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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Adaptation to the regulatory procedure with scrutiny**

**Common explanatory memorandum to the proposed amendments to the instruments to  
be adapted to Council Decision 1999/468/EC of 28 June 1999 laying down the  
procedures for the exercise of implementing powers conferred on the Commission, as  
amended by Council Decision 2006/512/EC of 17 July 2006**

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***Common explanatory memorandum to the proposed amendments to the instruments to be adapted to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Council Decision 2006/512/EC of 17 July 2006***

(Text with EEA relevance)

The purpose of this Communication is to set out the common explanatory memorandum to all the proposed amendments to the instruments to be adapted to the regulatory procedure with scrutiny as provided for in Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

## **EXPLANATORY MEMORANDUM**

### **1. COUNCIL DECISION 2006/512/EC AND THE NEW REGULATORY PROCEDURE WITH SCRUTINY**

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup> was amended by Council Decision 2006/512/EC of 17 July 2006<sup>2</sup>.

Article 5a of amended Decision 1999/468/EC introduces a new regulatory procedure with scrutiny for measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

### **2. PRIORITY ALIGNMENT**

In a joint statement<sup>3</sup>, Parliament, the Council and the Commission issued a list of basic instruments urgently in need of adaptation to the amended decision by the introduction of the new regulatory procedure with scrutiny (priority alignment). The list of basic instruments concerned by the priority alignment is set out in the Communication from the Commission to the European Parliament and the Council of 22 December 2006<sup>4</sup>.

The Commission has already presented all the proposals concerning priority alignment. These have been under examination by Parliament and the Council since December 2006. The Commission underlines the need for these proposals to be adopted rapidly and for the criteria set out in Decision 1999/468/EC as revised in July 2006 to be applied rigorously and consistently.

### **3. GENERAL ALIGNMENT**

For the regulatory procedure with scrutiny to be applicable to the other instruments adopted under the codecision procedure already in force at the time when Decision 2006/512/EC took effect, the joint statement also calls for the adaptation of these instruments in accordance with the relevant procedures (general alignment). In a statement not published in the Official Journal<sup>5</sup>, the Commission has undertaken to conduct an examination of all these instruments in order to adapt them, if necessary, to the new regulatory procedure with scrutiny. The Commission has undertaken to present legislative proposals to this effect by the end of 2007.

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

<sup>2</sup> OJ L 200, 22.7.2006, p. 11.

<sup>3</sup> OJ C 255, 21.10.2006, p. 1.

<sup>4</sup> COM(2006) 900 final.

<sup>5</sup> PE 376.314v01-00 – A6-0236/2006 (statement annexed to parliamentary report).

In the third paragraph of the joint statement, the three institutions have also acknowledged that good legislation requires that the implementing powers be conferred on the Commission without any time-limit. This is why the Commission has taken advantage of the priority alignment to propose the repeal of any provisions of these instruments that impose a time-limit on implementing powers delegated to the Commission. The Commission will adopt the same approach in the context of the general alignment of any other basic instruments containing provisions imposing a time-limit on delegated implementing powers.

#### **4. ADAPTATION CONTENT**

The purpose of the adaptation is to introduce into the instruments in force the regulatory procedure with scrutiny as set out in Article 5a of amended Decision 1999/468/EC.

In this context, the adaptation may contain, where warranted in the light of the nature of the measures envisaged, provisions relating to the lifting or reduction of the time-limits normally applicable in the context of the regulatory procedure with scrutiny, in accordance with Article 5a(5).

Provision may also be made for the urgent procedure, if circumstances so warrant, in accordance with Article 5a(6).

#### **5. ADAPTATION METHOD**

The Commission has carried out a careful examination of all the instruments adopted under the codecision procedure in order to identify those which empower the Commission to adopt measures of general scope seeking to amend non-essential elements of the basic instrument in question. The Commission has thus been able to identify more than 200 instruments meriting adaptation.

With the exception of the instruments falling under the codification programme or forming the subject of a legislative amendment of a scope going beyond the comitology aspects alone, the adaptation will be performed by means of so-called "omnibus" amending regulations. Each regulation will simultaneously encompass and amend several dozen instruments. The aim of this method is to ensure that alignment is managed in a rational and consistent manner. It encourages a more effective and speedier examination by the co-legislators and facilitates consistent and horizontal treatment. As the content of the basic instruments is not changed in any way, this method makes it possible to concentrate on the legal aspects of the texts.

Since the application of the new regulatory procedure with scrutiny obeys the same rules, regardless of the matter concerned, these regulations will cover different fields. They will all be adopted according to the procedure laid down in Article 251 of the Treaty establishing the European Community. However, the basic instruments adopted in application of Title IV of Part III of the Treaty establishing the European Community will be grouped together in a separate amending regulation, in order to take account of the special provisions applying to Denmark, the United Kingdom and Ireland in this field in accordance with the protocols on the position of these countries annexed to the Treaty on European Union and the Treaty establishing the European Community.

## **6. LISTS OF BASIC INSTRUMENTS CONCERNED BY GENERAL ALIGNMENT**

### **6.1. General list**

The list of instruments that need to be adapted to the new regulatory procedure with scrutiny by means of “omnibus” regulations is set out below. Only the instruments appearing on this list are in fact concerned by the general alignment exercise.

The Commission reserves the right to make changes to this list.

### **6.2. List of instruments undergoing codification**

Some of the instruments requiring adaptation to the procedure with scrutiny are included in the Commission's codification programme.

These instruments will be adapted to the new procedure either by means of legislative amendment or by conversion of the codified proposal into a recast, depending on the stage reached in the codification procedure. A list of the instruments subject to one or other of these procedures is set out below.

### **6.3. List of the other instruments needing adaptation**

In final position below is the list of basic instruments concerned by adaptation to the regulatory procedure with scrutiny but the adaptation of which will either be carried out in the context of a substantial amendment of the basic instrument going beyond the comitology aspects alone or will be rendered superfluous by its repeal.

## **ANNEX**

### **LIST 1 – GENERAL LIST**

FIELD	INSTRUMENT	Date
AGRI	Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts	1999-02-22
AGRI	Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption	2000-06-23
ECHO	Council Regulation (EC) N° 1257/96 of 20 June 1996 concerning humanitarian aid	1996-06-20
EMPL	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	1989-06-12
EMPL	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels	1992-03-31
EMPL	Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration)	2002-06-25
EMPL	Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)	2003-02-06
EMPL	Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields)	2004-04-29
EMPL	Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation)	2006-04-05
ENTR	Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers	1975-05-20

ENTR	Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations	1976-07-27
ENTR	Council Directive 76/767/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to common provisions for pressure vessels and methods of inspecting them	1976-07-27
ENTR	Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses	1993-04-05
ENTR	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	1994-06-16
ENTR	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	1996-12-16
ENTR	Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	1997-12-16
ENTR	Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices	1998-10-27
ENTR	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 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	1999-03-09
ENTR	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	1999-05-31

ENTR	Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products	1999-12-16
ENTR	Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors	2000-05-08
ENTR	Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use	2001-04-04
ENTR	Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products	2001-11-06
ENTR	Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC <sup>6</sup>	2002-03-18
ENTR	Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC <sup>7</sup>	2003-05-26
ENTR	Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers	2003-10-13

<sup>6</sup> The alignment of Directive 2002/24/EC affects the following legal acts: Council Directive 93/14/EEC, Council Directive 93/29/EEC, Council Directive 93/30/EEC, Council Directive 93/31/EEC, Council Directive 93/32/EEC, Council Directive 93/33/EEC, Council Directive 93/34/EEC, Council Directive 93/92/EEC, Council Directive 93/93/EEC, Council Directive 93/94/EEC, Directive 95/1/EC, Directive 97/24/EC, Directive 2000/7/EC.

<sup>7</sup> The alignment of Directive 2003/37/EC affects the following legal acts: Council Directive 74/151/EEC, Council Directive 74/152/EEC, Council Directive 74/346/EEC, Council Directive 74/347/EEC, Council Directive 75/321/EEC, Council Directive 75/322/EEC, Council Directive 76/432/EEC, Council Directive 76/763/EEC, Council Directive 77/311/EEC, Council Directive 77/536/EEC, Council Directive 77/537/EEC, Council Directive 78/764/EEC, Council Directive 78/933/EEC, Council Directive 79/532/EEC, Council Directive 79/533/EEC, Council Directive 79/622/EEC, Council Directive 80/720/EEC, Council Directive 86/297/EEC, Council Directive 86/298/EEC, Council Directive 86/415/EEC, Council Directive, 87/402/EEC, Council Directive 89/173/EEC, Council Directive 2000/25/EC.

ENTR	Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP) (Codified version)	2004-02-11
ENTR	Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances	2004-02-11
ENTR	Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors	2004-02-11
ENTR	Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents	2004-03-31
ENTR	Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency	2004-03-31
ENTR	Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments	2004-03-31
ENTR	Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC	2006-05-17
ENV	Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water	1975-12-08
ENV	Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry	1982-12-03
ENV	Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture	1986-06-12
ENV	Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment	1991-05-21
ENV	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources	1991-12-12

ENV	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	1994-12-20
ENV	Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste	1994-12-20
ENV	Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),	1996-09-16
ENV	Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances	1996-12-09
ENV	Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption	1998-11-03
ENV	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	1999-04-26
ENV	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	1999-04-26
ENV	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	1999-12-13
ENV	Regulation (EC) 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer	2000-06-29
ENV	Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste	2000-12-04
ENV	Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants	2001-10-23
ENV	Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise	2002-06-25

ENV	Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC	2003-09-22
ENV	Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC	2003-10-13
ENV	Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC	2004-04-21
ENV	Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC	2004-04-29
ENV	Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	2004-12-15
ENV	Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC	2006-01-18
ENV	Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC	2006-02-15
ENV	Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC	2006-03-15
ENV	Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases	2006-05-17
ENV	Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste	2006-06-14

ENV	Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life	2006-09-06
ENV	Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters	2006-12-12
ESTAT	Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production	1991-12-19
ESTAT	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	1993-03-15
ESTAT	Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices	1995-10-23
ESTAT	Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism	1995-11-23
ESTAT	Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products	1996-03-19
ESTAT	Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community	1998-03-09
ESTAT	Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics	1998-05-19
ESTAT	Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs	1999-03-09
ESTAT	Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees	2001-12-19
ESTAT	Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics	2002-12-16

ESTAT	Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air	2003-02-27
ESTAT	Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index	2003-02-27
ESTAT	Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)	2003-05-26
ESTAT	Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)	2003-06-16
ESTAT	Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009	2003-12-05
ESTAT	Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society	2004-04-21
ESTAT	Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community	2004-12-05
ESTAT	Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment	2005-01-12
ESTAT	Regulation (EC) No 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector	2005-07-06
ESTAT	Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises	2005-09-07
INFSO	Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures	1999-12-13

INFSO	Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain	2002-04-22
JLS	Council Regulation (EC) N° 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters	2000-12-22
JLS	Council Regulation (EC) n° 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking the evidence in civil or commercial matters	2001-05-28
JLS	Council Regulation (EC) N° 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining asylum applications lodged in on of the Member States by a third-country national	2003-02-18
JLS	Regulation (EC) N° 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims	2004-04-21
MARKT	Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV)	2002-11-05
MARKT	Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors	2004-03-31
MARKT	Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts	2004-03-31
MARKT	Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids	2004-04-21
MARKT	Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	2005-09-07
SANCO	Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs.	1979-04-02
SANCO	Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition.	1982-06-30

SANCO	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	1988-12-21
SANCO	Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs	1990-09-24
SANCO	Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	1993-02-08
SANCO	Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes.	1993-09-13
SANCO	Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC.	1996-04-29
SANCO	Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC	1996-04-29
SANCO	Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients	1997-01-27
SANCO	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	1998-09-24
SANCO	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	1999-02-22
SANCO	Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs	2000-03-20
SANCO	Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products	2001-06-05

SANCO	Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety	2001-12-03
SANCO	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety	2002-01-28
SANCO	Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed.	2002-05-07
SANCO	Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements	2002-06-10
SANCO	Regulation (EC) No 1774/2002 of the European Parliament and the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption	2002-10-03
SANCO	Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC	2003-01-27
SANCO	Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movements of pet animals and amending Council Directive 92/65/EEC.	2003-05-26
SANCO	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition.	2003-09-22
SANCO	Regulation 2065/2003/EC of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	2003-11-10
SANCO	Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC	2003-11-17
SANCO	Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	2003-11-17

SANCO	Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells.	2004-03-31
SANCO	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	2004-04-29
SANCO	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	2004-04-29
SANCO	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	2004-04-29
SANCO	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	2004-04-29
SANCO	Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC	2004-10-27
SANCO	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene	2005-01-12
TREN	Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport	1985-12-20
TREN	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	1991-12-16
TREN	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	1992-09-22
TREN	Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community	1996-07-23

TREN	Council Directive 96/98/EC of 20 December 1996 on marine equipment	1996-12-20
TREN	Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over	1997-12-11
TREN	Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community	1998-06-18
TREN	Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services	1999-04-29
TREN	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues	2000-11-27
TREN	Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers	2001-12-04
TREN	Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community	2002-02-18
TREN	Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94	2002-02-18
TREN	Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports	2002-03-26
TREN	Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships	2002-11-05
TREN	Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings	2002-12-16

TREN	Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships	2003-04-14
TREN	Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships	2003-04-14
TREN	Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation	2003-06-13
TREN	Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC	2003-07-15
TREN	Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC	2004-02-11
TREN	Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security	2004-03-31
TREN	Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports	2004-04-21
TREN	Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators	2004-04-21
TREN	Regulation (EC) No 789/2004 of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91	2004-04-21
TREN	Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community	2004-04-21

TREN	Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network	2004-04-29
TREN	Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community	2004-04-29
TREN	Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community	2005-09-07
TREN	Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security	2005-10-26
TREN	Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC	2005-12-14
TREN	Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95	2006-02-15
TREN	Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC	2006-04-05

## LIST 2 – LIST OF INSTRUMENTS UNDERGOING CODIFICATION

### Instruments undergoing codification to be adapted by recasting

- (1) Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control
- (2) Council Directive 78/25/EEC of 12 December 1977 on the approximation of the laws of the Member States relating to the colouring matters which may be added to medicinal products
- (3) 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
- (4) 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
- (5) 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
- (6) Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms
- (7) 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
- (8) 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
- (9) 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
- (10) 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
- (11) Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea
- (12) Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on textile names
- (13) 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
- (14) Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships

- (15) Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers
- (16) 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

**Instruments undergoing codification to be adapted by legislative amendment**

- (17) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds
- (18) Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road
- (19) Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community
- (20) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein
- (21) Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road
- (22) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies
- (23) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

**LIST 3 – LISTS OF INSTRUMENTS SUBJECT TO SUBSTANTIAL AMENDMENT OR REPEAL.**

ENTR	Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products	1976-07-27
ENTR	Council Directive 84/539/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to electro-medical equipment used in human or veterinary medicine	1984-09-17
ENTR	Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products	1989-02-11
ENTR	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	1990-06-20
ENTR	Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits for veterinary medicinal products in foodstuffs of animal origin	1990-06-26
ENV	Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances	1967-06-27
ENV	Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils	1975-06-16
ENV	Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulation and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purpose	1986-11-24
ENV	Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances	1991-03-18
ENV	Council Directive 91/689/EEC of 12 December 1991 on hazardous waste	1991-12-12
ENV	Council Regulation 793/93/EEC of 23 March 1993 on the evaluation and control of the risks of existing substances	1993-03-23

ENV	Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management	1996-09-27
ENV	Council Decision 97/101/EC of 27 January 1997 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States	1997-01-27
ENV	Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air	1999-04-22
ENV	Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme	2000-07-17
ENV	Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air	2000-11-16
ENV	Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)	2001-03-19
ENV	Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air	2002-02-12
ENV	Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste	2006-04-05
ESTAT	Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines	1979-02-05
ESTAT	Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production	1990-03-26
ESTAT	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	1993-04-05
ESTAT	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	1995-05-22

ESTAT	Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics	1997-02-17
ESTAT	Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91	2004-03-31
INFSO	Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)	2002-03-07
INFSO	Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)	2002-03-07
INFSO	Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)	2002-03-07
SANCO	Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables	1976-11-23
SANCO	Council Directive 79/117 of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances	1978-12-21
SANCO	Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals	1986-07-24
SANCO	Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin	1986-07-24
SANCO	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	1988-06-22
SANCO	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	1988-12-21

SANCO	Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables	1990-11-27
SANCO	Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market	1991-07-15
SANCO	Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs	1994-06-30
SANCO	European Parliament and Council Directive 94/36/EC of 30 June 1994 on colours for use in foodstuffs	1994-06-30
SANCO	European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners	1995-02-20
SANCO	Regulation No 2232/96/EC 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	1996-10-28
TREN	Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity	2003-06-26
TREN	Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky	2004-03-10
TREN	Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky	2004-03-10
TREN	Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky	2004-03-10
TREN	Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network	2004-03-10
TREN	Regulation 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the natural gas transmission networks	2005-09-28