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**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**

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COUNCIL DIRECTIVE of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption (89/108/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,

In cooperation with the European Parliament (1),

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

Whereas the manufacture of and trade in quick-frozen foodstuffs intended for human consumption (hereinafter referred to as 'quick-frozen foodstuffs') are assuming increasing importance in the Community;

Whereas the differences between national laws relating to quick-frozen foodstuffs hamper the free movement thereof; whereas they may create unequal conditions of competition and therefore have a direct effect on the establishment and functioning of the common market;

Whereas it is therefore necessary to approximate these laws;

Whereas to that end the Community rules must be given the widest possible scope, extending to all quick-frozen foodstuffs intended for human consumption and including not only products intended for supply without further processing to the ultimate consumer and to restaurants, hospitals, canteens and to other similar mass caterers, but; also products having to be further processed or prepared;

Whereas, however, these rules need not apply to products not offered for sale as quick-frozen foodstuffs;

Whereas it is in any case appropriate to lay down the general principles which any quick-frozen foodstuffs must satisfy;

Whereas at a later stage special provisions over and above the general principles may, where necessary, be adopted for certain categories of quick-frozen foodstuffs, in accordance with the procedure applicable to each of these categories;

Whereas the purpose of quick-freezing is to preserve the intrinsic characteristics of foodstuffs by a process of rapid freezing; whereas it is necessary to attain a temperature of -18 °C or lower at all points in the product;

Whereas at -18 °C all microbiological activity likely to impair the quality of a foodstuff is suspended; whereas it is therefore necessary to maintain at least that temperature, subject to a certain technically inevitable tolerance, during the storage and distribution of quick-frozen foodstuffs before their sale to the ultimate consumer;

Whereas for technical reasons certain temperature increases are inevitable and may therefore be tolerated provided they do not harm the quality of the products, which may be ensured by

complying with good storage and distribution practice, taking account in particular of the proper level of stock rotation;

Whereas the performance of certain technical equipment at present in use for the local distribution of quick-frozen foodstuffs is not capable of ensuring in every case full compliance with the temperature limits imposed in this Directive, and it is therefore necessary to provide for a transitional system allowing for existing material to be used for its normal lifetime;

Whereas this Directive need merely state the objectives to be attained as regards both the equipment used for the quick-freezing process and the temperatures to be observed in the storage, handling, transport and distribution installations and equipment;

Whereas it is incumbent upon Member States to ensure by means of official checks that the equipment used is capable of meeting these objectives;

Whereas such checks render superfluous any system of official certification for trade purposes;

Whereas it is desirable to provide for the possibility of using cryogenic fluids in direct contact with quick-frozen foodstuffs: whereas therefore these fluids must be sufficiently inert not to impart to the foodstuffs any constituents in quantities liable to constitute a hazard to human health, or to.

give rise to an unacceptable change in the composition of foodstuffs, or to impair their organoleptic characteristics;

Whereas in order to attain this objective it is necessary to adopt a list of these substances and to lay down criteria for their purity and conditions for their use;

Whereas quick-frozen foodstuffs intended for the ultimate consumer and for restaurants, hospitals, canteens and other similar mass caterers are subject, as far as their labelling is concerned, to the rules laid down by 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 (3), as last amended by Directive 86/197/EEC (4); whereas the present Directive need therefore merely lay down the particulars which are specific to quick-frozen foodstuffs;

Whereas, to facilitate trade, rules should also be adopted for the labelling of quick-frozen foodstuffs not intended for supply in the frozen state to the ultimate consumer or to restaurants, hospitals, canteens and other similar mass caterers;

Whereas, in order to simplify and speed up the procedure, the Commission should be assigned the task of adopting implementing measures of a technical nature;

Whereas, in all cases in which the Council empowers the Commission to implement the rules laid down for foodstuffs, a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee on Foodstuffs set up by Council Decision 69/414/EEC (5) should be laid down,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive shall apply to quick-frozen foods intended for human consumption, hereinafter referred to as 'quick-frozen foodstuffs'.

2. For the purposes of this Directive 'quick-frozen foodstuffs' means foodstuffs

- which have undergone a suitable freezing process known as 'quick-freezing' whereby the zone of maximum crystallization is crossed as rapidly as possible, depending on the type of product, and the resulting temperature of the product (after thermal stabilization) is continuously maintained at a level of -18 °C or lower at all points, and

- which are marketed in such a way as to indicate that they possess this characteristic.

For the purposes of this Directive, ice-cream and other edible ices shall not be regarded as quick-frozen foodstuffs.

3. This Directive shall apply without prejudice to Community provisions relating to:

- (a) the common organization of markets in the agricultural and fisheries sectors;
- (b) veterinary hygiene.

#### Article 2

Only the products defined in Article 1 (2) may bear the names provided for in Articles 8 and 9.

#### Article 3

1. Raw materials used in the manufacture of quick-frozen foodstuffs must be of sound, genuine and merchantable quality and be of the required degree of freshness
2. Preparation and quick-freezing of products must be carried out promptly, using appropriate technical equipment, in order to limit chemical, biochemical and microbiological changes to a minimum.

#### Article 4

The cryogenic media authorized, to the exclusion of all others, for use in direct contact with quick-frozen foodstuffs shall be the following:

- air,
- nitrogen,
- carbon dioxide.

By way of derogation from the first paragraph, Member States may retain until 31 December 1992 national laws authorizing the use of dichlorodifluoromethane (R 12) as a cryogenic medium.

The purity criteria to be satisfied by these cryogenic media shall be determined, as far as necessary, in accordance with the procedure laid down in Article 12.

#### Article 5

1. The temperature of quick-frozen foodstuffs must be stable and maintained, at all points in the product, at -18 °C or lower, with possibly brief upward fluctuations of no more than 3 °C during transport.

2. However, tolerances in the temperature of the product in accordance with good storage and distribution practice shall be permitted during local distribution and in retail display cabinets subject to the following conditions:

- (a) these tolerances shall not exceed 3 °C;
- (b) they may, however reach 6 °C in retail display cabinets, if and to the extent that the Member States so decide. In that case, the Member States shall select the temperature in the light of stock or product rotation in the retail trade. They shall inform the Commission of the measures taken and of the grounds for those measures.

The Commission shall review the tolerance provided for in the previous subparagraph in the light of technical developments and shall make proposals to the Council if appropriate before 1 January 1993.

3. For a period of eight years from the notification of this Directive, the Member States may, for local distribution, authorize tolerances of up to 6 °C.

#### Article 6

1. The Member States shall:

(a) ensure that the equipment used for quick-freezing, storage, transport, local distribution and retail display cabinets is such that compliance with the requirements of this Directive can be guaranteed;

(b) conduct random official checks on the temperature of quick-frozen foodstuffs.

2. Member States shall not require that, as a preliminary to or during the marketing of quick-frozen foodstuffs, compliance with the provisions of paragraph 1 be attested by means of an official certificate.

#### Article 7

Quick-frozen foodstuffs intended for supply to the ultimate consumer must be packed by the manufacturer or packer in suitable pre-packaging which protects them from microbial or other forms of external contamination and against drying.

#### Article 8

1. Directive 79/112/EEC shall apply to products covered by this Directive and intended for supply without further processing to the ultimate consumer and to restaurants, hospitals, canteens and other similar mass caterers on the following conditions:

(a) one or more of the following shall be added to the sales name:

in Danish: 'dybfrossen',

in German: 'tiefgefroren' or 'Tiefgekuehlkost' or 'tiefgekuehlt' or 'gefrostet',

in Spanish: 'ultracongelado' or 'congelado rapidamente',

in Greek: "vaqeias kaapszxis tacheias zperkatepszgena",

in English: 'quick-frozen',

in French: 'surgelé',

in Italian: 'surgelato',

in Dutch: 'diepvries',

in portuguese: 'ultracongelado'.

(b) in addition to the date of minimum durability, the period during which quick-frozen products may be stored by the purchaser and the storage temperature and/or type of storage equipment required must be indicated:

(c) the labelling of any quick-frozen foodstuff must include a reference from which the batch may be identified;

(d) the label of any quick-frozen foodstuff must bear a clear message of the type 'do not refreeze after defrosting'.

#### Article 9

1. The labelling of the products defined in Article 1 (2) which are not intended for sale to the ultimate consumer or to restaurants, hospitals, canteens and other similar mass caterers shall contain only the following mandatory particulars:

(a) the sales name supplemented in accordance with Article 8 (1) (a) of this Directive;

(b) the net quantity expressed in units of mass;

(c) a reference enabling the batch to be identified;

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

2. The particulars provided for in paragraph 1 shall appear on the packaging, container or wrapping, or on a label attached thereto.

3. This Article shall not affect any Community metrological provisions which are more detailed or more comprehensive.

#### Article 10

Member States may not, for reasons related to their manufacturing specifications, presentation or labelling,

prohibit or restrict the marketing of any of the products defined in Article I (2) which comply with this Directive and, with measures taken for its application.

#### Article 11

The sampling procedures for quick-frozen foodstuffs, the procedures for monitoring their temperature and for monitoring temperatures in the means of transport and warehousing and storage shall be determined in accordance with the procedure laid down in Article 12, before the end of a 24-month period following notification of this Directive.

#### Article 12

1. Where the procedure provided for in this Article is invoked, the matter shall be referred to the Standing Committee on Foodstuffs, hereinafter referred to as the 'committee', by its chairman, acting either on his own initiative or at the request of the representative of a Member State.

2. The Commission representative shall submit to the committee a draft of the measures to be adopted. The committee shall deliver its opinion on the draft within a period to be determined by the chairman having regard to the urgency of the matter. It shall decide by a qualified majority, as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the measures proposed where these are in conformity with the opinion of the committee;

(b) where the measures proposed are not in conformity with the opinion of the committee or where no opinion is delivered, the Commission shall forthwith submit to the Council a proposal concerning the measures to be taken. The Council shall act by a qualified majority;

(c) if, upon the expiry of a period of three months from the date on which the matter is brought before the Council, the latter has failed to take any measures, the Commission shall adopt the proposed measures

#### Article 13

1. The Member States shall take the measures necessary to comply with this Directive. They shall forthwith inform the Commission thereof. The measures taken shall:

- permit no later than 18 months after notification (6) of the Directive trade in products which comply with this Directive,

- prohibit no later than 24 months after notification of the Directive trade in products which do not comply with this Directive

2. As regards retail display cabinets, for a period of eight years following notification of this Directive, Member States may retain the laws applying on the date when this Directive enters into force.

In this case, the Member States shall inform the Commission, stating the reasons for their decision.

#### Article 14

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

(1) OJ No C 175, 15. 7. 1985, p. 296 and OJ No C 12, 16. 1989.

(2) OJ No C 104, 25. 4. 1985, p. 17.(3) OJ No L 33, 8. 2. 1979, p. 1.

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

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

(6) This Directive was notified to the Member States on 10 January 1989.

## I

(Acts whose publication is obligatory)

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

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

After consulting the Committee of the Regions,

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

Whereas:

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

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

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

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

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

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

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

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

HAVE ADOPTED THIS REGULATION:

*Article 1*

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

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

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

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

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

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

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

*Article 2*

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

*Article 3*

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

*Article 4*

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

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

*Article 5*

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

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

Done at Brussels, 29 September 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANNO

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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 <sup>(1)</sup>.

Article 5 is replaced by the following:

*'Article 5*

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

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

3. The Committee shall adopt its rules of procedure.

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

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

Article 11 is replaced by the following:

*'Article 11*

1. The Commission shall be assisted by a committee.

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

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

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

5. The Committee shall adopt its rules of procedure.

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

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

Article 6 is replaced by the following:

*'Article 6*

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

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

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

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

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

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

3. The Committee shall adopt its rules of procedure.

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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.

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

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

Article 13 is replaced by the following:

*'Article 13*

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

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

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

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

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

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

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

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

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

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

Article 9 is replaced by the following:

*'Article 9*

**Advisory committee**

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

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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 <sup>(1)</sup>.

Article 7 is replaced by the following:

*'Article 7*

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

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

3. The Committee shall adopt its rules of procedure.

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

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

Article 9 is replaced by the following:

*'Article 9*

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

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

2. The Committee shall adopt its rules of procedure.

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

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

Articles 12 and 13 are replaced by the following:

*'Article 12*

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

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

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

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

2. The Committee shall adopt its rules of procedure.

#### *Article 13*

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

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

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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 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.

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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 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.

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

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

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

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

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

Article 6 is replaced by the following:

*'Article 6*

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

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

3. The Committee shall adopt its rules of procedure.

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

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

Article 15 is replaced by the following:

*'Article 15*

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

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

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

— a similar level of responsibility and activity.

3. The Commission shall be assisted by a committee.

The Committee shall adopt its rules of procedure.

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

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

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

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

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

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

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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.

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

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

Article 6 is replaced by the following:

*'Article 6*

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

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

2. The Committee shall adopt its rules of procedure.

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

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

Article 21 is replaced by the following:

*'Article 21*

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

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

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

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

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

Article 31 is replaced by the following:

*'Article 31*

1. The Commission shall be assisted by a committee.

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

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

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

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

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

3. The Committee shall adopt its rules of procedure.

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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 boat-masters' 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.

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

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

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

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

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

3. The Committee shall adopt its rules of procedure.

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

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

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

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

The Standing Committee shall adopt its rules of procedure.

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

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

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

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

Article 10 is replaced by the following:

'Article 10

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

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

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

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

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

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

3. The Committee shall adopt its rules of procedure.

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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.

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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 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.

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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 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.

---

(\*) 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.

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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.

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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.

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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 <sup>(1)</sup>.

Article 17(1) and (2) are replaced by the following:

- '1. The Commission shall be assisted by a committee.*

*The Committee shall adopt its rules of procedure.*

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

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

60) Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system <sup>(2)</sup>.

Article 21 is replaced by the following:

*'Article 21*

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

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

3. The Committee shall adopt its rules of procedure.
4. The Committee may discuss any matter concerning the interoperability of the trans-European high-speed rail system.
5. Should it prove necessary, the Committee may set up working parties to aid it in carrying out its tasks, in particular with a view to coordinating the notified bodies.
6. The Committee shall be set up as soon as this Directive enters into force.

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

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

<sup>(2)</sup> OJ L 235, 17.9.1996, p. 6.



- 61) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control <sup>(1)</sup>.

Article 19 is replaced by the following:

*'Article 19*

**Committee procedure**

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

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

3. The Committee shall adopt its rules of procedure.

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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.

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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).'

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.

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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).'

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.

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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).'

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>.

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<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.

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

- 90) Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations <sup>(1)</sup>.

Article 20 is replaced by the following:

*'Article 20*

1. Amendments required to adapt the Annexes to this Directive to technical progress shall be adopted in accordance with the procedure laid down in Article 29(4)(a) of Directive 67/548/EEC.

2. The Commission shall be assisted by a committee.

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

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

4. The Committee shall adopt its rules of procedure.

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

- 91) Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars <sup>(2)</sup>.

Article 10 is replaced by the following:

*'Article 10*

1. The Commission shall be assisted by a committee.

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

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

3. The Committee shall adopt its rules of procedure.

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

<sup>(1)</sup> OJ L 200, 30.7.1999, p. 1. Directive as amended by Commission Directive 2001/60/EC (OJ L 226, 22.8.2001, p. 5).

<sup>(2)</sup> OJ L 12, 18.1.2000, p. 16.

**31992L0001**

**Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption**

*Official Journal L 034 , 11/02/1992 P. 0028 - 0029*

*Finnish special edition: Chapter 15 Volume 11 P. 0005*

*Swedish special edition: Chapter 15 Volume 11 P. 0005*

COMMISSION DIRECTIVE 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foods intended for human consumption (1), and in particular Article 11 thereof,

Whereas the legal provisions must, in this case, be restricted solely to the requirements that are necessary in order to meet essential and imperative needs regarding the monitoring of temperatures in means of transport, warehousing and storage in such a way as to ensure that the temperatures required by Article 5 of Directive 89/108/EEC are fully maintained;

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

HAS ADOPTED THIS DIRECTIVE:

**Article 1**

This Directive concerns the monitoring of temperatures in the means of transport, warehousing and storage for quick-frozen foods.

**Article 2**

1. The means of transport, warehousing and storage must be fitted with suitable recording instruments to monitor, at frequent and regular intervals, the air temperatures to which quick-frozen foods intended for human consumption are subjected.

In the case of transport, the measuring instruments must be approved by the competent authorities of the country in which means of transport is registered.

Temperature recordings obtained in this manner must be dated and stored by the operator for at least one year or longer according to the nature of food.

2. The air temperature during storage in retail display cabinets, and in the course of local distribution, shall be measured by at least one easily visible thermometer which, in the case of open retail display cabinets, shall indicate the temperature at the air return side at the level of the clearly marked maximum load line.

3. Member States may permit a derogation from paragraph 1 in the case of cold chambers of less than 10 cubic metres for storing stock in retail outlets, so as to permit the air temperature to be measured by an easily visible thermometer.

**Article 3**

Member States shall bring into force the laws, regulations and administrative provisions needed in order to comply with this Directive by 31 July 1993, except for railways for which the date of implementation will be decided later.

They shall immediately inform the Commission thereof.

When Member States adopt these measures, 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 4

This Directive is addressed to the Member States. Done at Brussels, 13 January 1992. For the Commission

Martin BANGEMANN

Vice-President

(1) OJ No L 40, 11. 2. 1989, p. 34.

**31992L0002**

**Commission Directive 92/2/EEC of 13 January 1992 laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption**

*Official Journal L 034 , 11/02/1992 P. 0030 - 0033*

*Finnish special edition: Chapter 15 Volume 11 P. 0006*

*Swedish special edition: Chapter 15 Volume 11 P. 0006*

COMMISSION DIRECTIVE 92/2/EEC of 13 January 1992 laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foods intended for human consumption (1), and in particular Article 11 thereof,

Whereas the temperature of quick-frozen foods should be controlled;

Whereas the Member States may use other methods scientifically valid provided that this does not hinder the free movement of quick-frozen foods and that the rules of competition are not altered;

Whereas after checking air temperature records according to procedures laid down in Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption (2) and taking into account temperatures required in Article 5 of Directive 89/108/EEC, and where this leaves reasonable doubt, Member States may proceed to a destructive test;

Whereas the inspection conforms to Council Directive 89/397/EEC of 14 June 1989, concerning the official control of foodstuffs (3) and principally to its Articles 4 and 14;

Whereas the provisions provided for in this Directive are in line with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

**Article 1**

1. Member States shall ensure that the sampling procedure and the method of analysis needed for the official inspection of the temperatures of quick-frozen foods is carried out in accordance with the provisions described in Annexes I and II of this Directive.

2. However, the method of analysis described in Annex II of this Directive may be used only in the case where the inspection leaves reasonable doubts on the threshold of temperatures provided for in Directive 89/108/EEC on the approximation of the laws of the Member States relating to quick-frozen foods intended for human consumption.

**Article 2**

The introduction of requirements provided for in Article 1 (1) and Annexes I and II shall not preclude Member States from using other scientifically valid methods provided that this does not hinder the free movement of quick-frozen foods recognized as complying with the rules by virtue of the method described in Annex II of this Directive.

However, in the event of differences in the results, those obtained by the use of Community methods shall take precedence.

#### Article 3

1. Member States shall put into effect the laws, regulations and administrative provisions needed in order to comply with this Directive by, at the latest by 31 July 1993.

They shall forthwith inform the Commission thereof.

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

#### Article 4

This Directive is addressed to the Member States. Done at Brussels, 13 January 1992. For the Commission

Martin BANGEMANN

Vice-President

(1) OJ No L 40, 11. 2. 1989, p. 34. (2) See page 28 of this Official Journal. (3) OJ No L 186, 30. 6. 1989, p. 23.

#### ANNEX I

##### PROCEDURE FOR THE SAMPLING OF QUICK-FROZEN FOODS INTENDED FOR HUMAN CONSUMPTION

##### 1. Selection of packages for inspection

The type and quantity of packages selected shall be such that their temperature is representative of the warmest points of the consignment inspected.

##### 1.1. Cold-storage

Samples should be selected from several critical points in the cold store, for example: near the doors (upper and lower levels), near the centre of the cold store (upper and lower levels), and near to the air return of the cooling unit. The duration of storage of any products should be taken into account (for the stabilization of the temperature).

##### 1.2. Transport

(a) Where it is necessary to select samples during transport:

Select from the top and the bottom of the consignment adjacent to the opening edge of each door or pair of doors.

(b) Sampling during unloading:

Choose four samples from amongst the following critical points:

- top and bottom of the consignment adjacent to the opening edge of doors,
- top rear corners of the consignment (at a point as far away from the refrigeration unit as possible),
- centre of the consignment,
- centre of the front surface of the consignment (as close as possible to the refrigeration unit),
- top and bottom corners of the front surface of the consignment (as close as possible to the return air to the refrigeration unit).

##### 1.3. Retail display cabinets

A sample must be selected for testing from each of three locations representative of the warmest points within the retail display cabinet used.

## ANNEX II

### METHOD OF MEASURING THE TEMPERATURE OF QUICK-FROZEN FOODSTUFFS INTENDED FOR HUMAN CONSUMPTION

#### 1. Scope

Under Article 1 (2) (1) of Directive 89/108/EEC the temperature throughout the product, following thermal stabilization, must be maintained at all times at a temperature of 18° C or colder with possible brief upward fluctuations as specified in Article 5 of the Directive.

#### 2. Principle

Measurement of the temperature of quick-frozen foodstuffs consists of accurately recording the temperature of a sample selected in accordance with Annex 1 by means of appropriate equipment.

#### 3. Definition of temperature

'Temperature' means the temperature measured at the specified location by the temperature sensitive part of the measuring instrument or device.

#### 4. Apparatus

##### 4.1. Thermometric measuring device.

##### 4.2. Product-penetration instruments.

A pointed metallic instrument shall be used such as an ice punch, a hand drill or an auger that is easy to clean.

#### 5. General specification for the temperature measuring instruments

The measuring instruments shall meet the following specifications:

- (a) the response time should achieve 90 % of the difference between the initial and final reading within three minutes;
- (b) the instrument must have an accuracy of  $\pm 0,5^{\circ}\text{C}$  within the measurement range  $20^{\circ}\text{C}$  to  $+ 30^{\circ}\text{C}$ ;
- (c) the measuring accuracy must not be changed by more than  $0,3^{\circ}\text{C}$  during operation in the ambient temperature range  $20^{\circ}\text{C}$  to  $+ 30^{\circ}\text{C}$ ;
- (d) the display resolution of the instruments should be  $0,1^{\circ}\text{C}$ ;
- (e) the accuracy of the instrument should be checked at regular intervals;
- (f) the instrument should have a current certificate of calibration;
- (g) the temperature probe should be capable of being easily cleaned;
- (h) the temperature-sensitive part of the measuring device must be so designed as to ensure good thermal contact with the product;
- (i) the electrical equipment must be protected against undesirable effects due to the condensation of moisture.

#### 6. Procedure for measurement

##### 6.1. Pre-cooling of instruments

The temperature measuring probe and the product penetration instrument should be pre-cooled before measuring the temperature of the product.



The pre-cooling method used should ensure that both instruments equilibrate as close to the product temperature as possible.

#### 6.2. Preparation of samples for temperature measurement

Temperature measuring probes are not generally designed to penetrate a quick-frozen product. Therefore it is necessary to make a hole in the product in which to insert the probe by using the pre-cooled product penetration instrument. The diameter of the holder should provide a close fit to that of the probe, and its depth will depend on the type of product (as described in 6.3).

#### 6.3. Measurement of product temperature

The sample preparation and its temperature measurement should be undertaken whilst the sample remains in the selected refrigerated environment. Measurement is as follows:

(a) Where the product dimensions allow, insert the pre-cooled probe to a depth of 2,5 mm from the surface of the product;

(b) Where (a) is not possible the probe should be inserted to a minimum depth from the surface of 3 to 4 times the diameter of the probe.

(c) Certain foods, because of their size or composition (e.g. green peas) cannot be drilled to determine their internal temperature. In these cases, the internal temperature of the food package should be determined by insertion of a suitable pre-cooled sharp-stemmed probe to the centre of the pack to measure the temperature in contact with the food.

(d) Read the temperature indicated when it has reached a steady value.

**COMMISSION REGULATION (EC) No 37/2005****of 12 January 2005****on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/108/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>, and in particular Article 11 thereof,

Whereas:

- (1) Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption<sup>(2)</sup> provides requirements in order to ensure that temperatures required by Directive 89/108/EEC are fully maintained.
- (2) When Commission Directive 92/1/EEC was adopted, no European standard for instruments for monitoring temperatures in means of transport, warehousing and storage of quick-frozen foodstuffs had been established.
- (3) The European Committee for Standardisation established standards regarding the instruments for recording air temperatures and thermometers in 1999 and 2001. The use of those uniform standards would ensure that the equipment used for monitoring temperatures of foodstuffs complies with a harmonised set of technical requirements.
- (4) In order to facilitate a gradual application of those measures by operators, the use of measuring instruments installed according to legislation in force before the adoption of this Regulation should be allowed during a transitional period.
- (5) Commission Directive 92/1/EEC provides for a derogation as regards transport of quick-frozen foodstuffs by rail. This derogation is no longer justified and should be terminated after a transitional period.
- (6) The imposition of temperature-recording requirements on small equipment used in retail trade would be excessive and therefore the existing derogations for

retail display cabinets and small cold chambers used in retail outlets for storing stocks should be maintained.

- (7) It is advisable to ensure the direct applicability of the new standards for measuring equipment and of the technical rules already contained in Directive 92/1/EEC. In the interest of consistency and uniformity of Community legislation it is appropriate to repeal Directive 92/1/EEC and replace it by this Regulation.
- (8) 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***Subject matter and scope**

This Regulation concerns the monitoring of the temperature in the means of transport, warehousing and storage used for quick-frozen foodstuffs.

*Article 2***Monitoring and recording of the temperature**

1. The means of transport, warehousing and storage of quick-frozen foodstuffs shall be fitted with suitable recording instruments to monitor, at frequent and regular intervals, the air temperature to which the quick-frozen foodstuffs are subjected.

2. From 1 January 2006, all measuring instruments used for the purpose of monitoring the temperature, as provided for in paragraph 1, shall comply with EN 12830, EN 13485 and EN 13486 standards. Food operators shall keep all relevant documents permitting verification that the instruments referred to above conform to the relevant EN standard.

However, measuring instruments installed up to 31 December 2005, according to legislation in force before the adoption of this Regulation, may continue to be used until 31 December 2009 at the latest.

3. Temperature recording shall be dated and stored by the food operator for a period of at least one year, or for a longer period taking into account the nature and the shelf life of the quick-frozen foodstuffs.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 34. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 34, 11.2.1992, p. 30.

*Article 3***Derogations from Article 2**

1. By way of derogation from Article 2, the air temperature during storage in retail display cabinets, and in the course of local distribution, shall only be measured by at least one easily visible thermometer.

In the case of open retail cabinets:

- (a) the maximum load line of the cabinet shall be clearly marked;
- (b) the thermometer shall indicate the temperature at the air return side at the level of that mark.

2. The competent authority may grant derogations from the requirement laid down in Article 2 in the case of cold store facilities of less than 10 m<sup>3</sup> for storing stock in retail outlets, so

as to permit the air temperature to be measured by an easily visible thermometer.

*Article 4***Repeal**

Commission Directive 92/1/EEC is repealed.

*Article 5***Entry into force and applicability**

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

However, for transport by rail it shall apply from 1 January 2006.

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

Done at Brussels, 12 January 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

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