffeine intake is advisable.
- (4) These findings make it necessary to provide labelling which gives the consumer clear information on the presence or otherwise of quinine or caffeine in a foodstuff and, in the case of caffeine, to provide a warning message and an indication of the amount of caffeine, where this is in excess of a specific level, in beverages which do not naturally contain caffeine.
- (5) Directive 2000/13/EC does not provide for compulsory and specific mention of flavourings in the list of ingredi-

ents. Quinine or caffeine, used as a flavouring, might as a result not be listed by name in the ingredients. Moreover, even where caffeine is mentioned as such in the list of ingredients, there is no requirement to indicate whether the level is high.

- (6) Some Member States have enacted national legislation making it compulsory to mention the presence of quinine and/or caffeine on the labels of foodstuffs which contain these substances, in certain cases also stating the amount of caffeine, with a warning. The existence and application of different national legislation causes technical problems for intra-Community trade in the foodstuffs concerned.
- (7) It is therefore necessary, with a view to providing information for all consumers throughout the Community and to facilitating the free movement of the products in question, to introduce harmonised provisions to apply to foodstuffs containing quinine and those containing caffeine. These provisions must make it necessary to include compulsory particulars on the label in addition to those set out in Directive 2000/13/EC.
- (8) 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*

By derogation from Article 6(6), second subparagraph, third indent, of Directive 2000/13/EC, quinine and/or caffeine used as a flavouring in the production or preparation of a foodstuff must be mentioned by name in the list of ingredients indicated in Article 3(1)(2), of Directive 2000/13/EC, immediately after the term 'flavouring'.

*Article 2*

1. Where a beverage which is intended for consumption without modification, or after reconstitution of the concentrated or dried product, contains caffeine, from whatever source, in a proportion in excess of 150 mg/l, the following message must appear on the label in the same field of vision as the name under which the product is sold: 'High caffeine content'.

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(2)</sup> OJ L 310, 28.11.2001, p. 19.

This message shall be followed, in brackets and in accordance with Article 13(2) of Directive 2000/13/EC, by the caffeine content expressed in mg/100 ml.

2. Paragraph 1 shall not apply to beverages based on coffee, tea or coffee or tea extract where the name under which the product is sold includes the term 'coffee' or 'tea'.

#### Article 3

1. The Member States shall permit trade in products which comply with this Directive as of 1 July 2003.

2. The Member States shall prohibit trade in products which do not comply with this Directive as of 1 July 2004.

However, products which do not comply with this Directive and which were labelled before 1 July 2004 shall be authorised while stocks last.

#### Article 4

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 June 2003. They shall forthwith inform the Commission thereof.

When the 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 references shall be adopted by Member States.

#### Article 5

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

#### Article 6

This Directive is addressed to the Member States.

Done at Brussels, 18 July 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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**32000R1760****Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97**

*Official Journal L 204 , 11/08/2000 P. 0001 - 0010*

Regulation (EC) No 1760/2000 of the European Parliament and of the Council  
of 17 July 2000

establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 152 thereof,

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

Having regard to the opinion of the Economic and Social Committee(2),

Having regard to the opinion of the Committee of the Regions(3),

Acting in accordance with the procedure referred to in Article 251 of the Treaty(4),

Whereas:

(1) Article 19 of Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(5), states that a compulsory beef labelling system is to be introduced and obligatory in all Member States from 1 January 2000 onwards. The same Article also provides that, on the basis of a Commission proposal, the general rules for that compulsory system are to be adopted before that date.

(2) Council Regulation (EC) No 2772/1999 of 21 December 1999 providing for the general rules for a compulsory beef labelling system(6) provides for these general rules to apply only temporarily for a maximum period of eight months, that is to say from 1 February to 31 August 2000.

(3) For the sake of clarity Regulation (EC) No 820/97 should be repealed and replaced by this Regulation.

(4) Following the instability in the market in beef and beef products caused by the bovine spongiform encephalopathy crisis, the improvement in the transparency of the conditions for the production and marketing of the products concerned, particularly as regards traceability, has exerted a positive influence on consumption of beef. In order to maintain and strengthen the confidence of consumers in beef and to avoid misleading them, it is necessary to develop the framework in which the information is made available to consumers by sufficient and clear labelling of the product.

(5) To that end it is essential to establish, on the one hand, an efficient system for the identification and registration of bovine animals at the production stage and to create, on the

other hand, a specific Community labelling system in the beef sector based on objective criteria at the marketing stage.

(6) By virtue of the guarantees provided through this improvement, certain public interest requirements will also be attained, in particular the protection of human and animal health.

(7) As a result, consumer confidence in the quality of beef and beef products will be improved, a higher level of protection of public health preserved and the lasting stability of the beef market will be reinforced.

(8) Article 3(1)(c) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(7) states that animals for intra-Community trade must be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organisation can be traced, and that before 1 January 1993 these identification and registration systems are to be extended to the movements of animals within the territory of each Member State.

(9) Article 14 of 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 and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC(8) states that the identification and registration as provided for in Article 3(1)(c) of Directive 90/425/EEC of such animals must, except in the case of animals for slaughter and registered equidae, be carried out after the said checks have been made.

(10) The management of certain Community aid schemes in the field of agriculture requires the individual identification of certain types of livestock. The identification and registration systems must, therefore, be suitable for the application and control of such individual identification measures.

(11) It is necessary to ensure the rapid and efficient exchange of information between Member States for the correct application of this Regulation. Community provisions relating thereto have been established by Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and the cooperation between the latter and the Commission to ensure the correct application of the law on customs or agriculture matters(9) and by 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 the correct application of legislation on veterinary and zootechnical matters(10).

(12) The current rules concerning the identification and the registration of bovine animals have been laid down in Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals(11) and Regulation (EC) No 820/97. Experience has shown that the implementation of Directive 92/102/EEC for bovine animals has not been entirely satisfactory and needs further improvement. It is therefore necessary to adopt specific rules for bovine animals in order to reinforce the provisions of the said Directive.

(13) For the introduction of an improved identification system to be accepted, it is essential not to impose excessive demands on the producer in terms of administrative formalities. Feasible time limits for its implementation must be laid down.

(14) For the purpose of rapid and accurate tracing of animals for reasons relating to the control of Community aid schemes, each Member State should create a national computerised data base which will record the identity of the animal, all holdings on its territory and the movements of the animals, in accordance with the provisions of Council Directive 97/12/EC of 17 March 1997 amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine(12), which clarifies the health requirements concerning this database.

(15) It is important that each Member State take all measures that may still be necessary in order to ensure that the national computerised database is fully operational as quickly as possible.

(16) Steps should be taken in order to create the technical conditions guaranteeing the best communication possible by the producer with the database and a comprehensive use of databases.

(17) In order to permit movements of bovine animals to be traced, animals should be identified by an ear tag applied in each ear and in principle accompanied by a passport throughout any movement. The characteristics of the ear tag and of the passport should be determined on a Community basis. In principle a passport should be issued for each animal to which an ear tag has been allocated.

(18) Animals imported from third countries pursuant to Directive 91/496/EEC should be subject to the same identification requirements.

(19) Every animal should keep its ear tag throughout its life.

(20) The Commission is examining, on the basis of work performed by the Joint Research Centre, the feasibility of using electronic means for the identification of animals.

(21) Keepers of animals, with the exception of transporters, should maintain an up-to-date register of the animals on their holdings. The characteristics of the register should be determined on a Community basis. The competent authority should have access to these registers on request.

(22) Member States may spread the costs arising from the application of these measures over the entire beef sector.

(23) The authority or authorities responsible for the application of each title in this Regulation should be designated.

(24) A compulsory beef labelling system should be introduced which is obligatory in all Member States. Under this compulsory system, operators and organisations marketing beef should indicate on the label information about the beef and the point of slaughter of the animal or animals from which that beef was derived.

(25) The compulsory beef labelling system should be reinforced from 1 January 2002. Under this compulsory system, operators and organisations marketing beef should, in addition, indicate on the label information concerning origin, in particular where the animal or animals from which the beef was derived were born, fattened and slaughtered.

(26) Information additional to the information concerning where the animal or animals from which the beef was derived were born, fattened and slaughtered may be provided under the voluntary beef labelling system.

(27) The system of compulsory labelling based on origin should be in force from 1 January 2002, it being understood that full information on movements made by bovine animals in the Community is only required for animals born after 31 December 1997.

(28) The compulsory beef labelling system should also apply to beef imported into the Community. However, provision should be made for the fact that not all the information which is required for labelling beef produced in the Community may be available to a third-country operator or organisation. It is therefore necessary to state the minimum information that third countries must ensure is indicated on the label.

(29) For operators or organisations producing and marketing minced beef who may not be in a position to provide all the information required under the compulsory beef labelling system, exceptions ensuring a certain minimum number of indications must be provided.

(30) The objective of labelling is to give maximum transparency in the marketing of beef.

(31) The provisions of this Regulation must not affect Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs(13).

(32) For all indications other than those falling under the compulsory beef labelling system, a Community framework for labelling of beef should also be provided and, in view of the diversity of descriptions of beef marketed in the Community, the establishment of a voluntary beef labelling system is the most appropriate solution. The effectiveness of such a voluntary labelling system depends on the possibility of tracing any labelled beef back to the animal or animals of origin. The labelling arrangements of an operator or organisation should be subject to a specification to be submitted to the competent authority for approval. Operators and organisations should be entitled to label beef only if the label contains their name or their identifying logo. The competent authorities of the Member States should be authorised to withdraw their approval of any specification in the event of irregularities. In order to ensure that labelling specifications may be recognised across the Community, it is necessary to provide for the exchange of information between Member States.

(33) Operators and organisations importing into the Community beef from third countries may also wish to label their products according to the voluntary labelling system. Provisions should be laid down to ensure as far as possible that labelling arrangements relating to imported beef are of equivalent reliability to those set up for Community beef.

(34) The change from the arrangements in Title II of Regulation (EC) No 820/97 to those in this Regulation can give rise to difficulties that are not dealt with in this Regulation. In order to deal with that possibility, provision should be made for the Commission to adopt the necessary transitional measures. The Commission should also be authorised to solve specific practical problems where justified.

(35) With a view to guaranteeing the reliability of the arrangements provided for by this Regulation, it is necessary to oblige the Member States to carry out adequate and efficient control measures. These controls should be without prejudice to any controls that the Commission may carry out by analogy with Article 9 of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests(14).

(36) Appropriate penalties should be laid down in the event of a breach of the provisions of this Regulation.

(37) 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(15),

HAVE ADOPTED THIS REGULATION:

## TITLE I

### Identification and registration of bovine animals

#### Article 1

1. Each Member State shall establish a system for the identification and registration of bovine animals, in accordance with this Title.

2. The provisions of this title shall apply without prejudice to Community rules which may be established for disease eradication or control purposes and without prejudice to Directive 91/496/EEC and Regulation (EEC) No 3508/92(16). However, the provisions of Directive 92/102/EEC which relate specifically to bovine animals shall no longer apply from the date on which those animals must be identified in accordance with this title.

#### Article 2

For the purposes of this title:

- "animal" means a bovine animal within the meaning of Article 2(2)(b) and (c) of Directive 64/432/EEC(17),
- "holding" means any establishment, construction or, in the case of an open-air farm, any place situated within the territory of the same Member State, in which animals covered by this Regulation are held, kept or handled,
- "keeper" means any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market,
- "competent authority" means the central authority or authorities in a Member State responsible for, or entrusted with, carrying out veterinary checks and implementing this title or, in the case of the monitoring of premiums, the authorities entrusted with implementing Regulation (EC) No 3508/92.

### Article 3

The system for the identification and registration of bovine animals shall comprise the following elements:

- (a) ear tags to identify animals individually;
- (b) computerised databases;
- (c) animal passports;
- (d) individual registers kept on each holding.

The Commission and the competent authority of the Member State concerned shall have access to all the information covered by this title. The Member States and the Commission shall take the measures necessary to ensure access to these data for all parties concerned, including consumer organisations having an interest which are recognised by the Member State, provided that the data confidentiality and protection prescribed by national law are ensured.

### Article 4

1. All animals on a holding born after 31 December 1997 or intended for intra-Community trade after 1 January 1998 shall be identified by an ear tag approved by the competent authority, applied to each ear. Both ear tags shall bear the same unique identification code, which makes it possible to identify each animal individually together with the holding on which it was born. By way of derogation from the above requirement, animals born before 1 January 1998 which are intended for intra-Community trade after that date may be identified in accordance with Directive 92/102/EEC until 1 September 1998.

By way of derogation from the first subparagraph, animals born before 1 January 1998 which are intended for intra-Community trade after that date with a view to immediate slaughter may be identified in accordance with Directive 92/102/EEC until 1 September 1999.

Bovine animals intended for cultural and sporting events (with the exception of fairs and exhibitions) may, instead of by an ear tag, be identified by an identification system offering equivalent guarantees and authorised by the Commission.

2. The ear tag shall be applied within a period to be determined by the Member State as from the birth of the animal and in any case before the animal leaves the holding on which it was born. The period may not be longer than 30 days up to and including 31 December 1999, and not longer than 20 days thereafter.

However, at the request of a Member State and in accordance with the procedure referred to in Article 23(2), the Commission may determine the circumstances in which Member States may extend the maximum period.



No animal born after 31 December 1997 may be moved from a holding unless it is identified in accordance with the provisions of this Article.

3. Any animal imported from a third country which has passed the checks laid down in Directive 91/496/EEC and which remains within Community territory shall be identified on the holding of destination by an ear tag complying with the requirements of this Article, within a period to be determined by the Member State but not exceeding 20 days following the aforesaid checks, and in any event before leaving the holding.

However, it is not necessary to identify the animal if the holding of destination is a slaughterhouse situated in the Member State where such checks are carried out and the animal is slaughtered within 20 days of undergoing the checks.

The original identification established by the third country shall be recorded in the computerised database provided for in Article 5 or, if this is not yet fully operational, in the registers provided for in Article 3, together with the identification code allocated to it by the Member State of destination.

4. Any animal from another Member State shall retain its original ear tag.

5. No ear tag may be removed or replaced without the permission of the competent authority.

6. The ear tags shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.

7. Not later than 31 December 2001 the European Parliament and the Council, acting on the basis of a report from the Commission accompanied by any proposals and in accordance with the procedure provided for in Article 95 of the Treaty, shall decide on the possibility of introducing electronic identification arrangements in the light of progress achieved in this field.

#### Article 5

The competent authority of the Member States shall set up a computerised database in accordance with Articles 14 and 18 of Directive 64/432/EC.

The computerised databases shall become fully operational no later than 31 December 1999, after which they shall store all data required pursuant to the said Directive.

#### Article 6

1. As from 1 January 1998, the competent authority shall, for each animal which has to be identified in accordance with Article 4, issue a passport within 14 days of the notification of its birth, or, in the case of animals imported from third countries, within 14 days of the notification of its re-identification by the Member State concerned in accordance with Article 4(3). The competent authority may issue a passport for animals from another Member State under the same conditions. In such cases, the passport accompanying the animal on its arrival shall be surrendered to the competent authority, which shall return it to the issuing Member State.

However, at the request of a Member State and in accordance with the procedure referred to in Article 23(2), the Commission may determine the circumstances under which the maximum period may be extended.

2. Whenever an animal is moved, it shall be accompanied by its passport.

3. By way of derogation from the first sentence of paragraph 1 and from paragraph 2, Member States:

- which have a computerised database which the Commission deems to be fully operational in accordance with Article 5 may determine that a passport is to be issued only for animals intended for intra-Community trade and that those animals shall be accompanied by their passports only when they are moved from the territory of the Member State concerned to the

territory of another Member State, in which case the passport shall contain information based on the computerised database.

In these Member States, the passport accompanying an animal imported from another Member State shall be surrendered to the competent authority on its arrival;

- may until 1 January 2000 authorise the issue of collective animal passports for herds moved within the Member State concerned provided that such herds have the same origin and destination and are accompanied by a veterinary certificate.

4. In the case of the death of an animal, the passport shall be returned by the keeper to the competent authority within seven days after the death of the animal. If the animal is sent to the slaughterhouse, the operator of the slaughterhouse shall be responsible for returning the passport to the competent authority.

5. In the case of animals exported to third countries, the passport shall be surrendered by the last keeper to the competent authority at the place where the animal is exported.

#### Article 7

1. With the exception of transporters, each keeper of animals shall:

- keep an up-to-date register,

- once the computerised database is fully operational, report to the competent authority all movements to and from the holding and all births and deaths of animals on the holding, along with the dates of these events, within a period fixed by the Member State of between three and seven days of the event occurring. However, at the request of a Member State and in accordance with the procedure referred to in Article 23(2), the Commission may determine the circumstances in which Member States may extend the maximum period and provide for special rules applicable to movements of bovine animals when put out to summer grazing in different mountain areas.

2. Where applicable and having regard to Article 6, each animal keeper shall complete the passport immediately on arrival and prior to departure of each animal from the holding and ensure that the passport accompanies the animal.

3. Each keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, destination of animals, which he has owned, kept, transported, marketed or slaughtered.

4. The register shall be in a format approved by the competent authority, kept in manual or computerised form, and be available at all times to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

#### Article 8

Member States shall designate the authority responsible for ensuring compliance with this title. They shall inform each other and the Commission of the identity of this authority.

#### Article 9

Member States may charge to keepers the costs of the systems referred to in Article 3 and of the controls referred to in this title.

#### Article 10

The measures necessary for the implementation of this Title shall be adopted in accordance with the management procedure referred to in Article 23(2). These measures concern in particular:

(a) provisions concerning ear tags;

- (b) provisions concerning the passport;
- (c) provisions concerning the register;
- (d) minimum level of controls to be carried out;
- (e) application of administrative sanctions;
- (f) transitional measures required to facilitate the application of this title.

## TITLE II

### Labelling of beef and beef products

#### Article 11

An operator or an organisation, as defined in Article 12, which:

- is required, by virtue of Section I of this title, to label beef at all stages of marketing,
- wishes, by virtue of Section II of this title, to label beef at the point of sale in such a way as to provide information, other than that laid down by Article 13, concerning certain characteristics or production conditions of the labelled meat or of the animal from which it derives,

shall do so in accordance with this title.

This title shall apply without prejudice to relevant Community legislation, in particular on beef.

#### Article 12

For the purposes of this title, the following definitions shall apply:

- "beef" means all products falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91,
- "labelling" means the attachment of a label to an individual piece or pieces of meat or to their packaging material, or in the case of non-prewrapped products the supply of appropriate information in written and visible form to the consumer at the point of sale,
- "organisation" means a group of operators from the same or different parts of the beef trade.

## SECTION I

### Compulsory Community beef labelling system

#### Article 13

##### General rules

1. Operators and organisations marketing beef in the Community shall label it in accordance with this Article.

The compulsory labelling system shall ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the group of animals concerned.

2. The label shall contain the following indications:

(a) a reference number or reference code ensuring the link between the meat and the animal or animals. This number may be the identification number of the individual animal from which the beef was derived or the identification number relating to a group of animals;

(b) the approval number of the slaughterhouse at which the animal or group of animals was slaughtered and the Member State or third country in which the slaughterhouse is established.

The indication shall read: "Slaughtered in (name of the Member State or third country) (approval number)";

(c) the approval number of the cutting hall which performed the cutting operation on the carcass or group of carcasses and the Member State or third country in which the hall is established. The indication shall read: "Cutting in: (name of the Member State or third country) (approval number)".

3. However, up until 31 December 2001, Member States where sufficient details are available in the identification and registration system for bovine animals, provided for in Title I, may decide that, for beef from animals born, raised and slaughtered in the same Member State, supplementary items of information must also be indicated on labels.

4. A compulsory system as provided for in paragraph 3 must not lead to any disruption of trade between the Member States.

The implementation arrangements applicable in those Member States intending to apply paragraph 3 shall require prior approval from the Commission.

5. (a) As from 1 January 2002, operators and organisations shall also indicate on the labels:

(i) Member State or third country of birth;

(ii) all Member States or third countries where fattening took place;

(iii) Member State or third country where slaughter took place;

(b) However, where the beef is derived from animals born, raised and slaughtered:

(i) in the same Member State, the indication may be given as "Origin: (name of Member State)";

(ii) in the same third country, the indication may be given as "Origin: (name of third country)".

#### Article 14

##### Derogations from the compulsory labelling system

By way of derogation from Article 13(2)(b) and (c) and from Article 13(5)(a)(i) and (ii), an operator or organisation preparing minced beef shall indicate on the label the words "prepared (name of the Member State or third country)", depending on where the meat was prepared, and "origin" where the State or States involved are not the State of preparation.

The obligation provided for in Article 13(5)(a)(iii) shall be applicable to such meat as from the date of application of this Regulation.

However, such operator or organisation may add to the label of the minced beef:

- one or more of the indications provided for in Article 13, and/or

- the date on which the meat was prepared.

On the basis of experience, and in the light of requirements, similar provisions may be adopted for cut meat and for beef trimmings in accordance with the procedure referred to in Article 23(2).

#### Article 15

##### Compulsory labelling of beef from third countries

By way of derogation from Article 13, beef imported into the Community for which not all the information provided for in Article 13 is available, in accordance with the procedure referred to in Article 17, shall be labelled with the indication: "Origin: non-EC" and "Slaughtered in: (name of third country)".

## SECTION II

### Voluntary labelling system

#### Article 16

##### General rules

1. For labels containing indications other than those provided for in Section I of this title, each operator or organisation shall send a specification for approval to the competent authority of the Member State in which production or sale of the beef in question takes place. The competent authority may also establish specifications to be used in the Member State concerned, provided that use thereof is not compulsory.

Voluntary labelling specifications shall indicate:

- the information to be included on the label,
- the measures to be taken to ensure the accuracy of the information,
- the control system which will be applied at all stages of production and sale, including the controls to be carried out by an independent body recognised by the competent authority and designated by the operator or the organisation. These bodies shall comply with the criteria set out in European Standard EN/45011,
- in the case of an organisation, the measures to be taken in relation to any member which fails to comply with the specifications.

Member States may decide that controls by an independent body may be replaced by controls by a competent authority. The competent authority shall in that case have at its disposal the qualified staff and resources necessary to carry out the requisite controls.

The costs of controls provided for in this section shall be borne by the operator or organisation using the labelling system.

2. The approval of any specification shall be subject to the assurance of the competent authority, obtained on the basis of a thorough examination of its components as referred to in paragraph 1, of the proper and reliable functioning of the labelling system envisaged and, in particular, of any specification which does not ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the animals concerned.

Specifications which provide for labels containing misleading or insufficiently clear information shall also be refused.

3. Where the production and/or sale of beef takes place in two or more Member States, the competent authorities of the Member States concerned shall examine and approve the specifications submitted in so far as the elements contained therein relate to operations taking place within their respective territories. In such case, each Member State concerned shall recognise the approvals granted by any other Member State concerned.

If, within a period to be fixed in accordance with the procedure referred to in Article 23(2), counting from the day following the date of submission of the application, approval has not been refused or given, or supplementary information has not been asked for, the specification shall be considered to be approved by the competent authority.

4. Where the competent authorities of all the Member States concerned approve the specification submitted, the operator or organisation concerned shall be entitled to label beef, provided that the label contains its name or logo.

5. By way of derogation from paragraphs 1 to 4, the Commission, in accordance with the procedure referred to in Article 23(2), may provide for an accelerated or simplified procedure for approval in specific cases, in particular for beef in small retail packages or prime beef cuts in individual packages, labelled in a Member State according to an approved specification and introduced into the territory of another Member State, provided that no information is added to the initial label.

6. A Member State may decide that the name of one or more of its regions may not be used, in particular where the name of a region:

- could give rise to confusion or difficulties in checking,
- is reserved for beef in the framework of Regulation (EEC) No 2081/92.

Where authorisation is given, the name of the Member State shall appear alongside the name of the region.

7. Member States shall inform the Commission of the implementation of this Article and in particular of the indications set out on the labels. The Commission shall inform the other Member States within the Management Committee for Beef and Veal referred to in Article 23(1)(b) and, where necessary, in accordance with the procedure referred to in Article 23(2), rules relating to those indications may be laid down and, in particular, limits may be imposed.

#### Article 17

##### Voluntary labelling system for beef from third countries

1. Where the production of beef takes place, in full or in part, in a third country, operators and organisations shall be entitled to label beef according to this section if, in addition to complying with Article 16, they have obtained for their specifications the approval of the competent authority designated for that purpose by each of the third countries concerned.

2. The validity within the Community of an approval granted by a third country shall be subject to prior notification by the third country to the Commission of:

- the competent authority which has been designated,
- the procedures and criteria to be followed by the competent authority when examining the specification,
- each operator and organisation whose specification was accepted by the competent authority.

The Commission shall transmit these notifications to the Member States.

Where, on the basis of the above notifications, the Commission reaches the conclusion that the procedures and/or criteria applied in a third country are not equivalent to the standards set out in this Regulation, the Commission shall, after consultation with the third country concerned, decide that approvals granted by that third country shall not be valid within the Community.

#### Article 18

##### Sanctions

Without prejudice to any action taken by the organisation itself or the independent control body provided for in Article 16, where it is shown that an operator or organisation has failed to comply with the specification referred to in Article 16(1), the Member State may withdraw the approval provided for in Article 16(2) or impose supplementary conditions to be respected if its approval is to be maintained.

### SECTION III

#### General provisions

## Article 19

### Detailed rules

The measures necessary for the implementation of this title shall be adopted in accordance with the management procedure referred to in Article 23(2). These measures concern in particular:

- (a) definition of the size of the group of animals, referred to in Article 13(2)(a);
- (b) definition of the minced beef, beef trimmings or cut beef referred to in Article 14;
- (c) definition of specific indications that may be put on labels;
- (d) measures required to facilitate the transition from the application of Regulation (EC) No 820/97 to application of this title;
- (e) measures required to resolve specific practical problems. Such measures, if duly justified, may derogate from certain parts of this title.

## Article 20

### Designation of competent authorities

Member States shall designate the competent authority or authorities responsible for implementing this title, no later than 14 October 2000.

## Article 21

At the latest by 14 August 2003, the Commission shall submit a report to the European Parliament and the Council, together, if necessary, with appropriate proposals regarding extending the scope of this Regulation to processed products containing beef and beef-based products.

## TITLE III

### Common provisions

## Article 22

1. Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation. The controls provided for shall be without prejudice to any controls which the Commission may carry out pursuant to Article 9 of Regulation (EC, Euratom) No 2988/95.

Any sanctions imposed by the Member State on a holder shall be proportionate to the gravity of the breach. The sanctions may involve, where justified, a restriction on movement of animals to or from the holding of the keeper concerned.

2. Experts from the Commission, in conjunction with the competent authorities:

- (a) shall verify that the Member States are complying with the requirements of this Regulation;
- (b) shall make on-the-spot checks to ensure that the checks are carried out in accordance with this Regulation.

3. A Member State in whose territory an on-the-spot check is made shall provide the experts from the Commission with any assistance they may require in the performance of their tasks.

The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

4. Where the Commission deems that the outcome of checks so justifies, it shall review the situation within the Standing Veterinary Committee referred to in Article 23(1)(c). It may adopt the necessary decisions in accordance with the procedure laid down in Article 23(3).

5. The Commission shall monitor developments in the situation: in the light of such developments and in accordance with the procedure laid down in Article 23(3) it may amend or repeal the decisions referred to in paragraph 4.

6. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure referred to in Article 23(3).

#### Article 23

1. The Commission shall be assisted:

(a) for the implementation of Article 10, by the European Agricultural Guidance and Guarantee Fund Committee referred to in Article 11 of Council Regulation (EC) No 1258/1999(18);

(b) for the implementation of Article 19 by the Management Committee for Beef and Veal set up by Article 42 of Council Regulation (EC) No 1254/1999(19);

(c) for the implementation of Article 22 by the Standing Veterinary Committee set up by Council Decision 68/361/EEC(20).

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 referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

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 referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committees shall adopt their rules of procedure.

#### Article 24

1. Regulation (EC) No 820/97 shall be repealed.

2. References to Regulation (EC) No 820/97 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in the Annex.

#### Article 25

This Regulation shall enter into force on the third day following the day of its publication in the Official Journal of the European Communities.

It shall be applicable to beef from animals slaughtered on or after 1 September 2000.

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

Done at Brussels, 17 July 2000.

For the European Parliament

The President

N. Fontaine

For the Council

The President

J. Glavany

(1) OJ C 376 E, 28.12.1999, p. 42.

(2) OJ C 117, 26.4.2000, p. 47.



- (3) OJ C 226, 8.8.2000, p. 9.
- (4) European Parliament opinion of 12 April 2000 (not yet published in the Official Journal), Council Common Position of 6 June 2000 (not yet published in the Official Journal) and European Parliament Decision of 6 July 2000 (not yet published in the Official Journal).
- (5) OJ L 117, 7.5.1997, p. 1.
- (6) OJ L 334, 28.12.1999, p. 1.
- (7) OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49).
- (8) 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).
- (9) OJ L 144, 2.6.1981, p. 1. Regulation repealed by Regulation (EC) No 515/97 (OJ L 82, 22.3.1997, p. 1).
- (10) OJ L 351, 2.12.1989, p. 34.
- (11) OJ L 355, 5.12.1992, p. 32. Directive as last amended by the 1994 Act of Accession.
- (12) OJ L 109, 25.4.1997, p. 1.
- (13) OJ L 208, 24.7.1992, p. 1.
- (14) OJ L 312, 23.12.1995, p. 1. Regulation as last amended by Regulation (EC) No 1036/1999 (OJ L 127, 21.5.1999, p. 4).
- (15) OJ L 184, 17.7.1999, p. 23.
- (16) OJ L 355, 5.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1036/1999 (OJ L 127, 21.5.1999, p. 4).
- (17) OJ 121, 29.7.1964, p. 1977/64. Directive updated by Directive 97/12/EC (OJ L 109, 25.4.1997, p. 1 ) and last amended by Directive 98/99/EC (OJ L 358, 31.12.1998, p. 107).
- (18) OJ L 160, 26.6.1999, p. 103.
- (19) OJ L 160, 26.6.1999, p. 21.
- (20) OJ L 255, 18.10.1968, p. 23.

## ANNEX

### Correlation table

>TABLE>

## 32000R1825

### **Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products**

*Official Journal L 216 , 26/08/2000 P. 0008 - 0012*

Commission Regulation (EC) No 1825/2000

of 25 August 2000

laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97(1), and in particular Article 19 thereof,

Whereas:

(1) Detailed rules for the application of Regulation (EC) No 1760/2000 should be laid down, in particular as regards sales between Member States, in order that the labelling system will not lead to distortions of trade on the beef and veal market.

(2) In order to ensure traceability, it is necessary, in the context of both the compulsory and voluntary systems of beef labelling, that operators and organisations keep an identification system and a comprehensive registration system for beef, at each of its various stages of production and sale.

(3) In order to identify slaughterhouses for which no approval number exists, it is necessary, for a transitional period, to provide alternative methods of identification for such slaughterhouses.

(4) It is also necessary to define the procedure to be followed for labelling beef derived from animals, the full birth and movement data of which are not available because recording of those data was only required after 1 January 1998 by Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(2). A similar provision is required for labelling beef derived from animals imported live into the Community from third countries.

(5) In the context of the full indication of origin, in order to avoid unnecessary repetition of the indication on the label of the Member States or third countries where rearing took place, it is necessary to introduce a simplified presentation based on the time during which the animal from which the beef was derived was kept in the Member State or third country of birth or of slaughter.

(6) It is necessary to clarify the situation with regard to the supplementary information which may be included on labels under the simplified labelling procedures for minced beef. Such supplementary information may, under Article 13 of Regulation (EC) No 1760/2000, be indicated until 1 September 2000. Certain information may only be indicated until 1 January 2002 if the Member State concerned has taken a decision to apply a national compulsory labelling system

including such information or if the operator concerned indicates the information on a voluntary basis.

(7) In the context of the voluntary beef labelling system, it is necessary to provide for an accelerated or simplified approval procedure for certain beef cuts labelled in a Member State according to an approved specification and introduced into the territory of another Member State.

(8) With a view to guaranteeing the reliability of the specification, it is necessary for the independent body and the competent authority to have access to all records kept by the operators and organisations and to carry out regular spot checks on the basis of risk analysis.

(9) Article 17 of Regulation (EC) No 1760/2000 lays down certain provisions where the production of beef takes place, in full or in part, in a third country. It is appropriate to provide detailed implementing rules for the approval procedure for imports of beef from third countries.

(10) In order to ensure that the labelling arrangements relating to imported beef are of equivalent reliability to those applicable to Community beef, the Commission shall examine notifications received from third countries. Complete notifications shall be transmitted to the Member States when the Commission reaches the conclusion that the procedures and/or criteria applied in the third country concerned are equivalent to the standards set out in Regulation (EC) No 1760/2000.

(11) In order to guarantee the reliability of the labelling system in third countries the Commission may request additional information and should take the necessary measures in the light of the information received as a result of these requests.

(12) The Commission may carry out checks in third countries. In order to be able to carry out checks in a third country, the Commission would need the prior consent of the third country concerned. If such consent is not forthcoming, the Commission should take the necessary measures.

(13) It is necessary for Member States to carry out checks in order to guarantee sufficient accuracy of the voluntary labels used.

(14) A framework for the sanctions to be imposed on operators should be established. Such a framework should take account of situations where an operator has not labelled beef in compliance with the rules of the compulsory labelling system or where an operator has labelled beef, in the context of the voluntary labelling system, without complying with the specification or where there is no approved specification. For a limited period, until 1 January 2001, in order to account for the difficulties of operators in the implementation of this regulation, the most severe sanctions should only take place when the label contains information which is misleading to the consumer or does not conform with the approved specification.

(15) Regulation (EC) No 820/97 provided that each operator or organisation wishing to make a voluntary indication on a label shall submit a specification for approval to the competent authority of each Member State in which production or sale of the beef in question takes place. Council Regulation (EC) No 2772/1999 of 21 December 1999 providing for the general rules for a compulsory beef labelling system<sup>(3)</sup> allowed operators to continue to give voluntary indications on beef labels, as a complement to the compulsory indications, until 31 August 2000.

(16) Provided no change has been made to approved voluntary specifications and on condition that they are in conformity with the new rules, it is appropriate that such specifications as well as those approved for third countries, should continue to be valid.

(17) Regulation (EC) No 820/97 provides that, where sufficient details are available in the identification and registration system for bovine animals, Member States may decide that, for beef from animals born, raised and slaughtered in the same Member State, supplementary items of information must also be indicated on labels. Regulation (EC) No 2772/1999 permitted Member States to continue to have recourse to the possibility of imposing a compulsory labelling

system for beef from animals born, fattened and slaughtered on their own territory, in accordance with Article 19(4) of Regulation (EC) No 820/97, on a provisional basis, until 31 August 2000.

(18) Commission Decision No 98/595/EC of 13 October 1998 concerning the application for a compulsory beef labelling system in France and Belgium(4) and Commission Decision No 1999/1/EC of 14 December 1998 concerning the application for a compulsory beef labelling system in Finland(5) permit those Member States to impose a compulsory labelling system for beef from animals born, fattened and slaughtered on their own territory. Those decisions, as well as any further such decisions of that kind, should continue to be applicable until the full indication of origin in the Community compulsory labelling system comes into effect on 1 January 2002.

(19) In order to monitor the application of the voluntary labelling system, Member States should record the approved specifications and communicate to the Commission information on their national implementing rules and the voluntary indications approved within their territory. It is necessary to keep a regular update of such information.

(20) It is necessary to repeal Commission Regulation (EC) No 1141/97 of 23 June 1997, laying down detailed rules for the application of Council Regulation (EC) No 820/97 as regards the labelling of beef and beef products(6), as last amended by Regulation (EC) No 824/98(7). However, to avoid confusion during the transitional period before the introduction of the compulsory system, as laid down by Regulation (EC) No 1760/2000, Regulation (EC) No 1141/97 should remain applicable for meat derived from animals slaughtered before 1 September 2000.

(21) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Traceability

All operators and organisations, within the meaning of the third indent of Article 12 of Regulation (EC) No 1760/2000, shall, at each of their various stages of production and sale, have an identification system and a comprehensive registration system.

Such a system shall be applied in such a way as to ensure the link between the identification of the meat and the animal or animals concerned as provided for in Articles 13(1) and 16(2) of that Regulation.

The registration system shall record, in particular, the arrival and departure of livestock, carcasses and/or cuts to ensure that a correlation between arrivals and departures is guaranteed.

Article 2

Labelling where information is not available

1. The approval number, as referred to in Article 13(2)(b) of Regulation (EC) No 1760/2000 shall be:

(a) either the approval number, as provided for in Article 10(1) of Council Directive 64/433/EEC(8),

(b) or, where there is no approval number, the national registration number.

Where neither of the two numbers is available, until 1 January 2001, the number may be replaced by the name and address of the slaughterhouse.

2. In application of Article 13(5) of Regulation (EC) No 1760/2000:

(a) for meat derived from animals born in the Community before 1 January 1998, where information concerning the place of birth and/or the place of rearing, other than the last place of rearing, is not available, the indication of the place of birth and/or place of rearing shall be replaced by the indication "(Born before 1 January 1998)".

(b) for meat derived from animals imported live into the Community, where information concerning the place of birth and/or the place of rearing, other than the last place of rearing, is not available, the indication of the place of birth and/or place of rearing shall be replaced by the indication "(Live import into the EC)" or "(Live import from [name of third country])".

### Article 3

#### Simplification of the indication of origin

In application of Article 13(5)(a) of Regulation (EC) No 1760/2000, for beef derived from animals which have been reared for 30 days or less:

- in the Member State or third country of birth,
- in the Member State or third country where slaughter took place,

the indication of those Member States or third countries, as a Member State or third country where rearing took place, shall not be required, provided those animals were reared in another Member State or third country for a period longer than 30 days.

### Article 4

#### Size of a group

1. During the cutting of carcasses or quarters, the size of the group referred to in the second subparagraph of Article 13(1) of Regulation (EC) No 1760/2000 shall be defined by the number of carcasses or quarters cut together and constituting one batch for the cutting plant concerned. This size may not, in any case, exceed the production of one day.
2. During further cutting or mincing, a group may be reconstituted from all the groups referred to in paragraph 1 put into cutting or mincing on the same day.

### Article 5

#### Minced beef

1. For the purposes of this Regulation, minced meat is defined as meat that has been minced into fragments or passed through a spiral-screw mincer.

2. The supplementary information which may be included on labels as provided for in the third subparagraph of Article 14 of Regulation (EC) No 1760/2000 shall be:

(a) as from 1 September 2000, the indications referred to in Article 13(2)(b) and (c) of Regulation (EC) No 1760/2000, as well as the date of mincing;

(b) as from 1 September 2000 until 1 January 2002, the indications referred to in points (a)(i) and (ii) and (b) of Article 13(5) of Regulation (EC) No 1760/2000, if the Member State concerned has taken a decision to apply a national compulsory labelling system including such information or if the operator concerned indicates the information, in conformity with Section II of Title II Regulation (EC) No 1760/2000, on a voluntary basis,

(c) as from 1 January 2002, the indications referred to in Article 13(5)(a)(i) and (ii) of Regulation (EC) No 1760/2000.

### Article 6

#### Approval procedures

1. The period provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1760/2000, during which an approval has not been refused or given or supplementary information has not been asked for by the competent authority of the Member State to which the beef is being sent, shall be two months from the day following the date of submission of the application.

2. Pursuant to Article 16(5) of Regulation (EC) No 1760/2000 for prime beef cuts in individual packages, labelled in a Member State according to an approved specification and introduced into the territory of another Member State, where no information is added to the initial label, the period provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1760/2000 shall be 14 days.

3. For the purposes of Article 16(5) of Regulation (EC) No 1760/2000, beef in small retail packages which have been labelled in a Member State according to an approved specification may be introduced into the territory of another Member State and marketed therein without prior approval of the labelling specification by this Member State, provided that:

(a) the packages in question remain unchanged;

(b) the specification approved by the Member State of packaging also covers the marketing of the packaged beef in other Member States;

(c) the Member State approving such a specification provides all necessary information in advance to all other Member States, where, according to the approved specification, packaged beef is to be marketed.

## Article 7

### Checks

1. Operators and organisations shall at all times grant the experts of the Commission, the competent authority and the relevant independent control body within the meaning of the third subparagraph of Article 16(1) of Regulation (EC) No 1760/2000, access to its premises and to all records which prove that the information on the labels concerned is correct.

2. The competent authority and, in the case referred to in the third subparagraph of Article 16(1) of Regulation (EC) No 1760/2000, the independent control body shall carry out regular spot checks on the basis of risk analysis which shall take into account, in particular, the complexity of the specification concerned. For each check an inspection report shall be made to include any shortcomings as well as the measures proposed to remedy the situation and any deadlines and sanctions imposed.

3. Where the option provided for in the third subparagraph of Article 16(1) of Regulation (EC) No 1760/2000 is not taken up, Member States will carry out checks in such a way as to give sufficient guarantees of the accuracy of the labels used. Their frequency shall be determined, in particular, by reference to the complexity of the specification concerned.

4. Operators, organisations and independent control bodies shall communicate all relevant information to the competent authority.

## Article 8

### Approvals granted by third countries

1. The Commission shall verify that notifications are complete as provided for in Article 17(2) of Regulation (EC) No 1760/2000. On receipt of a notification which is incomplete, the Commission shall inform the third country concerned indicating the information which is required.

Complete notifications shall be transmitted to Member States unless the Commission reaches the conclusion that the procedures and/or criteria applied in the third country concerned are not equivalent to the standards set out in Regulation (EC) No 1760/2000 in accordance with its power to do so pursuant to the third subparagraph of Article 17(2) of that Regulation.

2. If, at any time, the Commission considers, on the basis of the notification provided for in Article 17(2) of Regulation (EC) No 1760/2000, that it is appropriate to verify that the procedures and/or criteria notified by a third country are currently equivalent to the standards set out in Regulation (EC) No 1760/2000, the Commission may request the third country to provide any necessary information. In particular, the Commission may request the third country to provide copies of the specifications approved by the designated competent authority. The Commission may further request the third country to authorise representatives of the Commission to carry out checks in the third country.

3. If any information or authorisation requested pursuant to the preceding paragraph is not received within the time specified by the Commission, the Commission may conclude that the procedures and/or criteria applied in a third country are not equivalent to the standards set out in Regulation (EC) No 1760/2000.

4. The Commission may at any time change its initial decision as regards the equivalency of the procedures and/or criteria applied in the third country concerned pursuant to the third subparagraph of Article 17(2) of Regulation (EC) No 1760/2000.

## Article 9

### Sanctions

1. Member States shall determine the system of sanctions that shall be applicable in case of breaches of Regulation (EC) No 1760/2000 and shall take all necessary measures to ensure its implementation. The sanctions provided for shall be effective, proportionate and dissuasive.

2. Without prejudice to the sanctions referred to in Article 18 of Regulation (EC) No 1760/2000, where beef has been labelled:

- without complying with the compulsory labelling system, or
- in the case of application of the voluntary system, without complying with the specification, or where there is no approved specification,

Member States shall require the removal of the beef from the market until it is re-labelled in conformity with this Regulation.

However, if the meat concerned conforms with all existing veterinary and hygiene rules, Member States may, in addition to the sanctions referred to in paragraph 1, authorise that such beef be sent directly for processing into products, other than those indicated in the first indent of Article 12 of Regulation (EC) No 1760/2000.

3. Until 1 January 2001, the removal of beef meat from the market shall only take place when the label contains information which could mislead the consumer to a material degree or does not conform with the approved specification.

## Article 10

### Records

The competent authority shall make a record of the approved specifications and, in particular, of each operator and organisation responsible for the labelling of the beef and the independent body responsible for the checks.

## Article 11

### Communications

Member States shall communicate to the Commission:

(a) the names of the authorities competent for the implementation of the labelling system pursuant to Regulation (EC) No 1760/2000 as well as the further detailed implementing rules

and, in particular, those concerning the relevant checks to be carried out and the sanctions to be applied;

(b) by 30 September 2000, a list of all voluntary indications approved within their territory;

(c) every three months, an update of the list referred to in point (b).

#### Article 12

##### Transitional provision

On the condition that they are in conformity with Regulation (EC) No 1760/2000 and with this Regulation,

(a) voluntary specifications approved under Articles 14 and 15 of Regulation (EC) No 820/97 shall continue to be valid;

(b) the national compulsory beef labelling systems, approved under Article 19(4) of Regulation (EC) No 820/97, shall continue to be valid until 1 January 2002, as well as any further such decisions.

#### Article 13

##### Repeal

Regulation (EC) No 1141/97 is hereby repealed.

However, it shall remain applicable for meat derived from animals slaughtered before 1 September 2000.

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

#### Article 14

##### Entry into force

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

It shall apply to beef derived from animals slaughtered from 1 September 2000.

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

Done at Brussels, 25 August 2000.

For the Commission

Philippe Busquin

Member of the Commission

(1) OJ L 204, 11.8.2000, p. 1.

(2) OJ L 117, 7.5.1997, p. 1.

(3) OJ L 334, 28.12.1999, p. 1.

(4) OJ L 286, 23.10.1998, p. 55.

(5) OJ L 1, 5.1.1999, p. 3.

(6) OJ L 165, 24.6.1997, p. 7.

(7) OJ L 117, 21.4.1998, p. 4.



(8) OJ 121, 29.7.1964, p. 2012/64.

ANNEX

Correlation table

>TABLE>

**COMMISSION REGULATION (EC) No 608/2004  
of 31 March 2004**

**concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(1)</sup>, as amended by Directive 2003/89/EC <sup>(2)</sup>, and in particular Article 4(2) and Article 6(7) thereof,

Whereas:

(1) Phytosterols, phytosterol esters, phytostanols and phytostanol esters reduce serum cholesterol levels but may also reduce the  $\beta$ -carotene levels in blood serum. Member States and the Commission therefore consulted the Scientific Committee on Food (SCF) about the effects of consumption of phytosterols, phytosterol esters, phytostanols and phytostanol esters from multiple sources.

(2) The Scientific Committee on Food (SCF) in its opinion 'General view on the long-term effects of the intake of elevated levels of phytosterols from multiple dietary sources, with particular attention to the effects on  $\beta$ -carotene' of 26 September 2002 confirmed the need to label phytosterols, phytosterol esters, phytostanols and phytostanol esters as specified in Commission Decision 2000/500/EC of 24 July 2000 on authorising the placing on the market of 'yellow fat spreads with added phytosterol esters' as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council <sup>(3)</sup>. The SCF also indicated that there was no evidence of additional benefits at intakes higher than 3 g/day and that high intakes might induce undesirable effects and that it was therefore prudent to avoid plant sterol intakes exceeding 3 g/day.

(3) Products containing phytosterols/phytostanols should thus be presented in single portions containing either maximum 3 g or maximum 1 g of phytosterols/phytostanols, calculated as free phytosterols/phytostanols. Where this is not the case, there should be a clear indication of what constitutes a standard portion of the food, expressed in g or ml, and of the amount of phytosterols/phytostanols, calculated as free phytosterols/phytostanols, contained in such a portion. In all events, the composition and labelling of products should be such as to allow users to easily restrict their consump-

tion to maximum 3 g/day of phytosterols/phytostanols through the use of either one portion containing maximum 3 g, or three portions containing maximum 1 g.

(4) In order to facilitate consumer understanding it appears appropriate to replace on the label the word 'phyto' with the word 'plant'.

(5) Decision 2000/500/EC allows the addition of certain phytosterol esters to yellow fat spreads. It sets out specific labelling requirements in order to ensure that the product reaches its target group, namely people who want to lower their blood cholesterol levels.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation shall apply to foods and food ingredients with added phytosterols, phytosterol esters, phytostanols or phytostanol esters.

*Article 2*

For labelling purposes, phytosterol, phytosterol ester, phytostanol and phytostanol ester shall be designated respectively by the terms 'plant sterol', 'plant sterol ester', 'plant stanol' or 'plant stanol ester' or their plural form, as appropriate.

Without prejudice to the other requirements of Community or national law concerning the labelling of foodstuffs, the labelling of foods or food ingredients with added phytosterols, phytosterol esters, phytostanols or phytostanol esters shall contain the following:

1. in the same field of vision as the name under which the product is sold there shall appear, easily visible and legible, the words: 'with added plant sterols/plant stanols';
2. the amount of added phytosterols, phytosterol esters, phytostanols or phytostanol esters content (expressed in % or as g of free plant sterols/plant stanols per 100 g or 100 ml of the food) shall be stated on the list of ingredients;

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(2)</sup> OJ L 308, 25.11.2003, p. 15.

<sup>(3)</sup> OJ L 200, 8.8.2000, p. 59.

3. there shall be a statement that the product is intended exclusively for people who want to lower their blood cholesterol level;
4. there shall be a statement that patients on cholesterol lowering medication should only consume the product under medical supervision;
5. there shall be an easily visible and legible statement that the product may not be nutritionally appropriate for pregnant and breastfeeding women and children under the age of five years;
6. advice shall be included that the product is to be used as part of a balanced and varied diet, including regular consumption of fruit and vegetables to help maintain carotenoid levels;
7. in the same field of vision as the particular required under point 3 above, there shall be a statement that the consumption of more than 3 g/day of added plant sterols/plant stanols should be avoided;
8. there shall be a definition of a portion of the food or food ingredient concerned (preferably in g or ml) with a statement of the plant sterol/plant stanol amount that each portion contains.

*Article 3*

Foods and food ingredients with added phytostanol esters already on the market in the Community or 'yellow fat spreads with added phytosterol esters' that were authorised by Commission Decision 2000/500/EC produced from six months after entry into force of this Regulation shall comply with the labelling provisions of Article 2.

*Article 4*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 31 March 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.7.2003  
COM(2003) 424 final

2003/0165 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on nutrition and health claims made on foods**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. INTRODUCTION

1. The European Community has adopted detailed rules on labelling<sup>1</sup> and nutrition labelling<sup>2</sup> of foods. With regard to claims there is the basic provision that claims should not mislead the consumer. Furthermore, Article 2 (1) (b) of Directive 2000/13/EC on the labelling, presentation and advertising of foods, prohibits the attribution of preventing, treating and curing properties to foods. Proper enforcement of these general provisions would go a long way to prevent abuse in this area. However, Member States and stakeholders have pointed out that these general principles are open to different interpretations and therefore are not satisfactory for dealing with some specific claims. Very recently, in case C-221/00, Austria v Commission, the European Court of Justice interpreted the existing labelling Directive as banning all health claims relating to human diseases. In the light of the technological innovation in the food sector and the demand from consumers and industry alike it is proposed to set a new legislative framework on the use of claims. The proposed Regulation would allow health claims under strict conditions and following an independent scientific assessment and Community authorisation.
2. In view of the proliferation of the number and type of claims appearing on the labels of foods and in the absence of specific provisions at European level, some Member States have adopted legislation and other measures to regulate their use. This has resulted in different approaches and in numerous discrepancies both regarding the definition of the terms used and the conditions warranting the use of claims. These discrepancies can act as barriers to guaranteeing a high level of consumer and public health protection, and can constitute obstacles to the free movement of foods and the proper functioning of the internal market. For these reasons, harmonisation of rules on claims at Community level is being advocated.
3. In its White Paper on Food Safety, the Commission proposed to consider whether to introduce into Community legislation specific provisions to govern “nutrition claims” (claims describing the presence, absence or level of a nutrient contained in a foodstuff, or its value compared to similar products) and “functional claims” (claims related to the beneficial effects of a nutrient on certain normal bodily functions). [Paragraph 101, Action n° 65].
4. In order to gather comments and specific suggestions on these claims, the Commission services prepared a Discussion Paper (SANCO/1341/2001), which was published on the Commission’s website in May 2001. The paper outlined the issues that needed to be considered in future legislation and invited comments. On the issue of health claims, the Discussion Paper announced a separate discussion at a later stage.
5. The Commission services received comments from more than 90 stakeholders, which have also been published on the website. Some Member States and many

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<sup>1</sup> Directive 2000/13/EC of the European Parliament and of the Council relating to the labelling, presentation and advertising of foodstuffs, OJ L 109 p.29 of 6.5.2000.

<sup>2</sup> Council Directive 90/496/EEC on nutrition labelling of foodstuffs, OJ L 276 p. 40 of 6.10.1990.

stakeholders, including consumers and industry, expressed their regret that so-called “health claims” were not addressed and requested that all types of claims be regulated at Community level, since these “health claims” are already found on the market and are posing problems. In response to the comments received, the Commission prepared this proposal in order to define and set conditions for nutrition and “health” claims in one single legislative proposal.

6. The main objectives of this proposal are the following:
  - to achieve a high level of consumer protection by providing further voluntary information, beyond the mandatory information foreseen by EU legislation;
  - to improve the free movement of goods within the internal market;
  - to increase legal security for economic operators; and
  - to ensure fair competition in the area of foods;
  - to promote and protect innovation in the area of foods.
7. This proposal covers nutrition and health claims used in the labelling, presentation and advertising of foods. Only nutrition and health claims that are in conformity with the provisions of this Regulation will be allowed on the labelling, presentation and advertising of foods placed on the market within the Community and delivered as such to the final consumer.

## **2. BACKGROUND**

8. As food production has become more and more complex, consumers are increasingly interested in the information appearing on food labels. They have also become more interested in their diet, its relationship to health, and, more generally, the composition of foods that they are selecting. For these reasons it is important that information about foods and their nutritional value appearing on the labelling and used for their presentation, marketing and advertising should be clear, accurate and meaningful.
9. The food industry has responded to the increased interest of consumers in nutrition by providing nutrition labelling on many foods and by highlighting the nutritional value of products through claims in their labelling, presentation and advertising. Some would argue that this evolution could be considered as a positive one for providing relevant information to the consumer. It also provides an opportunity to use claims as a marketing tool.
10. At international level, General Guidelines on the use of claims were adopted by Codex Alimentarius in 1979, and revised in 1991. These General Guidelines are based on the following two principles. Firstly, no food should be described or presented in a manner that is false, misleading or deceptive, or that is likely to create an erroneous impression regarding its character in any respect; secondly, the person marketing the food should be able to justify the claim made. These General Guidelines also describe those claims made on foods that should be prohibited, such as: claims that cannot be substantiated, claims implying that a balanced diet or

ordinary foods cannot supply adequate amounts of all nutrients, and claims as to the suitability of a food for use in prevention, treatment or cure of a human disease.

11. More specifically, Guidelines for the use of nutrition claims have been adopted by Codex Alimentarius since 1997. These Guidelines provide definitions for “nutrient content claim” (for example: low fat, source of calcium), “comparative claim” (for example: reduced fat, increased calcium) and “nutrient function claim” (for example: calcium aids in the development of strong bones and teeth), as well as for the conditions warranting these claims. Initially, health claims were included in these Guidelines; however, discussions on this type of claims proved to be much more difficult and controversial, and it was only in May this year (2003) that definitions and conditions for health claims have been agreed within the Codex Committee on Food labelling (CCFL) and should be finalised and adopted later this year.

### **3. SPECIFIC ISSUES OF THE PROPOSAL**

12. In addition to the definition of “nutrients” which covers the calorific value and the “traditional” nutrients (protein, carbohydrate, fat, fibre, sodium, vitamins and minerals), it is proposed to cover also “other substances with a nutritional or physiological effect” (for example, antioxidants, probiotic bacteria). Many claims concerning these “other substances” are already in use on many products on the Community market. Not including these “other substances” would mean that claims relating to them would not fall under any legislation or would be regulated by differing national rules that may impede the free movement of goods and that may not ensure an equal and high level of consumer protection throughout the EU.
13. Some consumer organisations in the European Union consider that products that do not have a "desirable" nutritional profile, such as candies, high salt and high fat snacks or high fat and sugar biscuits and cakes should not be allowed to bear claims. For example, a “low fat” claim should only be allowed if the product does not contain high quantities of sugar or salt; or a “high calcium” claim should not be used on a product with a high fat content. They consider that such foods would become more attractive because of the way in which they will be labelled and advertised and many consumers that are currently eating them in moderation would consume them in greater quantities. This, they believe, would have a more immediate negative effect on the dietary habits of certain particularly vulnerable sections of the population, like children and adolescents. This view is also shared by some Member States.
14. Although based on understandable concerns and important arguments, a number of scientific and policy arguments could challenge such restrictions. The concept of prohibiting the use of claims on certain foods on the basis of their "nutritional profile" is contrary to the basic principle in nutrition that there are no "good" and "bad" foods but rather "good" and "bad" diets. Nutritional advice certainly recommends judicious food choices and moderation in consumption of certain products but accepts that, in a long-term varied diet, all foods could be included in appropriate frequency and quantities. This argument, although scientifically valid, should be considered in the appropriate context. Foods bearing claims are presented by the food operators as products whose consumption would provide a benefit, that is as “good” or “better” products. In most cases, influenced by the promotional campaigns, consumers perceive them as such. This potential bias should be avoided

in order to prevent the negative effects mentioned in point 13. Therefore some restrictions on the use of claims on foods based on their nutritional profile should be foreseen. In particular, the amount of total fat, saturates, trans fatty acids, sugars, sodium or salt, at variable levels, are commonly cited as criteria for the "nutritional profile" of products. Scientific research identifies an association between the high consumption of these nutrients and some chronic diseases, such as cardiovascular disease, diabetes, several types of cancer, obesity, osteoporosis and dental disease. More complicated schemes involving many more parameters may be under study. But all these proposals are currently far from meeting with the required consensus. Therefore it would be appropriate that such criteria and any relevant exceptions that should apply in the Community be adopted after careful and adequate consideration of the matter but within reasonably short time limits.

15. In the Council Conclusions of 5 June 2001 on a Community strategy to reduce alcohol related harm<sup>3</sup> it is emphasised that alcohol is one of the key health determinants in the European Community and that scientific work has clearly shown that high consumption of alcohol in the population substantially increases the risk of alcohol-related morbidity and of all-cause mortality. Furthermore, there is concern about the way in which alcoholic beverages are designed and promoted to appeal in particular to children and adolescents. This concern has been emphasised in Council Recommendation of 5 June 2001 on the drinking of alcohol by young people<sup>4</sup>. Therefore, it is appropriate to envisage the prohibition of nutrition and health claims on alcoholic beverages and to envisage that, if necessary, appropriate decisions are taken, following the Committee procedures, for other foods or food categories for which current dietary advice would not normally promote their consumption.
16. In view of the above and given the positive image conferred on foods bearing nutrition and/or health claims, the information for the consumer about the nutritional profile of the product could be improved through the labelling. Thus nutrition labelling should become mandatory for all foods bearing nutrition and health claims. For all health claims it should also be complete in order to give a better overall picture of the food. Furthermore specific statements relevant to the importance of a diversified diet can serve to remind and reinforce consumer knowledge on this specific point. In addition, efforts to inform and educate consumers on nutritional issues and the importance of good dietary habits for better health and overall well-being should be maintained and, where possible, reinforced.
17. A very important aspect is the actual communication and presentation of claims in respect of food products. It is often argued that the information provided on foods is not always well understood by consumers. Therefore, ways in which information is communicated have to be considered very carefully. A claim that is not understood is completely useless while a claim that is misunderstood could even be misleading. Consumer understanding of claims is essential and there have been discussions about the 'representative' or 'average' consumer to whom these claims should be understandable. The term 'average consumer' used in the proposal has already been developed by the European Court of Justice in a number of cases (C-315/92, C-470/93, C-313/94, C-210/96, C-303-/97). The actual wording, logos and images used

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<sup>3</sup> OJ C 175, 20.6.2001, p. 1

<sup>4</sup> OJ L 161, 16.6.2001, p. 38



to state or imply a claim and product endorsements all play important roles in the way claims are perceived and understood by the consumer.

18. Some claims may be misleading due to the way in which they are expressed, even if they are factually true. For example, claims stating that a product is “90% fat-free” may indeed be true, but they imply that the product has a low fat content while it actually contains 10% fat which, for the majority of products, is not a low fat content. A survey carried out by the Consumers’ Association (UK)<sup>5</sup> in April 2000 revealed that most people could not tell which was the healthiest option between a “low fat” product, a “reduced fat” product and a “90% fat-free” product. More than half the people thought that the “90% fat-free” product contains the least fat, in fact it has the most. Therefore it is proposed to prohibit the use of such claims. Furthermore, there may be cases of truthful but highly specialised claims; for example “folate may help normalise plasma homocystine levels”. This claim may indeed be true, the product may contain bio-available folate and in quantities to achieve the claimed effect, but hardly anyone would understand the claim. It should therefore be ensured that complicated specialised claims that turn out to be meaningless to consumers are not used.
19. Many claims already found on the market make reference to general, non-specific benefits and to general wellbeing. For example: “excellent for your organism”, “reinforces the body’s resistance”, “helps your body resist stress”, “purifies your organism”, “has a positive effect on your wellbeing”, “has an harmonising effect on your metabolism”, “helps keep your body feeling good”, “preserves youth”, etc; all currently found on foods sold within the Community. Not only are these claims vague and often meaningless, but also they are not verifiable. Therefore, they should not be allowed.
20. There are many factors, other than dietary ones, that can influence psychological and behavioural functions. Communication on these functions is thus very complex and it is difficult to convey a comprehensive, truthful and meaningful message in a short claim to be used in the labelling and advertising of foods. Furthermore, many abuses of these claims are currently found on the market and “intellectual vitamins” for “good memory and concentration” and for “better results in your exams” easily deceive and misinform consumers. Therefore, it is deemed appropriate not to allow the use of such claims.
21. Directive 96/8/EC on foods intended for use in energy-restricted diets for weight reduction<sup>6</sup>, prohibits in the labelling, presentation and advertising of products covered by the Directive and especially designed for weight control, any reference to the rate or amount of weight loss which may result from their use, or to a reduction in the sense of hunger or an increase in the sense of satiety. A growing number of foods not especially designed for weight control are marketed using the above-mentioned references and referring to the property of reducing the available energy from the diet, for example “halves/reduces your calories intake”, as well as numerous references to presumed slimming properties. It is therefore justified that such references should also be prohibited for all foods.

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<sup>5</sup> "Which", April 2000, Consumers' Association (UK)

<sup>6</sup> OJ L, 55, 6.3.1996, p. 22

### **3.1. NUTRITION CLAIMS**

22. In order to present consumers and industry with clear benchmarks concerning the use of nutrition claims, clear and simple rules should be set. At international level Codex Alimentarius has developed guidelines for the most commonly used nutrition claims (such as “low”, “rich”, “light”, etc.). Similar criteria also exist in some Member States. The Annex to this proposal provides a list of nutrition claims and their specific conditions of use. This Annex takes into account existing provisions of some Member States, the Codex Alimentarius guidelines, and some Community provisions. In order to revise and adapt the Annex promptly, when necessary, modifications to this Annex should be adopted through the Committee procedure referred to in Article 23.
23. The possibility of using the claim “low fat” for spreadable fats provided in Regulation (EC) 2991/94 will be adapted to the provisions of this Regulation at the earliest opportunity.
24. For comparative claims, such as “increased” or “reduced”, one would ask compared to what. It is therefore necessary that the products being compared are clearly identified to the final consumer. The comparison shall be made between foods of the same category, taking into consideration a range of foods of that category and including other brands. The difference in the quantity of a nutrient and/or energy value should be stated and the comparison should relate to the same quantity of food. These provisions are deemed necessary in order to avoid biased comparisons

### **3.2. HEALTH CLAIMS**

25. There are a number of claims that are generally known under the broad term of “health claims” which would describe a relationship between a category of food, or a food or one of its constituents and health.
26. Directive 2000/13/EC on labelling, presentation and advertising of foods specifically prohibits attributing to foods any properties of prevention, treatment or cure of a human disease, or any reference to such properties. Furthermore, this Directive requires the setting of a list of claims referring to the above-mentioned properties which must at all events be prohibited or restricted. Furthermore, the recent Court judgement (ECJ case C-221/00) interpreted the existing Directive as banning all health claims relating to human diseases. However, it has to be considered whether this total prohibition is still adapted to the advances of research, science and food technology, as well as to consumers expectations. This proposal for a Regulation on the use of claims maintains the prohibition on claims referring to the prevention, treatment or cure of a human disease, however a difference between “prevention” and “reduction of a disease risk factor” is made and a derogation is provided. Indeed, it is acknowledged that diet and certain foods can make important contributions to the support and maintenance of health, and that diet and certain foods can play a role in the management of certain disease risk factors.
27. The European Parliament Resolution of March 1998 on the Green Paper on the General Principles of Food Law in the European Union<sup>7</sup> called on the Commission to

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<sup>7</sup> OJ C104, 6.4.1998, p. 60

propose legislation on food claims to ensure that “health claims are only authorised if they are tested and confirmed by an independent body within the European Union”. It also called on the Commission to continue to ban the use of claims referring to the suitability of a food to treat, cure or prevent a disease, though claims referring to the reduction of the risk of disease should be allowed “if they are based on sufficient and recognised scientific findings and if they are tested and confirmed by an independent body within the European Union”. Furthermore, the European Parliament Resolution of June 2001 on the White Paper on Food Safety<sup>8</sup> called on the Commission to address “enhanced function claims and disease reduction claims” and to consider this as a priority for legislation. In this proposal, health claims include the above-mentioned sub-categories of claims requested by the European Parliament, as well as those claims describing a well-established and generally accepted role of a nutrient or other substance in growth, development and normal functions of the body. It is essential to bear in mind that a varied and balanced diet is a prerequisite for good health and single products have a relative importance in the context of the total diet, and that diet is one of the many factors influencing the onset of certain human diseases. Other factors such as age, genetic predisposition, the level of physical activity, the use of tobacco (and other drugs/medicines), environmental exposure, stress may all influence the onset of human diseases. Hence, the choice to require clear and honest labelling mentions on foods bearing health claims and in particular claims related to the reduction of a risk of a human disease.

28. A study<sup>9</sup> carried out on food shoppers in the US in 1997 showed that consumers were less likely to read the nutritional declaration when the pack was labelled with a health claim. Furthermore, consumers ascribed other health-related advantages to the food than those that were claimed. The study concluded that the results raised doubts about the investigation’s assumptions concerning the purpose and value of health claims in helping the consumer to a healthy diet. Many would argue that there is a great risk that health claims are not easy to understand and utilise correctly, with the consequence that the consumer will not achieve the result(s) wanted. Thus there is a great risk that health claims will confuse and mislead the consumer and will not help the consumer choose a healthy diet, will not strengthen dietary and nutritional information and will not help promote nutrition policy goals. These were indeed the conclusions of a recently published report of the Nordic Council of Ministers<sup>10</sup> on the evaluation of health claims from a nutritional perspective. However, the report also concludes that health claims should be consistently regulated in order for the claims to promote nutrition policy goals, be truthful, scientifically-based, clear, reliable and of help to the consumer in choosing a healthy diet. This is what the proposal aims to achieve.
29. Health claims should therefore only be approved for use on the labelling, presentation and advertising of foods on the Community market after a scientific evaluation of the highest possible standard. In order to ensure harmonised scientific assessment of these claims, the European Food Safety Authority (EFSA) hereafter called the "Authority" should carry out such assessments. In this context it is worth mentioning that the European Commission has funded valuable projects such as the

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<sup>8</sup> OJ C 197, 12.7.2001, p. 203

<sup>9</sup> Levy et al.: Consumer Impacts of Health Claims. An experimental study, January 1997.

<sup>10</sup> Evaluation of health claims from a nutritional perspective, TemaNord 2001: 537, Council of Ministers, Copenhagen 2001

Concerted Action PASSCLAIM aiming at setting principles for assessing the scientific support of health claims, and that this considerable work should be taken into account when assessing claims. As stated above, the communication of claims to the final consumer is a very important aspect. Therefore, in order to ensure that health claims are truthful, clear and reliable, in its opinion the Authority, and the subsequent authorisation procedure, should also take into account the wording of the claims assessed. The scientific assessment should be followed by a decision by the Commission, under a regulatory procedure. In summary, the authorisation procedure laid down in the proposed Regulation is as follows:

- The applicant will submit an application to the Authority;
- The Authority will give an opinion within 3 months;
- The Authority will forward its opinion to the Commission, the Member States and the applicant, and will make its opinion public. The public may make comments to the Commission;
- The Commission will prepare a draft decision within 3 months of receipt of the opinion of the Authority;
- The Commission will inform the applicant of the final decision taken. The final decision will be published on the Official Journal of the European Communities;
- A summary of the final decision will also be included in the “Register”.

The 3 months time-limit for the Commission to prepare a draft Decision is an indication of the maximum time allowed for completing this step. In practice, the average time actually needed should be lower. The evaluation of the application of the Regulation foreseen in Article 25 of the proposal will provide an opportunity to in particular revisit this matter.

30. Being based on long-established and non-controversial science, health claims that describe the role of a nutrient or other substance in growth, development and normal physiological functions of the body shall undergo a different type of assessment and approval prior to their use in the labelling, presentation and advertising of foods. It is therefore proposed to adopt a list of permitted claims describing the role of a nutrient or other substance in growth, development and normal physiological functions of the body following the opinion of the Authority. The compilation and adoption of this list of health claims shall be done within a 3-year period. In the meantime, it is however necessary to provide the possibility for national authorities to apply safeguard measures in order to verify the scientific substantiation of these claims and/or their conformity with the provisions laid down in this Regulation, and, where necessary, to temporarily suspend the use of such claims and refer the matter to the Community. The valuable work carried out in the Consensus Document on Scientific Concepts of Functional Foods in Europe, prepared in the context of the Commission’s Concerted Action on Functional Food Science in Europe (FUFOSE), shall be taken into account in the compilation of this list.
31. For the sake of transparency and in order to avoid the repetition of applications of health claims that have already been assessed and for those health claims that have

gone through the Community procedure, a “Register” of such claims shall be established and regularly updated.

32. There are no budgetary implications for the Commission.

- - The above-mentioned « Register » will be established as a section of DG SANCO’s Web-site, using existing budgetary and human resources.
- - The regulatory committee mentioned in Article 23 is the existing Standing Committee on the Food Chain and Animal Health instituted by Regulation (EC) No 178/2002 ; decisions under this Proposal will be dealt with by the Section on General Food Law of the Committee, which currently meets 6 times a year ; implementation of this proposal will not result in more meetings of this Section being organised.
- - The management of the Community procedures foreseen in this proposal will not require additional staffing as current infringement procedures should be significantly reduced.

#### 4. CONCLUSION

33. The proposed rules would contribute to a high level of protection of human health and promote the protection of consumer interests by ensuring that foods bearing nutrition and health claims are labelled and advertised in an adequate and clear manner allowing consumers to make informed choices. Thus they would be in line with the general principles and requirements of food law as stipulated in Articles 5-8 of the recently adopted Regulation (EC) 178/2002 of the European Parliament and of the Council<sup>11</sup> and with Article 153 of the Treaty. The proposed rules would also take into account the importance for the food industry to have a regulatory environment that will allow them to innovate and remain competitive at Community and international level.

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<sup>11</sup> OJ L 31, 1.2.2002, p. 1

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on nutrition and health claims made on foods**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission<sup>12</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>13</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>14</sup>,

Whereas:

- (1) There is an increasing number of foods labelled and advertised in the Community with nutrition and health claims. In order to ensure a high level of protection for consumers and to facilitate their choice, products put on the market must be safe and adequately labelled.
- (2) Differences between national provisions relating to such claims may impede the free movement of foods, and create unequal conditions of competition. They thus have a direct impact on the functioning of the internal market. It is therefore necessary to adopt Community rules on the use of nutrition and health claims on foods.
- (3) General labelling provisions are contained in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>15</sup>, as amended by Commission Directive 2001/101/EC<sup>16</sup>. Directive 2000/13/EC generally prohibits the use of information that would mislead the purchaser or attribute medicinal properties to food. This Regulation should complement the general principles laid down in Directive 2000/13/EC and lay down specific provisions concerning the use of nutrition and health claims concerning foods to be delivered as such to the consumer.
- (4) At international level Codex Alimentarius has adopted General Guidelines on Claims in 1991 and Guidelines for the Use of Nutrition Claims in 1997. An amendment to the

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<sup>12</sup> OJ C,, p..

<sup>13</sup> OJ C , , p. .

<sup>14</sup> OJ C , , p. .

<sup>15</sup> OJ L109, 6.5.2000, p. 29.

<sup>16</sup> OJ L 310, 28.11.2001, p.19.

latter will soon be adopted by the Codex Commission. That amendment concerns the inclusion of Health Claims in the 1997 Guidelines. Due consideration is given to the definitions and conditions set in the Codex Guidelines.

- (5) There is a wide range of nutrients and other substances with a nutritional or physiological effect that might be present in a food and be the subject of a claim. Therefore, general principles applicable to all claims made on foods should be established in order to ensure a high level of consumer protection, give the consumer the necessary information to make choices in full knowledge of the facts, as well as creating equal conditions of competition for the food industry.
- (6) Foods promoted with claims may be perceived by consumers as having a nutritional, physiological or other health advantage over similar or other products without such nutrients added. This may encourage consumers to make choices, which directly influence their total intake of individual nutrients or other substances in a way which would run counter to scientific advice. To counter this potential undesirable effect, it is appropriate to impose certain restrictions as regards the products bearing claims. In this context, factors such as the presence of certain substances such as the alcohol content of the product or the nutrient profile of the product are appropriate criteria for determining whether the product can bear claims.
- (7) The establishment of a nutrient profile may take into account the content of different nutrients and substances with a nutritional or physiological effect, in particular those such as fat, saturated fat, trans-fatty acids, salt/sodium and sugars whose excessive intakes in the overall diet are not recommended and those such as poly- and monounsaturated fats, available carbohydrates other than sugars, vitamins, minerals, protein and fibre. When setting the nutritional profiles, the different categories of foods and the place and role of these foods in the overall diet shall be taken into account. Exemptions to respect established nutrient profiles may be necessary for certain foods or categories of foods depending on their role and importance in the diet of the population. These would be complex technical exercises and the adoption of the relevant measures should be entrusted to the Commission.
- (8) There is a wide variety of claims currently used in the labelling and advertising of foods in some Member States relating to substances that have not been shown to be beneficial or for which at present there is not sufficient scientific agreement. It is necessary to ensure that the substances for which a claim is made have been shown to have a beneficial nutritional or physiological effect.
- (9) In order to ensure that the claims made are truthful, it is necessary that the substance that is the subject of the claim is present in the final product in quantities that are sufficient, or that the substance is absent or present in suitably reduced quantities, to produce the nutritional or physiological effect claimed. The substance should also be available to be used by the body. In addition, a significant amount of the substance producing the claimed nutritional or physiological effect should be provided by a quantity of the food that can reasonably be expected to be consumed.
- (10) It is important that claims on foods can be understood by the average consumer.
- (11) Scientific substantiation should be the main aspect to be taken into account for the use of nutrition and health claims and the food business operators using claims should justify them.

- (12) Given the positive image conferred to foods bearing nutrition and health claims and the potential impact these foods may have on dietary habits and overall nutrient intakes, the consumer should be able to evaluate their global nutritional quality. Therefore, nutrition labelling should be compulsory and should be extensive on all foods bearing health claims..
- (13) A list of permitted nutrition claims and their specific conditions of use should also be created based on the conditions for the use of such claims that have been agreed at national or international level and laid down in Community legislation. That list should be regularly updated. Furthermore, for comparative claims it is necessary that the products being compared should be clearly identified to the final consumer.
- (14) Health claims should only be authorised for use on the Community market after a scientific assessment of the highest possible standard. In order to ensure harmonised scientific assessment of these claims, the European Food Safety Authority should carry out such assessments.
- (15) There are many factors, other than dietary ones, that can influence psychological and behavioural functions. Communication on these functions is thus very complex and it is difficult to convey a comprehensive, truthful and meaningful message in a short claim to be used in the labelling and advertising of foods. Therefore, it is appropriate to prohibit the use of psychological and behavioural claims.
- (16) Commission Directive 96/8/EC of 26 February 1996 on foods intended for use in energy-restricted diets for weight reduction<sup>17</sup> prohibits, in the labelling, presentation and advertising of products covered by that Directive, any reference to the rate or amount of weight loss which may result from their use, or to a reduction in the sense of hunger or an increase in the sense of satiety. A growing number of foods not specifically designed for weight control are marketed with the use of the such references and reference to the product's ability to reduce the available energy from the diet. It is therefore appropriate to prohibit references to such properties in respect of all foods.
- (17) Health claims that describe the roles of nutrients or other substances in growth, development and normal physiological functions of the body, based on long-established and non-controversial science, should undergo a different type of assessment and authorisation. It is therefore necessary to adopt a list of permitted claims describing the role of a nutrient or other substance.
- (18) In order to keep up with scientific and technological developments, that list should be revised promptly whenever necessary. Such revisions are implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure.
- (19) A varied and balanced diet is a prerequisite for good health and single products have a relative importance in the context of the total diet, and that diet is one of the many factors influencing the onset of certain human diseases. Other factors such as age, genetic predisposition, the level of physical activity, the consumption of tobacco and other drugs, environmental exposure and stress may all influence the onset of human

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<sup>17</sup> OJ L 55, 6.3.1996, p. 22.



diseases. Specific labelling requirements should therefore apply in respect of claims relating to the reduction of a disease risk.

- (20) In order to ensure that health claims are truthful, clear, reliable and useful to the consumer in choosing a healthy diet, the wording and the presentation of health claims should be taken into account in the opinion of the Authority and in the subsequent authorisation procedure.
- (21) In some cases, scientific risk assessment alone cannot provide all the information on which a risk management decision should be based. Other legitimate factors relevant to the matter under consideration should therefore be taken into account.
- (22) For the sake of transparency and in order to avoid multiple applications in respect of claims, which have already been assessed, a Register of such claims should be established.
- (23) In order to keep up with scientific and technological developments, the Register should be revised promptly, whenever necessary. Such revisions are implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure.
- (24) In order to stimulate research and development within the agri-food industry, it is appropriate to protect the investment made by innovators in gathering the information and data supporting an application under this Regulation. This protection should however be limited in time in order to avoid the unnecessary repetition of studies and trials.
- (25) Given the particular nature of foods bearing claims, additional means to those usually available to monitoring bodies should be available in order to facilitate efficient monitoring of those products.
- (26) A transitional period is necessary to enable food business operators to adapt to the requirements of this Regulation.
- (27) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore 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 those objectives.
- (28) 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>18</sup>.

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<sup>18</sup> OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SUBJECT MATTER, SCOPE AND DEFINITIONS**

#### *Article 1*

##### *Subject matter and scope*

1. This Regulation is intended to harmonise the provisions laid down by law, regulation or administrative action in Member States which relate to nutrition and health claims in order to ensure the effective functioning of the internal market whilst providing a high level of consumer protection.
2. This Regulation shall apply to nutrition and health claims in the labelling, presentation and advertising of foods to be delivered as such to the final consumer. It shall also apply to foods intended for supply to restaurants, hospitals, schools, canteens and similar mass caterers.
3. Nutrition and health claims not complying with this Regulation shall be considered as misleading advertising within the meaning of Council Directive 84/450/EEC<sup>19</sup>.
4. This Regulation shall apply without prejudice to specific provisions concerning foods for particular nutritional uses laid down in Community legislation.

#### *Article 2*

##### *Definitions*

For the purposes of this Regulation, the definitions of “food”, “food business operator”, “placing on the market”, and “final consumer” set out in Articles 2, 3(3), 3(8) and 3(18) of Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>20</sup> shall apply.

The following definitions shall also apply:

- (1) “claim” means any message or representation, which is not mandatory under Community or national legislation, including pictorial, graphic or symbolic representation, which states, suggests or implies that a food has particular characteristics;
- (2) “nutrient” means protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in the Annex to Directive 90/496/EEC, and substances, which belong to or are components of one of those categories;
- (3) “other substance” means a substance other than a nutrient that has a nutritional or physiological effect;
- (4) “nutrition claim” means any claim which states, suggests or implies that a food has particular nutrition properties due to:

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<sup>19</sup> OJ L250, 19.9.1984, p.17.

<sup>20</sup> OL L 31, 1.2.2002, p. 1.

- (a) the energy (calorific value) it
  - provides,
  - provides at a reduced or increased rate, or
  - does not provide, and/or
- (b) the nutrients or other substances it
  - contains,
  - contains in reduced or increased proportions, or
  - does not contain;
- (5) “health claim” means any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health;
- (6) “reduction of disease risk claim” means any health claim that states, suggests or implies that the consumption of a food category, a food or one of its constituents significantly reduces a risk factor in the development of a human disease;
- (7) “Authority” means the European Food Safety Authority as established by Regulation (EC) No 178/2002 of the European Parliament and Council;
- (8) “average consumer” means the consumer who is reasonably well informed and reasonably observant and circumspect.

## **CHAPTER II GENERAL PRINCIPLES**

### *Article 3 General principles for all claims*

Nutrition and health claims may only be used in the labelling, presentation and advertising of foods placed on the market in the Community if they comply with the provisions of this Regulation.

Without prejudice to Directives 2000/13/EC and 84/450/EEC, the use of nutrition and health claims shall not:

- (a) be false or misleading;
- (b) give rise to doubt about the safety and/or the nutritional adequacy of other foods;
- (c) state or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general;

- (d) refer to changes in bodily functions in improper or alarming terms either textually or through pictorial, graphic or symbolic representations;

#### *Article 4*

##### *Restrictions on the use of nutrition and health claims*

1. Within 18 months from the adoption of this Regulation, the Commission shall, in accordance with the procedure laid down in Article 23 (2) establish specific nutrient profiles which food or certain categories of foods must respect in order to bear nutrition or health claims.

The nutrient profiles shall be established, in particular, by reference to the amounts of the following nutrients present in the food:

- (a) fat, saturated fatty acids, trans-fatty acids
- (b) sugars
- (c) salt/sodium.

The nutrient profiles shall be based on scientific knowledge about diet, and nutrition, and their relationship to health and, in particular, on the role of nutrients and other substances with a nutritional or physiological effect on chronic diseases. In setting the nutritional profiles, the Commission shall seek the advice of the Authority and carry out consultations with interested parties, in particular food business operators and consumer groups.

Exemptions and updates to take into account relevant scientific developments shall be adopted in accordance with the procedure referred to in Article 23 (2).

2. By way of derogation from paragraph 1, nutrition claims referring to the reduction in the amounts of fat, saturated fatty acids, trans-fatty acids and sugars, salt/sodium, shall be allowed, provided they comply with the conditions laid down in this Regulation.
3. Beverages containing more than 1.2% by volume of alcohol shall not bear:
  - (a) health claims;
  - (b) nutritional claims, other than those, which refer to a reduction in the alcohol or energy content.
4. Other foods or categories of foods than those referred to in paragraph 3, for which nutrition or health claims are to be restricted or prohibited may be determined in accordance with the procedure referred to in Article 23(2) and in the light of scientific evidence.

*Article 5*  
*General conditions*

1. The use of nutrition and health claims shall only be permitted if the following conditions are fulfilled:
  - (a) the presence, absence or reduced content of the substance in respect of which the claim is made has been shown to have a beneficial nutritional or physiological effect, as established by generally accepted scientific data;
  - (b) the substance for which the claim is made :
    - (i) is contained in the final product in a significant quantity as defined in Community legislation or, where such rules do not exist, in a quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific data; or
    - (ii) is not present or is present in a reduced quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific data;
  - (c) where applicable, the substance for which the claim is made is in a form that is available to be used by the body;
  - (d) the quantity of the product that can reasonably be expected to be consumed provides a significant quantity of the substance to which the claim relates, as defined in Community legislation or, where such rules do not exist, in a significant quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific data;
  - (e) compliance with the specific conditions set out in Chapter III or Chapter IV as appropriate.
2. The use of nutrition and health claims shall only be permitted if the average consumer can be expected to understand the beneficial effects as expressed in the claim.
3. Nutrition and health claims shall refer to the food ready for consumption in accordance with the manufacturer's instructions.

*Article 6*  
*Scientific substantiation for claims*

1. Nutrition and health claims shall be based on and substantiated by generally accepted scientific data.
2. A food business operator making a nutrition or health claim shall justify the use of the claim.
3. The competent authorities of the Member States may request a food business operator or a person placing a product on the market to produce the scientific work and the data establishing compliance with this Regulation.

*Article 7*  
*Nutrition information*

Where a nutrition or health claim is made, with the exception of generic advertising, nutrition information shall be provided in accordance with Directive 90/496/EEC.

For health claims, the information to be provided shall consist of information in Group 2 as defined in Article 4 (1) of Directive 90/496/EEC.

In addition and as the case may be, the amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall also be stated in proximity to the nutrition information.

**CHAPTER III**  
**NUTRITION CLAIMS**

*Article 8*  
*Specific conditions*

1. Nutrition claims shall only be permitted if they are in conformity with this Regulation and comply with the conditions set out in the Annex.
2. Amendments to the Annex shall be adopted in accordance with the procedure referred to in Article 23(2) and, where appropriate, after consulting the European Food Safety Authority.

*Article 9*  
*Comparative claims*

1. Without prejudice to Directive 84/450/EEC, a nutrition claim which compares the quantity of a nutrient and/or the energy value of a food with foods of the same category shall only be made if the foods being compared are easily identified by the average consumer or clearly indicated. The difference in the quantity of a nutrient and/or the energy value shall be stated and the comparison shall relate to the same quantity of food.
2. Comparative nutrition claims shall compare the composition of the food in question with a range of foods of the same category, which do not have a composition which allows them to bear a claim, including foods of other brands.

## **CHAPTER IV HEALTH CLAIMS**

### *Article 10 Specific Conditions*

1. Health claims shall be permitted if they comply with the general requirements in Chapter II and the specific requirements in this Chapter and are authorised in accordance with this Regulation.
2. Health claims shall only be permitted if the following information is included on the label:
  - (a) a statement indicating the importance of a balanced diet and a healthy lifestyle;
  - (b) the quantity of the food and pattern of consumption required to obtain the claimed beneficial effect;
  - (c) where appropriate, a statement addressed to persons who should avoid using the food;
  - (d) where appropriate, a warning not to exceed quantities of the product that may represent a risk to health.

### *Article 11 Implied health claims*

1. The following implied health claims shall not be allowed:
  - (a) claims which make reference to general, non-specific benefits of the nutrient or food for overall good health, well-being;
  - (b) claims which make reference to psychological and behavioural functions;
  - (c) without prejudice to Directive 96/8/EC claims which make reference to slimming or weight control, or to the rate or amount of weight loss which may result from their use or to a reduction in the sense of hunger or an increase in the sense of satiety or to the reduction of the available energy from the diet;
  - (d) claims which make reference to the advice of doctors or other health professionals, or their professional associations, or charities, or suggest that health could be affected by not consuming the food.
2. Where appropriate, the Commission having first consulted the Authority shall publish detailed guidelines for the implementation of this article.

## Article 12

### *Health claims describing a generally accepted role of a nutrient or other substance*

1. By way of derogation from Article 10 (1), health claims describing the role of a nutrient or of another substance in growth, development and the normal functions of the body, which are based on generally accepted scientific data and well understood by the average consumer, may be made if they are included in the list provided for in paragraph 2.
2. Member States shall provide the Commission with lists of claims as referred to in paragraph 1 by ... at the latest [*last day of the month of adoption of this Regulation + 1 year*].

After consulting the Authority, the Commission shall adopt, in accordance with the procedure referred to in Article 23, a Community list of permitted claims as referred to in paragraph 1, describing the role of a nutrient or other substance in growth, development and normal functions of the body by ... at the latest [*last day of the month of adoption of this Regulation + 3 years*]

Modifications to the list shall be adopted in accordance with the procedure referred to in Article 23, on the Commission's own initiative or following a request by a Member State.

3. From the date of entry into force of this Regulation until the adoption of the list referred to in the second paragraph of paragraph 2, health claims as referred to in paragraph 1 may be made under the responsibility of business operators provided that they are in accordance with this Regulation and with existing national provisions applicable to them, and without prejudice to the adoption of safeguard measures as referred to in Article 22.

## Article 13

### Reduction of disease risk claims

1. By way of derogation from Article 2 (1) of Directive 2000/13/EC, reduction of disease risk claims may be made where they have been authorised in accordance with this Regulation.
2. In addition to the general requirements laid down in this Regulation and the specific requirements of paragraph 1, for reduction of disease risk claims the label shall also bear a statement indicating that diseases have multiple risk factors and that altering one of these risk factors may or may not have a beneficial effect.

## Article 14

### *Application for authorisation*

1. To obtain the authorisation referred to in Article 10 (1), an application shall be submitted to the Authority.

The Authority:



- (a) shall acknowledge receipt of an application in writing within 14 days of its receipt. The acknowledgement shall state the date of receipt of the application;
  - (b) shall inform without delay the Member States and the Commission of the application and shall make the application and any supplementary information supplied by the applicant available to them;
  - (c) shall make the summary of the dossier referred to in paragraph 3(f) available to the public.
2. The application shall be accompanied by the following particulars and documents:
- (a) the name and address of the applicant;
  - (b) the food or the category of food in respect of which the health claim is to be made and its particular characteristics;
  - (c) a copy of the studies which have been carried out with regard to the health claim including, where available, independent, peer-reviewed studies, which have been carried out and any other material which is available to demonstrate that it complies with the criteria provided for in this Regulation;
  - (d) a copy of other scientific studies which are relevant to that health claim;
  - (e) a proposal for the wording, in all Community languages, of the health claim for which authorisation is sought including, as the case may be, specific conditions for use;
  - (f) a summary of the dossier.
3. Implementing rules for the application of this Article, including rules concerning the preparation and presentation of the application shall be established in accordance with the procedure referred to in Article 23 (2), after consultation of the Authority.
4. Before the date of application of this Regulation, the Authority shall publish detailed guidance to assist applicants in the preparation and the presentation of applications.

*Article 15*  
*Opinion of the Authority*

1. In giving its opinion, the Authority shall endeavour to respect a time limit of three months from the date of receipt of a valid application. That time limit shall be extended where the Authority seeks supplementary information from the applicant pursuant to paragraph 2.
2. The Authority may, where appropriate, request the applicant to supplement the particulars accompanying the application within a specified time limit.
3. In order to prepare its opinion, the Authority shall verify:

- (a) that the proposed wording of the health claim is substantiated by scientific data;
  - (b) that the wording of the health claim complies with the criteria laid down in this Regulation;
  - (c) that the proposed wording of the health claim is understandable and meaningful to the consumer.
- 4. In the event of an opinion in favour of approving the health claim, the opinion shall include the following particulars:
  - (a) the name and address of the applicant;
  - (b) the designation of the food or category of food in respect of which a claim is to be used and its particular characteristics;
  - (c) the recommended wording, in all Community languages, of the proposed health claim;
  - (d) where necessary, conditions of use of the food and/or an additional statement or warning that should accompany the health claim on the label and advertising.
- 5. The Authority shall forward its opinion to the Commission, the Member States and the applicant, including a report describing its assessment of the health claim and stating the reasons for its opinion.
- 6. The Authority in accordance with Article 38(1) of Regulation (EC) No 178/2002 shall make its opinion public.

The public may submit comments to the Commission within 30 days from such publication.

*Article 16*  
*Community Authorisation*

- 1. Within three months of receipt of the opinion of the Authority, the Commission shall submit to the Committee referred to in Article 23(1) a draft of the decision to be taken in respect of the application, taking into account the opinion of the Authority, any relevant provisions of Community law and other legitimate factors relevant to the matter under consideration. Where the draft Decision is not in accordance with the opinion of the Authority, the Commission shall provide an explanation for the differences.
- 2. Any draft decision which envisages the granting of authorisation shall include the particulars referred to in Article 15(4) and the name of the authorisation-holder
- 3. A final decision on the application shall be adopted in accordance with the procedure referred to in Article 23(2).

4. The Commission shall without delay inform the applicant of the decision taken and publish details of the decision in the *Official Journal of the European Union*.
5. The granting of authorisation shall not lessen the general civil and criminal liability of any food operator in respect of the food concerned.

#### *Article 17*

#### *Modification, suspension and revocation of authorisations*

1. The authorisation-holder may, in accordance with the procedure laid down in Article 14, apply for a modification of an existing authorisation.
2. On its own initiative or following a request from a Member State or from the Commission, the Authority shall issue an opinion on whether a decision for the use of a health claim continues to meet the conditions laid down in this Regulation.

It shall forthwith transmit its opinion to the Commission, the authorisation-holder and the Member States. The Authority, in accordance with Article 38(1) of Regulation (EC) No 178/2002, shall make its opinion public.

The public may submit comments to the Commission within 30 days of such publication.

3. The Commission shall examine the opinion of the Authority as soon as possible. If appropriate, the authorisation shall be modified, suspended or revoked in accordance with the procedure laid down in Article 16.

## **CHAPTER V GENERAL AND FINAL PROVISIONS**

#### *Article 18*

#### *Community Register*

1. The Commission shall establish and maintain a *Community Register of nutrition and health claims made on food*, hereinafter referred to as 'the Register'.
2. The *Register* shall include the following:
  - (a) the nutrition claims and the conditions applying to them as set out in the Annex;
  - (b) the authorised health claims and the conditions applying to them provided for in Articles 13(2), 17(2), 19 (1) and (2), 21(2) and 22(2);
  - (c) a list of rejected health claims.

Health claims authorised on the basis of proprietary data shall be placed on a separate Annex to the Register with the following information:

- (1) the date the Commission authorised the health claim and the name of the original applicant that was granted authorisation;
  - (2) that the Commission authorised the health claim on the basis of proprietary data;
  - (3) that the health claim is restricted for use unless a subsequent applicant obtains authorisation for the claim without reference to the proprietary data of the original applicant
3. The *Register* shall be made available to the public.

#### *Article 19*

##### *Data protection*

1. The scientific data and other information in the application dossier required under Article 14 (2) may not be used for the benefit of a subsequent applicant for a period of seven years from the date of authorisation, unless the subsequent applicant has agreed with the prior applicant that such data and information may be used, where:
  - (a) the scientific data and other information has been designated as proprietary by the prior applicant at the time the prior application was made; and,
  - (b) the prior applicant had exclusive right of reference to the proprietary data at the time the prior application was made; and,
  - (c) the health claim could not have been approved without the submission of the proprietary data by the prior applicant.
2. Until the end of the seven years period specified in paragraph 1, no subsequent applicant shall have the right to refer to data designated as proprietary by a prior applicant unless and until the Commission takes a decision on whether an authorisation could be or could have been granted without the submission of data designated as proprietary by the prior applicant.

#### *Article 20*

##### *National provisions*

Without prejudice to the Treaty, in particular Articles 28 and 30 thereof, Member States may not restrict or forbid trade in or advertising of foods which comply with this Regulation by the application of non-harmonised national provisions governing claims made on certain foods or on foods in general.

#### *Article 21*

##### *Notification procedure*

1. Where reference is made to this Article, the procedure laid down in paragraphs 2, 3 and 4 shall apply.

2. If a Member State considers it necessary to adopt new legislation, it shall notify the Commission and the other Member States of the envisaged measures and give the reasons justifying them.
3. The Commission shall consult the Standing Committee on the Food Chain and Animal Health instituted by Article 58 (1) of Regulation (EC) No 178/2002 (hereinafter referred to as the “Committee”) if it considers such consultation to be useful or if a Member State so requests, and shall give an opinion on the envisaged measures.
4. The Member State concerned may take the envisaged measures six months after the notification referred to in paragraph 2, provided that the Commission's opinion is not negative.

If the Commission’s opinion is negative, it shall determine, in accordance with the procedure referred to in Article 23(2) and before the expiry of the period referred to in the first subparagraph of this paragraph, whether the envisaged measures may be implemented. The Commission may require certain amendments to be made to the envisaged measure.

#### *Article 22* *Safeguard measures*

1. Where a Member State has serious grounds for considering that a claim does not comply with this Regulation, or that the scientific substantiation provided for in Article 7 is insufficient, that Member State may temporarily suspend the use of that claim within its territory.

It shall inform the other Member States and the Commission and give reasons for the suspension.

2. In accordance with the procedure referred to in Article 23(2), a decision shall be taken, where appropriate after obtaining an opinion from the Authority.

The Commission may initiate this procedure on its own initiative.

3. The Member State referred to in paragraph 1 may maintain the suspension until the decision referred to in paragraph 2 has been notified to it.

#### *Article 23* *Committee procedure*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health instituted by Article 58 (1) of Regulation (EC) No 178/2002, hereafter referred to as the “Committee”.
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 three months.

*Article 24*  
*Monitoring*

To facilitate efficient monitoring of foods bearing nutrition or health claims, Member States may require the manufacturer or the person placing such foods on the market in their territory to notify the competent authority of that placing on the market by forwarding it a model of the label used for the product.

*Article 25*  
*Evaluation*

By ... at the latest [*last day of the fifth month following date of adoption + 6 years*], the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation, in particular on the evolution of the market of foods in respect of which nutrition or health claims are made, together with a proposal for amendments if necessary.

*Article 26*  
*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 [*first day of the sixth month following publication*].

Foods placed on the market or labelled prior to that date which do not comply with this Regulation may be marketed until [*last day of the eleventh month following publication*].

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **ANNEX**

### **Nutrition claims and conditions applying to them**

#### ***LOW ENERGY***

A claim that a food is low in energy, and any claim likely to have the same meaning for the consumer, may only be made where the product contains less than 40 kcal (170 kJ)/100g and less than 20kcal (80kJ)/100ml.

In the case of foods naturally low in energy, the term “naturally” may be used as a prefix to this claim.

#### ***ENERGY-REDUCED***

A claim that a food is energy-reduced, and any claim likely to have the same meaning for the consumer, may only be made where the energy value is reduced by at least 30%, with an indication of the characteristic(s), which make(s) the food reduced in its total energy value.

#### ***ENERGY-FREE***

A claim that a food is energy-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains less than 4kcal (17kJ)/100ml.

In the case of foods energy-free, the term “naturally” may be used as a prefix to this claim.

#### ***LOW FAT***

A claim that a food is low in fat, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 3g of fat per 100g or 1.5g of fat per 100ml (1.8g of fat per 100 ml for semi-skimmed milk).

In the case of foods naturally low in fat, the term “naturally” may be used as a prefix to this claim.

#### ***FAT-FREE***

A claim that a food is fat-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.5g of fat per 100g or 100ml. However, claims expressed as “X% fat-free” shall be prohibited.

In the case of foods naturally fat-free, the term “naturally” may be used as a prefix to this claim.

#### ***LOW SATURATED FAT***

A claim that a food is low in saturated fat, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 1.5g of saturates per 100g for solids or, 0.75g of saturates per 100ml for liquids and in either case saturated fat must not provide more than 10% of energy.

In the case of foods naturally low in saturated fat, the term “naturally” may be used as a prefix to this claim.

### ***SATURATED FAT -FREE***

A claim that a food does not contain saturated fat, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.1g of saturated fat per 100g or 100ml.

In the case of foods naturally saturated fat-free, the term “naturally” may be used as a prefix to this claim.

### ***LOW SUGARS***

A claim that a food is low in sugars, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 5g of sugars per 100g or 100ml.

In the case of foods naturally low in sugars, the term “naturally” may be used as a prefix to this claim.

### ***SUGARS-FREE***

A claim that a food is sugars-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.5g of sugars per 100g or 100ml.

In the case of foods naturally sugars-free, the term “naturally” may be used as a prefix to this claim.

### ***WITH NO ADDED SUGARS***

A claim stating that sugar has not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties.

### ***LOW SODIUM /SALT***

A claim that a food is low in sodium, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.12g of sodium, or the equivalent value for salt, per 100g or per 100ml.

In the case of foods naturally low in sodium, the term “naturally” may be used as a prefix to this claim.

### ***VERY LOW SODIUM /SALT***

A claim that a food is very low in sodium, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.04g of sodium, or the equivalent value for salt, per 100g or per 100 ml.

In the case of foods naturally very low in sodium, the term “naturally” may be used as a prefix to this claim.



### ***SODIUM-FREE or SALT-FREE***

A claim that a food is sodium-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0.005g of sodium, or the equivalent value for salt, per 100g.

In the case of foods naturally sodium-free, the term “naturally” may be used as a prefix to this claim.

### ***SOURCE OF FIBRE***

A claim that a food is a source of fibre, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 3g of fibre per 100g or at least 1.5g of fibre per 100kcal.

In the case of foods that are naturally sources of fibre, the term “naturally” may be used as a prefix to this claim.

### ***HIGH FIBRE***

A claim that a food is high in fibre, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 6g of fibre per 100g or at least 3g of fibre per 100kcal.

In the case of foods naturally high in fibre, the term “naturally” may be used as a prefix to this claim.

### ***SOURCE OF PROTEIN***

A claim that a food is a source of protein, and any claim likely to have the same meaning for the consumer, may only be made where at least 12% of the energy value of the food is provided by protein.

In the case of foods that are naturally sources of protein, the term “naturally” may be used as a prefix to this claim.

### ***HIGH PROTEIN***

A claim that a food is high in protein, and any claim likely to have the same meaning for the consumer, may only be made where at least 20% of the energy value of the food is provided by protein.

In the case of foods naturally high in protein, the term “naturally” may be used as a prefix to this claim.

### ***NATURAL SOURCE OF VITAMINS AND/OR MINERALS***

A claim that a food is a natural source of vitamins and/or minerals, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 15% of the recommended daily allowance specified in the Annex of Council Directive 90/496/EEC per 100 g or 100 ml.

### ***ENRICHED OR FORTIFIED IN VITAMINS AND/OR MINERALS***

A claim that a food is enriched or fortified in vitamins and/or minerals, and any claim likely to have the same meaning for the consumer, may only be made where the product contains the vitamins and/or minerals in at least a significant amount as defined in the Annex of Directive 90/496/EEC.

### ***HIGH VITAMINS AND/OR MINERALS***

A claim that a food is high in vitamins and/or minerals, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least twice the value of “*source of vitamins and minerals*”.

In case of foods naturally high in vitamins and/or minerals, the term “naturally” may be used as a prefix to this claim.

### ***CONTAINS (NAME OF THE NUTRIENT OR OTHER SUBSTANCE)***

A claim that a food contains a nutrient or another substance, or any claim likely to have the same meaning for the consumer, may only be made where the product complies with all the applicable provisions of this Regulation.

In the case of foods that naturally contain the named nutrient or other substance, the term “naturally” may be used as a prefix to this claim.

### ***INCREASED (NAME OF THE MACRONUTRIENT)***

A claim stating that the content in one or more nutrients has been increased, and any claim likely to have the same meaning for the consumer, may only be made where the product meets the conditions for the claim “*source of*” and the increase in content is at least 30% compared to a similar product.

### ***REDUCED (NAME OF THE NUTRIENT)***

A claim stating that the content in one or more nutrients has been reduced, and any claim likely to have the same meaning for the consumer, may only be made where the reduction in content is at least 30% compared to a similar product, except for micronutrients where a 10% difference in the reference values as set in Council Directive 90/496/EEC shall be acceptable

### ***LIGHT/LITE***

A claim stating that a product is “light” or “lite”, and any claim likely to have the same meaning for the consumer, shall follow the same conditions as those set for the term “reduced”; the claim shall also be accompanied by an indication of the characteristic(s) which make the food “light” or “lite”.

## **IMPACT ASSESSMENT FORM**

### **Draft Proposal for a Regulation of the European Parliament and of the Council on Nutrition Claims and Health Claims Made on Foods**

#### **1. PROBLEM IDENTIFICATION**

As food production has become more and more complex, consumers are increasingly interested in the information appearing on food labels. They have also become more interested in their diet, its relationship to health, and, more generally, the composition of foods that they are selecting. For these reasons it is important that information about foods and their nutritional value appearing on the labelling and used for their presentation, marketing and advertising should be clear, accurate and meaningful.

The food industry has responded to the increased interest of consumers in nutrition by providing nutrition labelling on many foods and by highlighting the nutritional value of products through claims in their labelling, presentation and advertising. Some would argue that this evolution could be considered as a positive one for providing relevant information to the consumer. It also provides an opportunity to use claims as a marketing tool.

The European Community has adopted detailed rules on labelling (Directive 2000/13/EC) and nutrition labelling (Directive 90/496/EEC) of foods. However, this is not the case with some specific claims. In view of the proliferation of the number and type of claims appearing on the labels of foods and in the absence of specific provisions at European level, some Member States have adopted legislation and other measures to regulate the use of claims. This has resulted in differences in approaches, definition of terms used and the conditions of the use of claims. These discrepancies can act as barriers to guaranteeing a high level of consumer and public health protection, and can constitute obstacles to the free movement of foods and the proper functioning of the internal market. For these reasons, harmonisation of rules on claims at Community level is being advocated.

The provisions in the proposal aim at regulating specific claims that are not covered by the Community rules on labelling.

#### **2. OBJECTIVE OF THE PROPOSAL**

The overall policy objective in terms of expected impacts is:

- to contribute to a high level of protection of human health and promote the protection of consumer interests
- to improve the free movement of goods within the internal market
- to increase legal security for economic operators
- to ensure fair competition in the area of foods

The proposed rules ensures that foods bearing nutrition claims and health claims are labelled and advertised in a truthful and meaningful manner. By adopting rules that regulate the information about the foodstuffs and their nutritional value appearing on the label, the

consumers will be able to make informed and meaningful choices. This also contributes to a higher level of protection of human health. Appropriate labelling can indeed point consumers in the right direction towards adopting a healthy diet, and facilitate positive and informed choice. Through education, information, health promotion initiatives, as well as through appropriate legislation we can act to help diminish the health risk factors affecting the European public and improve overall quality of life.

Improving public health of the European community is a shared responsibility of the EU institutions and Member States. This regulatory proposal will provide an important and necessary foundation; and the implementation of effective educational programmes is also required in order to foster positive behavioural change, not only related to diet but also to physical activity and other lifestyle factors.

The proposed rules also take into account the importance for the food industry to have a regulatory environment thereby allowing them to innovate and remain competitive at Community and international level. This also gives the economic operators legal security and a more predictable environment.

### **3. POLICY OPTIONS**

The basic approach suggested in order to reach the above-mentioned objectives is to improve and harmonise Community legislation on specific claims by introducing the proposed rules. Only nutrition and health claims that are in conformity with the proposed provisions will be allowed on the labelling, presentation and advertising of foods placed on the market within the Community.

The proposed provisions provide for further voluntary information when making claims, beyond the mandatory information foreseen by EU legislation. The only other policy option therefore is not to provide for any rules on claims and leave the market unregulated.

In terms of respecting the principles of subsidiarity and proportionality, the proposed rules aim at harmonising an area hitherto unregulated area by the Community and Member States. The planned proposal has the additional value for each Member State of laying down provisions for common definitions and principles of claims. This will aid in achieving the objective of harmonisation of rules as well as confer the competency of establishing the conformity of claims and the functioning of the provisions to the Member States. Lack of Community regulation would, on the other hand, constitute a barrier to trade for Member States and industry alike, hamper the functioning on the internal market and act as a barrier to guaranteeing a high level of consumer and public health protection.

The proposed rules are in line with the general principles and requirements of food law as stipulated in Articles 5-8 of the recently adopted Regulation (EC) 178/2002 of the European Parliament and of the Council and with Article 153 of the Treaty.

### **4. IMPACTS – POSITIVE AND NEGATIVE**

The proposed provisions only apply when giving voluntary information (claim) in addition to what is deemed mandatory by existing Community legislation. It follows from this that the proposal will not have an impact on economic operators if they do not provide any additional information on the label, presentation and advertising of foods. Only when doing so, will the proposed rules apply.

It is expected that the current proposal will to a great extent benefit the consumer. By allowing for clearer legislation on which claims are admissible and under which conditions they can be made, the actual communication and the presentation of claims is expected to be more understandable for consumers and will avoid misleading them. It is also expected that it will have the benefit of educating the consumer thereby rendering the consumer capable of making better choices towards healthier dietary patterns.

It is also expected that economic operators should benefit from a more secure legal environment in which to operate if the proposed rules are adopted. The rules for making a nutrition claim will be the same for all economic operators and only those health claims that are scientifically based and meaningful to the consumer will be allowed.

However, by not providing for the proposed rules the consumer will still be faced with an unregulated market in which claims are potentially presented in a manner that is false, misleading or deceptive and that may be unsubstantiated. In the long-term, consuming products that falsely attribute certain nutritional and/or health advantages may have adverse effects on the health of the consumer and reduce consumer confidence in food products.

## **5. FOLLOW-UP**

Consultations with Member States and stakeholders on a discussion paper and later on a preliminary draft proposal have been held.

The Commission services prepared a discussion paper that was published on the Commission's website in May 2001. More than 90 stakeholders gave their comments and these were published on the SANCO website. In July 2002, a meeting was held with the stakeholders and one with Member States allowing for further consultation on a preliminary draft proposal. On the basis of the comments received, the Commission has prepared this legislative proposal in order to define and set conditions for nutrition claims and health claims.

An extended assessment on this proposal is not recommended as the proposal has already been subject to extensive consultation with Member States and stakeholders. Their opinion has been taken into account and is reflected in the proposal. Moreover, the proposed provisions only pertain to voluntary additional information (claims) made by the food producer. Further consultation is not planned.