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Adaptation to the regulatory procedure with scrutiny  
Part One

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny**

(presented by the Commission)

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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(1) and (2), first and third sentences, 55, 71, 80(2), 95, 100, 137(2), 156, 175(1) and 285.

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>,

Having regard to the opinion of the European Central Bank<sup>3</sup>,

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty<sup>4</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>5</sup> was amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for measures of general scope designed 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.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ C [...], [...], p. [...].

<sup>5</sup> OJ L 184, 17.7.1999, p.23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (2) In accordance with the joint statement of the European Parliament, the Council and the Commission<sup>6</sup> on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.
- (3) The amendments that need to be made to instruments for this purpose concern only the committee procedures and so, in the case of Directives, do not require transposition by the Member States,

HAVE ADOPTED THIS REGULATION:

*Article 1*

The instruments listed in the Annex are hereby adapted, in accordance with that Annex, to Decision 1999/468/EC, as amended by Decision 2006/512/EC.

*Article 2*

References to provisions of the instruments listed in the Annex are understood to be references to those provisions as adapted by this Regulation.

*Article 3*

This Regulation shall enter into force on the twentieth day following 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, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

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<sup>6</sup> OJ C 255, 21.10.2006, p. 1.



## ANNEX

### 1. AGRICULTURE

#### 1.1. Directive 1999/4/EC of the European Parliament and of the Council relating to coffee extracts and chicory extracts<sup>7</sup>

As regards Directive 1999/4/EC, power should in particular be conferred on the Commission to bring it into line with the general Community provisions applicable to foodstuffs. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/4/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/4/EC is amended as follows:

(1) Article 4 is replaced by the following:

“Article 4

A decision to bring this Directive into line with the general Community provisions applicable to foodstuffs shall be made by the Commission. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2).”

(2) 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 of the European Parliament and of the Council\*.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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(\*) OJ L 31, 1.2.2002, p. 1.”

#### 1.2. Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption<sup>8</sup>

As regards Directive 2000/36/EC, power should in particular be conferred on the Commission to adopt the measures necessary for its implementation. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2000/36/EC and/or to supplement it by the addition of new non-essential elements, they must be adopted in

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<sup>7</sup> OJ L 66, 13.3.1999, p. 26. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>8</sup> OJ L 197, 3.8.2000, p. 19. Directive as amended by the Act of Accession of 2003.

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2000/36/EC is amended as follows:

(1) Article 5(1) is replaced by the following:

"1. The measures necessary for the implementation of this Directive relating to the matters referred to below, measures which are designed to amend non-essential elements of this Directive, *inter alia* by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(2):

- bringing this Directive into line with general Community provisions applicable to foodstuffs,
- adaptation of the provisions in Annex I(B)(2), (C) and (D) to technical progress.

(2) 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 of the European Parliament and of the Council\*.
  2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
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(\* ) OJ L 31, 1.2.2002, p. 1."

## **2. EMPLOYMENT**

### **2.1. 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>9</sup>**

As regards Directive 89/391/EEC, power should in particular be conferred on the Commission to make purely technical adjustments to the individual Directives provided for in Article 16(1) of the Directive resulting from the adoption of Directives in the field of technical harmonisation and standardisation, technical progress, changes in international regulations or specifications, and new findings. Since those measures are of general scope and are designed to amend non-essential elements of Directive 89/391/EEC, they must be adopted in

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<sup>9</sup> OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 89/391/EEC is amended as follows:

(1) Article 17 is replaced by the following:

“Article 17

Committee

1. The Commission shall be assisted by a committee to make purely technical adjustments to the individual Directives provided for in Article 16(1) to take account of:
  - (a) the adoption of Directives in the field of technical harmonisation and standardisation;
  - (b) technical progress, changes in international regulations or specifications, and new findings.

Those measures, designed to amend non-essential elements of these individual Directives, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in paragraph 2. On imperative grounds of urgency, the Commission may use the urgent procedure referred to in paragraph 3.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

## **2.2. Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels<sup>10</sup>**

As regards Directive 92/29/EEC, power should in particular be conferred on the Commission to make purely technical adjustments to its annexes in the light of technical progress or changes in international regulations or specifications and new findings in this field. Since those measures are of general scope and are designed to amend non-essential elements of

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<sup>10</sup> OJ L 113, 30.4.1992, p.19. 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).

Directive 92/29/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 92/29/EEC is amended as follows:

(1) Article 8 is replaced by the following:

“Article 8

Committee

1. 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, the Commission shall be assisted by a committee.

Such adaptations, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in paragraph 2. On imperative grounds of urgency, the Commission may use the urgent procedure referred to in paragraph 3.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**2.3. 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) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>11</sup>**

As regards Directive 2002/44/EC, power should in particular be conferred on the Commission to make purely technical adjustments to its annex resulting from the adoption of directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces, and of technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning mechanical vibration. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/44/EEC, they must be adopted in

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<sup>11</sup> OJ L 177, 6.7.2002, p. 13.

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 2002/44/EC is amended as follows:

Articles 11 and 12 are replaced by the following:

“Article 11

Technical amendments

Amendments to the Annex of a strictly technical nature shall be adopted by the Commission in line with:

- (a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces;
- (b) technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning mechanical vibration;

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 12(3).

Article 12

Committee

1. The Commission shall be assisted by the Committee referred to in Article 17(2) of Directive 89/391/EEC.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**2.4. 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) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>12</sup>**

As regards Directive 2003/10/EC, power should in particular be conferred on the Commission to make purely technical adjustments resulting from the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces, and of technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning noise. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2003/10/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 2003/10/EC is amended as follows:

Articles 12 and 13 are replaced by the following:

“Article 12

Technical amendments

Amendments of a strictly technical nature shall be adopted by the Commission in line with:

- (a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces; and
- (b) technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning noise.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(2). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 13(3).

Article 13

Committee

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<sup>12</sup> OJ L 42, 15.2.2003, p. 38.

1. The Commission shall be assisted by the Committee referred to in Article 17 of Directive 89/391/EEC.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**2.5. 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) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>13</sup>**

As regards Directive 2004/40/EC, power should in particular be conferred on the Commission to make purely technical amendments to its annexes, taking into account the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces, and of technical progress, changes in the most appropriate harmonised European standards or specifications and new scientific findings concerning electromagnetic fields. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/40/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 2004/40/EC is amended as follows:

- (1) Article 10(2) is replaced by the following:
  - "2. Amendments to the Annex of a strictly technical nature shall be adopted by the Commission in line with:
    - (a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and workplaces;
    - (b) technical progress, changes in the most relevant harmonised European standards or specifications, and new scientific findings concerning electromagnetic fields.

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<sup>13</sup> OJ L 159, 30.4.2004, p. 1.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 11(3)."

(2) Article 11 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

(b) Paragraph 3 is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**2.6. 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) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>14</sup>**

As regards Directive 2006/25/EC, power should in particular be conferred on the Commission to make purely technical amendments to its annexes, taking into account the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces, and of technical progress, changes in the most appropriate harmonised European standards or international specifications, and new scientific findings concerning occupational exposure to optical radiation. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/25/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the time limits normally applicable for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments of a purely technical nature.

Accordingly, Directive 2006/25/EC is amended as follows:

(1) Article 10(2) is replaced by the following:

"2. Amendments to the annexes of a strictly technical nature shall be adopted by the Commission in line with:

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<sup>14</sup> OJ L 114, 27.4.2006, p. 38.



- (a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces;
- (b) technical progress, changes in the most relevant harmonised European standards or international specifications, and new scientific findings concerning occupational exposure to optical radiation.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 11(3)."

(2) Article 11 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

(b) Paragraph 3 is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **3. ENTERPRISE**

#### **3.1. 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<sup>15</sup>**

As regards Directive 76/767/EEC, power should in particular be conferred on the Commission to adapt to technical progress its annexes and some provisions of the separate Directives. Since those measures are of general scope and are designed to amend non-essential elements of Directive 76/767/EEC and its separate directives, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 76/767/EEC is amended as follows:

(1) Article 18 is replaced by the following:

"The Commission shall adapt to technical progress Annexes I and II and those provisions of the separate directives which are specifically indicated in each of them. Those measures, designed to amend non-essential elements of this Directive and of

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<sup>15</sup> OJ L 262, 27.9.1976, p. 153.

separate Directives, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20(2)."

(2) Article 20 is amended as follows:

a) Paragraph 2 is replaced by the following:

“2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

b) Paragraph 3 is deleted.

**3.2. 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<sup>16</sup>**

As regards Directive 76/769/EEC, power should in particular be conferred on the Commission to adapt the Annexes to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 76/769/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency such as the urgent need to reinforce restrictions to the marketing or use of dangerous substances, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC.

Accordingly, Directive 76/769/EEC is amended as follows:

(1) Article 2a is replaced as follows:

"Article 2a

The Commission may adapt the Annexes to technical progress, with regard to substances and preparations already covered by the Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 2b(2). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 2b(3)."

(2) The following Article 2b is inserted:

"Article 2b

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<sup>16</sup> OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2006/139/EC (OJ L 384, 29.12.2006).

1. The Commission shall be assisted by the Committee established by Article 29(1) of Directive 67/548/EEC (\*).
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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(\* OJ 169, 16.8.1967, p. 1. Directive as last amended by Directive 2006/121/EC (OJ L 396, 30.12.2006, p. 850)."

### **3.3. 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>17</sup>**

As regards Directive 94/25/EC, power should in particular be conferred on the Commission to introduce amendments which are necessary, in the light of evolution of technical knowledge and new scientific evidence. Since those measures are of general scope and are designed to amend non-essential elements of that Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 94/25/EC is amended as follows:

- (1) Article 6a is replaced by the following:

"Article 6a

The Commission may introduce amendments which are necessary, in the light of evolution of technical knowledge and new scientific evidence, to the requirements of Annex I.B.2 and Annex I.C.1 excluding direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values. Issues to be dealt with shall include the reference fuels and the standards to be used for exhaust and noise emissions testing.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6b(2)."

- (2) The following Article 6b is inserted:

"Article 6b

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<sup>17</sup> OJ L 41, 15.2.2000, p. 20. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

1. The Commission shall be assisted by the Committee set up pursuant to Article 6(3).
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**3.4. 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>18</sup>**

As regards Directive 96/73/EC, power should in particular be conferred on the Commission to adopt the measures necessary for the adaptation to technical progress of the methods of quantitative analysis provided for in Annex II of that Directive. Since those measures are of general scope and are designed to amend non-essential elements of Directive 96/73/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 96/73/EC is amended as follows:

- (1) Articles 5 and 6 are replaced by the following:

"Article 5

The Commission shall adapt to technical progress the methods of quantitative analysis provided for in Annex II. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(2).

Article 6

1. The Commission shall be assisted by a Committee for Directives relating to Textile Names and Labelling.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**3.5. 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>19</sup>**

As regards Directive 1999/45/EC, power should in particular be conferred on the Commission to adapt the annexes to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/45/EC, they must be adopted in

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<sup>18</sup> OJ L 32, 3.2.1997, p. 1. Directive as amended by Directive 2007/4/EC (OJ L 28, 3.02.2007, p.14.).

<sup>19</sup> OJ L 200, 30.07.1999 p. 1. Directive as last amended by Commission Directive 2006/8/EC (OJ L 19, 24.1.2006, p. 12).

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/45/EC is amended as follows:

(1) In Article 10(3) the first sentence is replaced by the following:

"For certain preparations classified as dangerous within the meaning of Article 7, by way of derogation from paragraphs 2.4, 2.5 and 2.6 of this Article, the Commission may determine exemptions to certain provisions on environmental labelling or specific provisions in relation to environmental labelling, where it can be demonstrated that there would be a reduction in the environmental impact. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3)."

(2) In Article 12(4), the second sentence is replaced by the following:

"Where it is appropriate, the Commission may decide upon measures in the framework of Annex V. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3)."

(3) Article 19(3) is replaced by the following:

"3. The Commission shall take a decision in accordance with the regulatory procedure referred to in Article 20a(2)."

(4) Article 20 is replaced by the following:

"Article 20

The Commission shall adapt to technical progress the Annexes to this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3)."

(5) The following Article 20a is inserted:

"Article 20a

1. The Commission shall be assisted by the committee established by Article 29(1) of Directive 67/548/EEC (\*).
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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(\* OJ 169, 16.8.1967, p. 1. Directive as last amended by Directive 2006/121/EC (OJ L 396, 30.12.2006, p. 850)."

**3.6. 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>20</sup>**

As regards Directive 2002/24/EC, power should in particular be conferred on the Commission to adapt to technical progress its annexes or the provisions of the separate directives referred to in its Annex I. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/24/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/24/EC is amended as follows:

- (1) Article 17 is replaced by the following:

“Article 17

The Commission may adapt to technical progress the Annexes to this Directive or the provisions of the separate directives referred to in Annex I. Those measures designed to amend non-essential elements of this Directive or its separate directives shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).”

- (2) Article 18 is amended as follows:

- (a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

- (b) Paragraph 3 is deleted.

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<sup>20</sup> OJ L 124, 9.5.2002, p. 1. Directive as last amended by Council Directive 2006/96/EC (OJ L 363, 20.12.2006, p.81).

**3.7. 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>21</sup>**

As regards Directive 2003/37/EC, power should in particular be conferred on the Commission to adapt its annexes, to adapt the technical provisions of the separate directives and to introduce into the separate directives provisions relating to the EC type-approval of separate technical units. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2003/37/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2003/37/EC is amended as follows:

(1) In Article 19(1), the first sentence is replaced by the following:

“1. The measures necessary for the implementation of this Directive relating to the subject matter referred to below shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20(3):”

(2) Article 20(3) is replaced by the following:

“3. Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

**3.8. Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments<sup>22</sup>**

As regards Directive 2004/22/EC, the Commission may, in particular take any appropriate measure to amend the instrument-specific annexes (MI-001 to MI-010). Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/22/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2004/22/EC is amended as follows:

(1) Article 15 is amended as follows:

a) Paragraph 3 is replaced by the following:

“3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

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<sup>21</sup> OJ L 171, 9.7.2003, p.1.

<sup>22</sup> OJ L 135, 30.4.2004, p. 1.

- b) Paragraph 4 is deleted.
- (2) Article 16(2) is replaced by the following:
- "2. On request by a Member State or on its own initiative, the Commission may amend instrument-specific annexes (MI-001 to MI-010) in respect of the following:
- (a) the maximum permissible errors (MPEs) and accuracy classes;
  - (b) the rated operating conditions;
  - (c) the critical change values;
  - (d) disturbances.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3)."

#### **4. ENVIRONMENT**

##### **4.1. Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water<sup>23</sup>**

As regards Directive 76/160/EEC, power should in particular be conferred on the Commission to adapt to technical progress the G and I values for the parameters, and the methods of analysis, set out in the Annex. Since those measures are of general scope and are designed to amend non-essential elements of Directive 76/160/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 76/160/EEC is amended as follows:

- (1) Article 9 is replaced by the following:

"Article 9

The Commission shall adopt such amendments as are necessary for adapting the G and I values for the parameters, and the methods of analysis, set out in the Annex to technical progress.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2)."

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<sup>23</sup> OJ L 31, 5.2.1976, p.1, Directive as last amended by Council Regulation (EC) No 807/2003 of 14 April 2003 (OJ L 122, 16.5.2003, p.36)



(2) Article 11 is amended as follows:

a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

b) Paragraph 3 is deleted.

#### **4.2. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment<sup>24</sup>**

As regards Directive 91/271/EEC, power should in particular be conferred on the Commission to amend the requirements laid down in the Annexes I.A, I.B and I.C. Since those measures are of general scope and are designed to amend non-essential elements of Directive 91/271/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 91/271/EEC is amended as follows:

(1) Article 3(2) is replaced by the following:

"2. Collecting systems described in paragraph 1 shall satisfy the requirements of Annex I A. The Commission may amend these requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3)."

(2) Article 4(3) is replaced by the following:

"3. Discharges from urban waste water treatment plants described in paragraphs 1 and 2 shall satisfy the relevant requirements of Annex I.B. The Commission may amend these requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3)."

(3) Article 5(3) is replaced by the following:

"3. Discharges from urban waste water treatment plants described in paragraph 2 shall satisfy the relevant requirements of Annex I B. The Commission may amend these requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3)."

(4) Article 8 is amended as follows:

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<sup>24</sup> OJ L 135, 30.5.1991, p. 40. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

a) Paragraph 4 is replaced by the following:

"4. The Commission shall examine this request and take appropriate measures in accordance with the regulatory procedure laid down in Article 18(2)."

b) In paragraph 5, the second subparagraph is replaced by the following:

"In such circumstances, Member States shall submit beforehand the relevant documentation to the Commission. The Commission shall examine the case and take appropriate measures in accordance with the regulatory procedure laid down in Article 18(2)."

(5) Article 11(2) is replaced by the following:

"2. Regulations and/or specific authorization shall satisfy the requirements of Annex I C. The Commission may amend these requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3)."

(6) Article 12(3) is replaced by the following:

"3. Prior regulations and/or specific authorization of discharges from urban waste water treatment plants made pursuant to paragraph 2 within agglomerations of 2 000 to 10 000 p.e. in the case of discharges to fresh waters and estuaries, and of 10 000 p.e. or more in respect of all discharges, shall contain conditions to satisfy the relevant requirements of Annex I B. The Commission may amend these requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3)."

(7) Article 15(5) is replaced by the following:

"5. The Commission may formulate guidelines on the monitoring referred to in paragraphs 1, 2 and 3, in accordance with the regulatory procedure referred to in Article 18(2)."

(8) Article 17(4) is replaced by the following:

"4. The Commission shall determine, in accordance with the regulatory procedure referred to in Article 18(2), the methods and formats to be adopted for reporting on the national programmes. Any amendments to those methods and formats shall be adopted in accordance with the same procedure."

(9) In Article 18, paragraphs 2 and 3 are replaced by the following:

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

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

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

As regards Directive 91/676/EEC, power should in particular be conferred on the Commission to adapt or supplement annexes to technical and scientific progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 91/676/EEC and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 91/676/EEC is amended as follows:

- (1) Articles 7 and 8 are replaced by the following:

"Article 7

The Commission may draw up guidelines for the monitoring referred to in Article 5 and 6 in accordance with the regulatory procedure referred to in Article 9(2).

Article 8

The Commission may adapt the Annexes to this Directive to scientific and technical progress.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(3)."

- (2) Article 9(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

- (3) In point 2 of Annex III, the third subparagraph is replaced by the following:

"If a Member State allows a different amount under point (b) of the second subparagraph, it shall inform the Commission which shall examine the justification in accordance with the regulatory procedure referred to in Article 9(2)."

**4.4. 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**

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<sup>25</sup> OJ L 375, 31.12.1991, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (OJ L 284, 31.10.2003, p.1)

**resulting from the storage of petrol and its distribution from terminals to service stations<sup>26</sup>**

As regards Directive 94/63/EC, power should in particular be conferred on the Commission to revise the specifications for bottom loading equipment laid down in Annex IV and to adapt, with the exception of limit values laid down in point 2 of Annex II, the Annexes to that Directive to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 94/63/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 94/63/EC is amended as follows:

(1) In Article 4(1) the sixth subparagraph is replaced by the following:

"All terminals with loading facilities for road tankers shall be equipped with at least one gantry which meets the specifications for bottom loading equipment laid down in Annex IV. The Commission shall re-examine those specifications at regular intervals and, if appropriate, revise them. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(2)."

(2) Article 7 is replaced by the following:

"Article 7

Adaptation to technical progress

Except for the limit values laid down in point 2 of Annex II, the Commission may amend the Annexes for the purposes of adapting them to technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(2)."

(3) Article 8 is amended as follows:

a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

b) Paragraph 3 is deleted.

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<sup>26</sup> OJ L 365, 31.12.1994, p. 24. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

#### **4.5. Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances<sup>27</sup>**

As regards Directive 96/82/EC, power should in particular be conferred on the Commission to adapt Annexes II to VI to technical progress and to establish harmonized criteria for any decisions by the competent authorities in the Member States that an establishment is in a state incapable of creating a major accident hazard. Since those measures are of general scope and are designed to amend non-essential elements of Directive 96/82/EC and to supplement Directive 96/82/EC by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 96/82/EC is amended as follows:

(1) Article 9(6)(b) is replaced by the following:

"(b) The Commission shall establish harmonized criteria for the decision by the competent authority that an establishment is in a state incapable of creating a major accident hazard within the meaning of subparagraph (a). Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3)."

(2) Article 15(2) is replaced by the following:

"2. Member States shall, as soon as the information provided for in Article 14 is collected, inform the Commission of the result of their analysis and recommendations using a report form established and kept under review through the regulatory procedure referred to in Article 22(2)."

(3) Article 21 is replaced by the following:

"Article 21

Terms of reference of the Committee

1. The Commission shall adapt the criteria referred to in Article 9(6)(b) and Annexes II to VI to technical progress.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3)."

2. The measure to draw up the report form referred to in Article 15(2) shall be adopted in accordance with the regulatory procedure laid down in Article 22(2)"

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<sup>27</sup> OJ L 10. 14.1.1997, p. 13, as amended by Directive 2003/105/EC (OJ L 345, 31.12.2003, p.97).

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

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

#### **4.6. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste<sup>28</sup>**

As regards Directive 1999/31/EC, power should in particular be conferred on the Commission to adapt the annexes thereto to scientific and technical progress and to adopt measures for the standardisation of control, sampling and analysis methods. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/31/EC and to supplement Directive 1999/31/EC by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/31/EC is amended as follows:

(1) Article 16 is replaced by the following:

"Article 16

Committee

Any amendments necessary for adapting the Annexes to this Directive to scientific and technical progress and any measures for amending the standardisation of control, sampling and analysis methods in relation to the landfill of waste shall be adopted by the Commission, assisted by the Committee established by Article 18 of Directive 2006/12/EC. Those measures, designed to amend non-essential elements of this Directive, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(3). To this end, as regards Annex II, the following shall be observed by the Committee: taking into account the general principles and general procedures for testing and acceptance criteria as set out in Annex II, specific criteria and/or test methods and associated

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<sup>28</sup> OJ L 182, 16.7.1999, p. 1, Directive as amended by Regulation (EC) No 1882/2003 of 29 September 2003 (OJ L 284, 31.10.2003, p. 1).

limit values should be set for each class of landfill, including if necessary specific types of landfill within each class, including underground storage.

The Commission shall adopt, and when necessary amend, in accordance with the regulatory procedure referred to in Article 17(2), provisions for the harmonisation and regular transmission of the statistical data referred to in Articles 5, 7 and 11."

(2) Article 17(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**4.7. 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>29</sup>**

As regards Directive 1999/94/EC, power should in particular be conferred on the Commission to adapt its annexes. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/94/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/94/EC is amended as follows:

(1) Article 9 is replaced by the following:

"Article 9

1. Any amendments which are necessary in order to adapt the Annexes shall be adopted by the Commission following consultation with consumer organisations and other interested parties. Those measures, designed to amend non essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).

In order to assist this adaptation process, each Member State shall transmit to the Commission, by 31 December 2003, a report on the effectiveness of the provisions of this Directive, covering the period from 18 January 2001 until 31 December 2002. The format of this report shall be established in accordance with the regulatory procedure referred to in Article 10(2) not later than 18 January 2001.

2. In addition to the measures referred to in paragraph 1, the Commission shall take measures aiming at:

- (a) further specifying the format of the label referred to in Article 3 by amending Annex I;

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<sup>29</sup> OJ L 12, 18.1.2000, p. 16. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (b) further specifying the requirements concerning the guide referred to in Article 4 with a view to classifying new car models thus enabling a listing of the models according to CO<sub>2</sub> emissions and fuel consumption in specified classes including a class for a listing of the most fuel efficient new car models;
- (c) establishing recommendations in order to enable the application of the principles of the provisions on promotional literature referred to in the first paragraph of Article 6 to other media and material.

The measures referred to in point (a) of the first subparagraph, designed to amend non essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).

The measures referred to in points (b) and (c) of the first subparagraph shall be adopted in accordance with the regulatory procedure referred to in Article 10(2)"

(2) Article 10(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

#### **4.8. Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste<sup>30</sup>**

As regards Directive 2000/76/EC, power should in particular be conferred on the Commission to establish criteria for the requirements relating to the reduction of the frequency of certain periodic measurements, to decide the date from which continuous measurements of certain air emission limit values shall be carried out; to amend Articles 10, 11 and 13 and Annexes I and III in order to adapt them to technical progress or new findings concerning the health benefits of emission reductions; and to adapt the tables in Annex II, point 2.1. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2000/76/EC and to supplement that Directive by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2000/76/EC is amended as follows:

(1) Article 11 is amended as follows:

a) In paragraph 7, the first subparagraph is replaced by the following:

"The reduction of the frequency of the periodic measurements for heavy metals from twice a year to once every two years and for dioxins and furans from twice a year to once every year may be authorised in the permit by the

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<sup>30</sup> OJ L 332, 28.12.2000, p. 91.



competent authority provided that the emissions resulting from co-incineration or incineration are below 50% of the emission limit values determined according to Annex II or Annex V respectively and provided that criteria for the requirements to be met are available. The Commission shall establish these criteria, based at least on the provisions of the second subparagraph, points (a) and (d). Those measures, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(2)."

b) Paragraph 13 is replaced by the following:

"13. The Commission shall decide, as soon as appropriate measurement techniques are available within the Community, the date from which continuous measurements of the air emission limit values for heavy metals, dioxins and furans shall be carried out in accordance with Annex III. That measure, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(2)."

(2) Article 16 is replaced by the following:

"Article 16

#### **Future adaptation of the directive**

The Commission shall amend Articles 10, 11 and 13 and Annexes I and III in order to adapt them to technical progress or new findings concerning the health benefits of emission reductions. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(2)."

(3) Article 17 is replaced by the following:

"Article 17

Committee

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

(4) In point II.2.1 of Annex II, the first paragraph is replaced by the following:

"Where, for large combustion plants, more stringent emission limit values are set in Directive 2001/80/EC or will be set according to other Community legislation, these emission limit values shall replace, for the plants and pollutants concerned, the emission limit values as laid down in the following tables (Cproc). In that case, the Commission shall adapt the following tables to these more stringent emission limit values. Those measures, designed to amend non-essential elements of this Directive,

shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(2), without delay."

#### **4.9. 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<sup>31</sup>**

As regards Directive 2002/49/EC, power should in particular be conferred on the Commission to adapt point 3 of Annex I, and Annexes II and III to technical and scientific progress and establish common assessment methods. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/49/EC and to supplement Directive 2002/49/EC by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/49/EC is amended as follows:

(1) Article 6(2) is replaced by the following:

"2. The Commission shall through a revision of Annex II establish common assessment methods for the determination of  $L_{den}$  and  $L_{night}$ . Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3). Until these methods are adopted, Member States may use assessment methods adapted in accordance with Annex II and based upon the methods laid down in their own legislation. In such case, they must demonstrate that those methods give equivalent results to the results obtained with the methods set out in paragraph 2(2) of Annex II."

(2) Article 12 is replaced by the following:

"Article 12

Adaptation

The Commission shall adapt to technical and scientific progress point 3 of Annex I and Annexes II and III. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."

(3) Article 13(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

(4) In Annex III, the introductory part of the second sentence is replaced by the following:

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<sup>31</sup> OJ L 189, 18.7.2002, p. 12.

"The dose-effect relations introduced by future revisions of this Annex in accordance with the regulatory procedure with scrutiny referred to in Article 13(3) will concern in particular:"

**4.10. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 on the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms<sup>32</sup>**

As regards Regulation (EC) No 1830/2003, power should in particular be conferred on the Commission to establish and adapt a system for development and assignment of unique identifiers to GMOs. Since those measures are of general scope and are designed to supplement Regulation (EC) No 1830/2003 by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 1830/2003 is amended as follows:

(1) Article 8 is replaced by the following :

"Article 8

Unique identifiers

The Commission shall:

- a) prior to the application of Articles 1 to 7, establish a system for development and assignment of unique identifiers to GMOs;
- b) adapt the system provided for in point(a), as appropriate.

The measures provided for in the first paragraph, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(2). In so doing, account shall be taken of developments in international fora."

(2) Article 10 is amended as follows:

a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

b) Paragraph 4 is deleted.

**4.11. 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**

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<sup>32</sup> OJ L 268, 18.10.2003, p. 24.

**of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC<sup>33</sup>**

As regards Directive 2004/42/EC, power should in particular be conferred on the Commission to adapt Annex III to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/42/EC they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2004/42/EC is amended as follows:

- (1) Article 11 is replaced by:

"Article 11

Adaptation to technical progress

The Commission shall adapt Annex III to take account of technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

- (2) Article 12(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**4.12. Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases<sup>34</sup>**

As regards Regulation (EC) n° 842/2006, power should in particular be conferred on the Commission to establish the standard leakage checking requirements, minimum requirements and the conditions for mutual recognition in respect of training programmes and certification, and to adopt additional labelling requirements. Since those measures are of general scope and are designed to supplement Regulation (EC) No 842/2006 by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 842/2006 is amended as follows:

- (1) Article 3(7) is replaced by the following:

"7. [By 4 July 2007], the Commission shall establish the standard leakage checking requirements for each of the applications referred to in paragraph 1 of this Article. Those measures, designed to amend non-essential elements of this

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<sup>33</sup> OJ L 143, 30.4.2004, p. 87.

<sup>34</sup> OJ L 161, 14.6.2006, p. 1.

Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

(2) Article 5(1) is replaced by the following:

"1. [By 4 July 2007], the Commission shall establish, on the basis of information received from Member States and in consultation with the relevant sectors, minimum requirements and the conditions for mutual recognition in respect of training programmes and certification for both the companies and the relevant personnel involved in installation, maintenance or servicing of the equipment and systems covered by Article 3(1) as well as for the personnel involved in the activities provided for in Articles 3 and 4. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

(3) Article 7(3) is replaced by the following:

"3. The form of the label to be used shall be established in accordance with the procedure referred to in Article 12(2).

Labelling requirements additional to those set out in paragraph 1 shall, if appropriate, be adopted. Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3). Before submitting a proposal to the Committee referred to in Article 12(1), the Commission shall review the desirability of including additional environmental information, including the global warming potential, on labels, taking due account of existing labelling schemes already applicable to the products and equipment referred to in paragraph 2."

(4) Article 12(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**4.13. 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<sup>35</sup>**

As regards Directive 2006/44/EC, power should in particular be conferred on the Commission to adapt the G values for the parameters, and the methods of analysis, set out in Annex I to technical and scientific progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/44/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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<sup>35</sup> OJ L 264, 25.9.2006, p. 20.

Accordingly, Directive 2006/44/EC is amended as follows:

- (1) Article 12 is replaced by the following:

"Article 12

The Commission shall adopt any amendments necessary for adapting the G values for the parameters, and the methods of analysis, set out in Annex I to technical and scientific progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(2)."

- (2) Article 13 is amended as follows:

- a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

- b) Paragraph 3 is deleted.

**4.14. Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters<sup>36</sup>**

As regards Directive 2006/113/EC, power should in particular be conferred on the Commission to adapt to technical and scientific progress the G values for the parameters, and the methods of analysis, set out in Annex I. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/113/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2006/113/EC is amended as follows:

- (1) Article 12 is replaced by the following:

"Article 12

The Commission, assisted by the Committee set up by Article 13(1) of Directive 2006/44/EC, shall adopt any amendments necessary for adapting to technical and scientific progress the G values for the parameters, and the methods of analysis, set out in Annex I. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(2) of Directive 2006/44/EC."

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<sup>36</sup> OJ L 376, 27.12.2006, p. 14.

## 5. EUROSTAT

### 5.1. 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>37</sup>

As regards Regulation (EEC) No 696/93, powers should be conferred on the Commission in particular to adapt the Annex to economic and technical developments. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EEC) No 696/93, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EEC) No 696/93 is amended as follows:

(1) Articles 5 and 6 of Regulation (EEC) No 696/93 are replaced by the following:

"Article 5

After the end of the transitional period referred to in Article 4, the Commission may, in accordance with the procedure referred to in Article 7(2), authorize a Member State to use other statistical units of the production system.

Article 6

The Commission shall adapt the Annex to economic and technical developments concerning in particular the statistical units of the production system, the criteria used and the definitions. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

(2) Article 7 is replaced by the following:

"Article 7

1. The Commission shall be assisted by the Statistical Programme Committee.
2. Where reference is made to this paragraph, Article 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 set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

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<sup>37</sup> OJ L 76, 30.3.1993, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

## 5.2. Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism<sup>38</sup>

As regards Directive 95/57/EC, power should in particular be conferred on the Commission to determine the definitions to be applied to data collection characteristics and any adjustments to the list of data collection characteristics, to lay down the necessary minimum accuracy requirements that the results must meet and the procedures for ensuring the harmonized processing of systematic biases, and to adopt the detailed rules for the processing of the information collected by the Member States. Since those measures are of general scope and are designed to amend non-essential elements of Directive 95/57/EC or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 95/57/EC is amended as follows:

(1) Article 3(2) is replaced by the following:

"2. The definitions to be applied to the data collection characteristics and any adjustments to the list of data collection characteristics shall be determined by the Commission. Those measures, designed to amend non-essential elements of this Directive, *inter alia* by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2)."

(2) Article 4(1) is replaced by the following:

"1. The collection of the statistical information shall, where possible, ensure that the results meet the necessary minimum accuracy requirements. These requirements, and the procedures for ensuring the harmonized processing of systematic biases, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2). The minimum accuracy requirements shall be determined with particular reference to annual overnight stays at national level."

(3) Article 6 is replaced by the following:

"Article 6

Data processing

Member States shall process the information collected under Article 3 in accordance with the accuracy requirements stipulated in Article 4 and the detailed rules adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2). The regional level shall be in

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<sup>38</sup> OJ L 291, 6.12.1995, p. 32. Directive as last amended by Directive 2006/110/EC (OJ L 363, 20.12.2006, p. 418).



accordance with the Nomenclature of Territorial Units (NUTS) of the Statistical Office of the European Communities."

(4) In Article 7(3), the words "Article 12" are replaced by "Article 12(1)."

(5) In Article 9, the words "Article 12" are replaced by "Article 12(1)."

(6) In Article 11 the following paragraphs are added:

"The measures referred to in Articles 3, 4 and 6 which are designed to amend non-essential elements of this Directive, also by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2).

The measures referred to in Articles 7 and 9 shall be adopted in accordance with the procedure referred to in Article 12(1)."

(7) Article 12(2) is replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **5.3. 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)<sup>39</sup>**

As regards Regulation (EC) No 1059/2003, power should in particular be conferred on the Commission to amend the administrative units used for the NUTS classification, deviate from population thresholds in the case of some non-administrative units, amend smaller administrative units for the purposes of NUTS 3, and amend the NUTS classification. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1059/2003 and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 1059/2003 is amended as follows:

(1) Article 3 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. The existing administrative units used for the NUTS classification are laid down in Annex II. Measures concerning changes to Annex II that are designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2)."

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<sup>39</sup> OJ L 154, 21.6.2003, p. 1. Regulation as last amended by Regulation (EC) No 105/2007 (OJ L 39, 10.2.2007, p. 1.)

(b) The third subparagraph of paragraph 5 is replaced by the following:

"Some non-administrative units may, however, deviate from these thresholds because of particular geographical, socio-economic, historical, cultural or environmental circumstances, especially in the islands and the outermost regions. Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2)."

(2) In Article 4(1) the second subparagraph is replaced by the following:

The measures concerning changes to Annex III, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2)."

(3) Article 5 is amended as follows:

(a) The first sentence of paragraph 4 is replaced by the following:

"4. Amendments to the NUTS classification shall be adopted in the second half of the calendar year, not more frequently than every three years, on the basis of the criteria laid down in Article 3. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2)."

(b) Paragraph 5 is replaced by the following:

"5. When an amendment is made to the NUTS classification, the Member State concerned shall transmit to the Commission the time series for the new regional breakdown, to replace data already transmitted. The list of the time series and their length will be specified by the Commission taking into account the feasibility of providing them. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2)." These time series are to be supplied within two years of the amendment of the NUTS classification."

(4) Article 7 is replaced by the following:

"Article 7

1. The Commission shall be assisted by the Statistical Programme Committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision No 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**5.4. 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)<sup>40</sup>**

As regards Regulation (EC) No 1177/2003, power should in particular be conferred on the Commission to adopt the measures concerning target secondary areas, individuals included in the initial sample and implementation measures to take account of economic and technical changes. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1177/2003 and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 1177/2003 is amended as follows:

(1) Article 6(2) is replaced by the following:

"2. Target secondary areas shall be included every year starting from 2005 only in the cross-sectional component. The measures to define such target areas, which are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3)." One secondary area shall be covered each year.

(2) Article 8(3) is replaced by the following:

"3. In the longitudinal component, individuals included in the initial sample, that is to say, sample persons, shall be followed over the duration of the panel. Every sample person who has moved to a private household within the national boundaries shall be followed up to the new location in accordance with tracing rules and procedures to be defined by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3)."

(3) Article 14(3) is replaced by the following:

"3. Where reference is made to this paragraph, Articles 5a(1) to 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

(4) The following paragraph 5 is added to Article 15:

"5. The measures referred to in paragraphs 1 and 2, which amend or supplement non-essential elements of this Regulation, shall be taken at least 12 months before the beginning of the year of the survey in accordance with the regulatory procedure with scrutiny referred to in Article 14(3)."

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<sup>40</sup> OJ L 165, 3.7.2003, p.1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1.)

### **5.5. 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<sup>41</sup>**

As regards Regulation (EC) No 138/2004, power should in particular be conferred on the Commission to update the methodology of the economic accounts for agriculture in the Community and the list of variables and the time limits for the transmission of data for these accounts. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 138/2004, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 138/2004 is amended as follows:

(1) Article 2(2) is replaced by the following:

"2. The EAA methodology shall be updated by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2)."

(2) Article 3(3) is replaced by the following:

"3. The Commission shall update the list of variables and the time limits for the transmission of data set out in Annex II. Those measures designed to amend the non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2)."

(3) Article 4(2) and (3) are replaced by the following:

"2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **5.6. Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society<sup>42</sup>**

As regards Regulation (EC) No 808/2004, power should in particular be conferred on the Commission to adopt the measures for implementing the modules concerning elements such as the selection and specification, adjustment, modification of subjects and their characteristics, the coverage and periodicity provided for in this Regulation. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 808/2004 and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 808/2004 is amended as follows:

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<sup>41</sup> OJ L 33, 5.2.2004, p. 1. Regulation as last amended by Commission Regulation (EC) No 909/2006 (OJ L 168, 21.6.2006, p.14).

<sup>42</sup> OJ L 143, 30.4.2004, p. 49. Regulation as amended by Regulation (EC) No 1893/2006 (OJ L 393, 30.12.2006, p. 1).

(1) Articles 8 and 9 are replaced by the following:

“Article 8

Implementing measures

1. The measures for implementing the modules of this Regulation shall concern the selection and specification, adjustment and modification of subjects and their characteristics, the coverage, reference periods and breakdowns of characteristics, the periodicity and timing of data provision and the deadlines for transmission of results.
2. Implementing measures, including adjustment and updating measures to take account of economic and technical changes, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2), taking into consideration Member States' resources and the burden on respondents, technical and methodological feasibility and reliability of results.
3. Implementing measures shall be drawn up at least nine months before the start of a data collection period.

Article 9

Committee

1. The Commission shall be assisted by the Statistical Programme Committee.
2. Where reference is made to this paragraph, Articles 5a(1) to 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

**5.7. 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<sup>43</sup>**

As regards Regulation (EC) No 184/2005, powers should be conferred on the Commission in particular to specify the common quality standards as well as the content and periodicity of the quality reports. Powers should also be conferred on it to adapt the Annexes to the economic and technical changes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly Regulation (EC) No 184/2005 is amended as follows:

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<sup>43</sup> OJ L 35, 8.2.2005, p. 23. Regulation as amended by Commission Regulation (EC) No 602/2006 of 18 April 2006 (OJ L 106, 19.4.2006, p. 10).

(1) Article 4(3) is replaced by the following:

"3. The common quality standards, as well as the content and periodicity of the quality reports, shall be specified by the Commission, taking into account the implications as regards the cost of collecting and compiling the data as well as important changes concerning data collection.

Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

The quality of the data transmitted shall be assessed, on the basis of the quality reports, by the Commission with the assistance of the Balance of Payments Committee referred to in Article 11(1).

This assessment by the Commission shall be sent to the European Parliament for information."

(2) Articles 10 and 11 are replaced by the following:

"Article 10

Adaptation to economic and technical changes

The measures necessary to take account of economic and technical changes shall be laid down by the Commission.

Such measures shall concern:

- (a) the updating of data requirements, including submission deadlines as well as revisions, extensions and eliminations of data flows set out in Annex I;
- (b) the updating of the definitions set out in Annex II.

Those measures designed to amend non-essential elements of this Regulation, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

Article 11

Committee procedure

1. The Commission shall be assisted by the Balance of Payments Committee, hereinafter referred to as "the Committee".
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The ECB may attend the meetings of the Committee as an observer."

**5.8. 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<sup>44</sup>**

As regards Regulation (EC) No 1161/2005, power should in particular be conferred on the Commission to establish timetables and breakdown of the transactions, to adjust time of data transmission, to adjust proportion of the Community total and to define common quality standards. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1161/2005 and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 1161/2005 is amended as follows:

(1) Article 2 is amended as follows:

a) Paragraph 2 is replaced by the following:

"2. A timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, respectively and any decision to require a breakdown of the transactions listed in the Annex by counterpart sector shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3). Any such decision shall not be adopted before the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9."

b) Paragraph 4 is replaced by the following:

"4. The Commission may adjust, by a maximum of five days, the time of transmission specified in paragraph 3. That measure designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3)."

(2) Article 3(3) is replaced by the following:

"3. The Commission may adjust the proportion (1%) of the Community total referred to in paragraph 1. That measure, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3)."

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<sup>44</sup> OJ L 191, 22.7.2005, p. 22.

(3) Article 6 (1) is replaced by the following:

"1. Member States shall take all measures necessary to ensure that the quality of the data transmitted improves over time to meet the common quality standards to be defined by the Commission. These measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3)."

(4) Article 8 is replaced by the following:

"Article 8

Committee 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 paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

## **6. INFORMATION SOCIETY**

### **6.1. Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures<sup>45</sup>**

As regards Directive 1999/93/EC, power should in particular be conferred on the Commission to establish criteria for Member States to determine whether a body should be designated to determine the conformity of secure signature-creation-devices with the requirements laid down in its Annex III. Since that measure is of general scope and is designed to supplement Directive 1999/93/EC by the addition of new non-essential elements, it must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC as amended by Decision 2006/512/EC.

Accordingly, Directive 1999/93/EC is amended as follows:

(1) In Article 3(4), the first subparagraph is replaced by the following:

"The conformity of secure signature-creation-devices with the requirements laid down in Annex III shall be determined by appropriate public or private bodies

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<sup>45</sup> OJ L 13, 19.1.2000, p. 12.



designated by Member States. The Commission shall establish criteria for Member States to determine whether a body should be designated. This measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9 (3)".

(2) In Article 3(5) "in Article 9" is replaced by "in Article 9(2)".

(3) Article 9 is replaced by the following:

"Article 9

Committee

1. The Commission shall be assisted by an "Electronic-Signature Committee".
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 provided for in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

## **6.2. 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<sup>46</sup>**

As regards Regulation (EC) No 733/2002, power should in particular be conferred on the Commission to establish the criteria and the procedure for the designation of the Registry, and to adopt public policy rules concerning the implementation and function of the .eu TLD and public policy principles on registration. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 733/2002, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

On grounds of efficiency, the normal time limits for the regulatory procedure with scrutiny should be curtailed for the adoption of the criteria and the procedure for the designation of the Registry.

When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of the criteria and the procedure for the designation of the Registry as well as for the adoption of public policy rules concerning the implementation and function of the .eu TLD and the public policy principles on registration.

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<sup>46</sup> OJ L 113, 30.4.2002, p. 1.

Accordingly, Regulation (EC) No 733/2002 is amended as follows:

(1) Article 3(1)(a) is replaced by the following:

"(a) establish the criteria and the procedure for the designation of the Registry; this measure, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(4); on imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 6(5);"

(2) Article 5(1) is replaced by the following:

"1. After consulting the Registry, the Commission shall adopt public policy rules concerning the implementation and functions of the .eu TLD and the public policy principles on registration. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3). On imperative grounds of urgency, the Commission may use the urgent procedure referred to in Article 6(5).

Public policy shall include:

- (a) an extra-judicial settlement of conflicts policy;
- (b) public policy on speculative and abusive registration of domain names including the possibility of registrations of domain names in a phased manner to ensure appropriate temporary opportunities for the holders of prior rights recognised or established by national and/or Community law and for public bodies to register their names;
- (c) policy on possible revocation of domain names, including the question of *bona vacantia*
- (d) issues of language and geographical concepts;
- (e) treatment of intellectual property and other rights."

(3) Article 6 is replaced by the following:

"Article 6

Committee

1. The Commission shall be assisted by the Communications Committee established by Article 22(1) of 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) (\*).
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. Where reference is made to this paragraph, Article 5a(1) to (4) and (5) (a), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time limits provided for in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be two months.

5. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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(\* ) OJ L 108, 24.4.2002, p. 33."

## **7. INTERNAL MARKET**

### **7.1. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>47</sup>**

As regards Directive 2005/36/EC, power should in particular be conferred on the Commission to amend parts of the text and lay down the criteria needed to form the common platforms with the aim of waiving compensation measures. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2005/36/EC and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 2005/468/EC.

Accordingly, Directive 2005/36/EC is amended as follows:

(1) Article 11 is amended as follows:

- (a) The second sentence of paragraph (c)(ii) is deleted;
- (b) The following subparagraph is added:

"The Commission may amend the list in Annex II to take account of training which meets the requirements provided for in the first subparagraph of paragraph (c)(ii). That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(2) In the third subparagraph of Article 13(2) the third sentence is replaced by the following:

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<sup>47</sup> OJ L 255, 30.9.2005, p. 22.

The Commission may amend the list in Annex III to take account of regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(3) Article 15 is amended as follows:

(a) The second sentence of paragraph 2 is replaced by the following:

"If the Commission, after consulting the Member States, is of the opinion that a draft common platform facilitates the mutual recognition of professional qualifications, it may present draft measures with a view to their adoption. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(b) Paragraph 5 is replaced by the following:

"5. If a Member State considers that the criteria established in a measure adopted in accordance with paragraph 2 no longer offer adequate guarantees with regard to professional qualifications, it shall inform the Commission accordingly, which shall, if appropriate, present a draft measure for adoption. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(4) Article 20 is replaced by the following:

"Article 20

Amendment of the lists of activities in Annex IV

The Commission may amend the lists of activities in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this does not involve any change in the activities related to the individual categories. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(5) The second subparagraph of Article 21(6) is replaced by the following:

"The Commission may amend the knowledge and skills referred to in Articles 24(3), 31(6), 34(3), 38(3), 40(3) and 44(3) with a view to adapting them to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(6) Article 25(5) is replaced by the following:

"5. The Commission may amend the minimum periods of training referred to in Annex V, point 5.1.3, with a view to adapting them to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(7) The second subparagraph of Article 26 is replaced by the following:

"The Commission may include in Annex V, point 5.1.3 new medical specialties common to at least two-fifths of the Member States with a view to updating this Directive in the light of changes in national legislation. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(8) The second subparagraph of Article 31(2) is replaced by the following:

"The Commission may amend the content listed in Annex V, point 5.2.1, with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(9) The second subparagraph of Article 34(2) is replaced by the following:

"The Commission may amend the content listed in Annex V, point 5.3.1, with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(10) The third subparagraph of Article 35(2) is replaced by the following:

"The Commission may amend the minimum period of training referred to in the second subparagraph with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(11) The second subparagraph of Article 38(1) is replaced by the following:

"The Commission may amend the content listed in Annex V, point 5.4.1, with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(12) The third subparagraph of Article 40(1) is replaced by the following:

"The Commission may amend the content listed in Annex V, point 5.5.1, with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(13) In the second subparagraph of Article 44(2) the second sentence is replaced by the following:

"The Commission may amend the content listed in Annex V, point 5.6.1, with a view to adapting it to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(14) The first subparagraph of Article 46(2) is replaced by the following:

"The Commission may amend the knowledge and skills listed in paragraph 1 with a view to adapting them to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3)."

(15) Article 58 is replaced by the following:

"Article 58

Committee on the recognition of professional qualifications

1. The Commission shall be assisted by a Committee on the recognition of professional qualifications, made up of representatives of the Member States and chaired by a representative of the Commission.

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 provided for in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

## **8. HEALTH AND CONSUMER PROTECTION**

### **8.1. 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>48</sup>**

As regards Directive 89/108/EEC, power should in particular be conferred on the Commission to determine the purity criteria to be satisfied by the cryogenic media and 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. Since those measures are of general scope and are designed to supplement Directive 89/108/EEC by adding new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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<sup>48</sup> OJ L 40, 11.2.1989, p. 34.

Accordingly, Directive 89/108/EEC is amended as follows:

- (1) The third paragraph of Article 4 is replaced by the following:

"The purity criteria to be satisfied by these cryogenic media shall be determined, as far as necessary, by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

- (2) Article 11 is replaced by the following:

"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 by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

- (3) Article 12(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

## **8.2. Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs<sup>49</sup>**

As regards Directive 90/496/EEC, power should in particular be conferred on the Commission to adopt provisions necessary for changes to the list of vitamins, minerals and their recommended daily allowances; for a definition of fibre and its associated methods of analysis; for amendments and additions relating to the list of categories of nutrients and their conversion factors, as well as to establish the rules concerning the extent of the information to be given and the manner of its communication for non-pre-packaged foodstuffs. Since those measures are of general scope and are designed to amend non-essential elements of Directive 90/496/EEC and to supplement that Directive by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 90/496/EEC is amended as follows:

- (1) In Article 1(4)(a), the second subparagraph is replaced by the following:

"Changes to the list of vitamins, minerals and their recommended daily allowances shall be adopted by the Commission. Those measures, designed to amend

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<sup>49</sup> OJ L 276, 6.10.1990, p. 40.

non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(2) In the third subparagraph of Article 1(4)(b) "Article 10" is replaced by "Article 10(2)".

(3) Article 1(4)(j) is replaced by the following:

"(j) 'fibre' means the material to be defined by the Commission and measured by the method of analysis to be determined by the Commission; those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(4) Article 3 is replaced by the following:

#### *"Article 3*

The only nutrition claims permitted shall be those relating to energy, to the nutrients listed in Article 1(4)(a)(ii) and to substances which belong to or which are components of a category of those nutrients. Provisions restricting or prohibiting nutrition claims within the meaning of this Article may be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(5) Article 5(2) is replaced by the following:

"2. Amendments to the conversion factors referred to in paragraph 1 and the addition to the list in that paragraph of substances which belong to or are components of one of the categories of nutrients referred to in that paragraph and their conversion factors in order to calculate more precisely the energy value of foodstuffs, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(6) In Article 6(3), "Article 10" is replaced by "Article 10(2)".

(7) In Article 6(5)(b), "Article 10" is replaced by "Article 10(2)".

(8) In the second subparagraph of Article 6(8), "Article 10" is replaced by "Article 10(2)".

(9) Article 8 is replaced by the following:

#### *"Article 8*

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



measures by the Commission. Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(10) In Article 10, paragraph 3 is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **8.3. 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>50</sup>**

As regards Directive 1999/2/EC, power should in particular be conferred on the Commission to implement rules relating to food irradiation. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/2/EC and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

On grounds of efficiency, the normal time limits for the regulatory procedure with scrutiny should be curtailed for the adoption of certain exceptions to rules relating to maximum radiation doses for foodstuffs and the use of irradiation treatment in combination with chemical treatment, as well as of supplementary requirements for approval of irradiation facilities.

When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments to the Directive 1999/2/EC or to the implementing Directives by means of prohibitions or restrictions as compared to the previous legal situation to the extent necessary to ensure the protection of public health.

Accordingly, Directive 1999/2/EC is amended as follows:

(1) Article 5(2) is replaced by the following:

"2. Exceptions to paragraph 1 may be adopted by the Commission. Those measures, designed to amend non essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(4)."

(2) Article 7(2) is replaced by the following:

"2. Approval shall be granted only if the facility:

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<sup>50</sup> OJ L 66, 13.3.1999, p. 16.

- meets the requirements of the joint FAO/WHO Codex Alimentarius Commission Recommended International Code of Practice for the operation of irradiation facilities used for the treatment of foods (reference FAO/WHO/CAC, Vol. XV, edition 1), and any supplementary requirement which may be adopted by the Commission. Those measures, designed to amend non essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(4);
- designates a person responsible for compliance with all the conditions necessary for the application of the process."

- (3) In Article 8(3), the words "Article 12" are replaced by the words "Article 12(2)".
- (4) In the first subparagraph of Article 9(2)(a), the words "Article 12" are replaced by the words "Article 12(2)".
- (5) 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 instituted by Regulation (EC) No 178/2002 (\*).
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 provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(b), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time limits provided for in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be set at two months, one month and two months respectively.

5. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

- (6) In Article 14(2), the words "Article 12" are replaced by the words "Article 12(2)".

(7) Article 14(3) is replaced by the following:

"3. Amendments to this Directive or to the implementing Directive may be made by the Commission only to the extent necessary to ensure the protection of public health and shall in any event be limited to prohibitions or restrictions as compared to the previous legal situation. Those measures, designed to amend non-essential elements of this Directive inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3). On imperative grounds of urgency the Commission may use the urgent procedure referred to in Article 12(5)."

**8.4. 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<sup>51</sup>**

As regards Directive 2002/46/EC, power should in particular be conferred on the Commission to adopt specific rules for vitamins and minerals used as food supplements, including the setting of specific values for maximum and minimum levels for vitamins and minerals present in food supplements as well as their purity criteria. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/46/EC and to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgent procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of a measure aiming to forbid the use of a vitamin or a mineral previously authorised.

Accordingly, Directive 2002/46/EC is amended as follows:

(1) Article 4(2) is replaced by the following:

"2. The purity criteria for substances listed in Annex II shall be adopted by the Commission, except where they apply pursuant to paragraph 3. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."

(2) Article 4(5) is replaced by the following:

"5. Modifications to the lists referred to in paragraph 1, being measures designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3). On imperative grounds of urgency the Commission may use the urgent procedure referred to in Article 13(4) in order to remove a vitamin or a mineral from the list referred to in paragraph 1."

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<sup>51</sup> OJ L 183, 12.7.2002, p. 51.

(3) Article 5(4) is replaced by the following:

"4. The maximum and minimum amounts of vitamins and minerals referred to in paragraphs 1, 2 and 3 shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."

(4) Article 12(3) is replaced by the following:

"3. In order to remedy the difficulties mentioned in paragraph 1 and to ensure the protection of human health amendments to this Directive or to the implementing Community acts shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3). On imperative grounds of urgency the Commission may use the urgent procedure referred to in Article 13(4) with a view to adopting those amendments. The Member State that has adopted safeguard measures may in that event retain them until the amendments have been adopted."

(5) 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 instituted by Regulation (EC) No 178/2002 (\*).

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

## 9. ENERGY AND TRANSPORT

### 9.1. 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>52</sup>

As regards Directive 91/672/EEC, power should in particular be conferred on the Commission to adapt the list of national boatmasters' certificates for the carriage of goods and passengers by inland waterway. Since those measures are of general scope and are designed to amend non-essential elements of Directive 91/672/EC or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 91/468/EC.

Accordingly, Directive 91/672/EEC is amended as follows:

(1) Article 4 is replaced by the following:

“Article 4

If necessary the Commission shall take the necessary steps to adapt the list of certificates appearing in Annex I. Those measures, designed to amend non-essential elements of this Directive, *inter alia* by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).”

(2) 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 paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

### 9.2. 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>53</sup>

As regards Directive 92/75/EEC, power should in particular be conferred on the Commission to add further types of household appliances to the list in Article 1(1) and to adopt implementing measures on the listed types of household appliances. Since those measures are of general scope and are designed to amend non-essential elements of Directive 92/75/EEC, by supplementing it, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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<sup>52</sup> OJ L 373, 31.12.1991, p. 29. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>53</sup> OJ L 297, 13.10.1992, p. 16. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council OJ L 284, 31.10.2003, p. 1).

Accordingly, Directive 92/75/EEC is amended as follows:

(1) Article 1(2) is replaced by the following:

"2. Further types of household appliances may be added to the list in this Article. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10 (2)."

(2) Article 2(2) is replaced by the following:

"2. Details relating to the label and the fiche shall be defined by directives relating to each type of appliance adopted pursuant to this Directive. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(2)."

(3) Article 9 is replaced by the following:

"Article 9

The Commission shall adopt, and adapt to technical progress, by way of implementing directives and the addition of further household appliances to the list in Article 1(1) where significant energy savings are likely to be achieved, measures relating to the establishment and operation of the scheme.

Those measures, designed to amend non-essential elements of this Directive or to supplement it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(2)."

(4) 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 paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**9.3. 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<sup>54</sup>**

As regards Directive 96/50/EC, power should in particular be conferred on the Commission to adapt the form of boatmasters' certificate in the light of the development of the necessary professional knowledge required for the issue of the certificate. Since those measures are of

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<sup>54</sup> OJ L 235, 17.9.1996, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

general scope and are designed to amend non-essential elements of Directive 96/50/EC or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 96/50/EC is amended as follows:

(1) Article 11 is replaced by the following:

“Article 11

The Commission may take the necessary steps with a view to adapting the form of boatmasters' certificate in Annex I and in the light of the development of the necessary professional knowledge required for the issue of the certificate and specified in Annex II. Those measures, designed to amend non-essential elements of this Directive, *inter alia* by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2).”

(2) 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.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.”

**9.4. 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<sup>55</sup>**

As regards Directive 98/41/EC, power should in particular be conferred on the Commission to adapt certain provisions of the Directive, without broadening its scope, to take account of subsequent amendments to the SOLAS Convention relating to the registration systems which have entered into force subsequently. Since those measures are of general scope and are designed to amend non-essential elements of Directive 98/41/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 98/41/EC is amended as follows:

(1) Article 9 is amended as follows:

(a) In paragraph 3(b), the words "Article 13" are replaced by "Article 13(2)".

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<sup>55</sup> OJ L 188, 2.7.1998, p. 35. Directive as amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

(b) In the third subparagraph of paragraph 4, the words "Article 13" are replaced by "Article 13(2)".

(2) The first subparagraph of Article 12 is replaced by the following:

"Without prejudice to the procedures for amending the SOLAS Convention, this Directive may be amended in order to ensure the application, for the purposes of this Directive and without broadening its scope, of subsequent amendments to the SOLAS Convention relating to the registration systems which have entered into force after the adoption of this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."

(3) Article 13 is replaced by the following:

"Article 13

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002.
2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission\* shall apply, having regard to the provisions of Article 8 thereof.

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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\* OJ L 184, 17.7.1999, p.23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11)."

**9.5. 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<sup>56</sup>**

As regards Directive 2000/59/EC, power should in particular be conferred on the Commission to adapt the Annexes, a definition and references to Community instruments and references to IMO instruments. The Commission should also be empowered to amend the annexes in order to improve the regime established by the Directive and to take into account Community or

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<sup>56</sup> OJ L 332, 28.12.2000, p. 81. Directive as amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).



IMO measures which enter into force in the future so as to ensure their harmonised implementation. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2000/59/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2000/59/EC is amended as follows:

(1) Article 14 is replaced by the following:

"Article 14

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002\*.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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\* OJ L 324, 29.11.2002, p.1."

(2) Article 15 is replaced by the following:

"Article 15

Amendment procedure

The Annexes to this Directive, the definition in Article 2(b), references to Community instruments and references to IMO instruments may be adapted by the Commission in order to bring them into line with Community or IMO measures which have entered into force, insofar as such amendments do not broaden the scope of this Directive.

Furthermore, the Annexes to this Directive may be amended by the Commission when necessary to improve the regime established by this Directive, insofar as such amendments do not broaden the scope of this Directive.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2).

The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002."

**9.6. Directive 2001/96/EC of the European Parliament and of the Council Directive of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers<sup>57</sup>**

As regards Directive 2001/96/EC, power should in particular be conferred on the Commission to adapt some definitions and the references to international conventions and codes, to IMO Resolutions and Circulars, to ISO standards and to Community instruments, plus their annexes, in order to implement the procedures laid down in the Directive and bring them into line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of the Directive is not thereby broadened. The Commission should also be empowered to amend the procedures concerning bulk carriers and terminals and the reporting obligations. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2001/96/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2001/96/EC is amended as follows:

- (1) Article 14 is replaced by the following:

“Article 14

**Committee**

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of 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)\*.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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\* OJ L 324, 29.11.2002, p.1. Regulation as amended by Commission Regulation (EC) No 415/2004 (OJ L 68, 6.3.2004, p. 10)."

- (2) Article 15(1) and (2) are replaced by the following:

"1. The definitions in points 1 to 6 and 15 to 18 of Article 3, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards, the references to Community instruments, and the Annexes, may be amended in order to bring them into line with international and Community instruments which have been adopted, amended or brought

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<sup>57</sup> OJ L 13, 16.1.2002, p. 9. Directive as amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2).

2. The Commission may amend Article 8 and the annexes for the implementation of the procedures laid down in this Directive, and when amending or repealing the reporting obligations referred to in Articles 11(2) and 12, provided that such provisions do not broaden the scope of this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2)."

**9.7. 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<sup>58</sup>**

As regards Directive 2002/6/EC, power should in particular be conferred on the Commission to amend the lists of reporting formalities in respect of ships, signatories, technical specifications and models of International Maritime Organisation (IMO) FAL forms. The Commission should also be empowered to amend references to IMO instruments in order to bring the Directive into line with Community or IMO measures. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/6/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/6/EC is amended as follows:

- (1) Article 5 is replaced by the following:

"Article 5

Amendment procedure

Any amendments of Annexes I and II to this Directive and references to IMO instruments in order to bring them into line with Community or IMO measures which have entered into force shall be adopted by the Commission, in so far as such amendments do not broaden the scope of this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(2)."

- (2) Article 6 is replaced by the following:

"Article 6

Committee

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<sup>58</sup> OJ L 67, 9.3.2002, p. 31.

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002\*.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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(\* ) OJ L 324, 29.11.2002, p. 1. "

**9.8. 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<sup>59</sup>**

As regards Directive 2002/30/EC, power should be conferred on the Commission to amend the list of city airports in Annex I. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/30/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/30/EC is amended as follows:

(1) Article 2 is amended as follows:

- a) In point (b) the last sentence is deleted.
- b) The following second subparagraph is added:

"The Commission may amend Annex I. These measures designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."

(2) Article 13(3) is replaced by the following:

- "3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

**9.9. Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings<sup>60</sup>**

As regards Directive 2002/91/EC, power should in particular be conferred on the Commission to adapt certain parts of the general framework set out in its Annex to technical progress. Since those measures are of general scope and are designed to amend non-essential elements

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<sup>59</sup> OJ L 85, 28.3.2002, p.40. Directive as amended by the Act of Accession 2003.

<sup>60</sup> OJ L 1, 4.1.2003, p. 65.

of Directive 2002/91/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/91/EC is amended as follows:

(1) In Article 3, the first paragraph is replaced by the following:

"Member States shall apply a methodology, at national or regional level, of calculation of the energy performance of buildings on the basis of the general framework set out in the Annex. The Commission shall adapt Parts 1 and 2 of this framework to technical progress, taking into account standards or norms applied in Member State legislation. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2)."

(2) In Article 13, the second paragraph is replaced by the following:

"Any amendments necessary in order to adapt points 1 and 2 of the Annex to technical progress, measures which are designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2)."

(3) Article 14 is replaced by the following:

"Article 14

Committee

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

#### **9.10. 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<sup>61</sup>**

As regards Directive 2003/25/EC, power should in particular be conferred on the Commission to amend the specific stability requirements and indicative guidelines to national administrations in order to take account of developments at international level, in particular, in the International Maritime Organisation (IMO), and to improve the effectiveness of the Directive in the light of experience and of technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2003/25/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2003/25/EC is amended as follows:

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<sup>61</sup> OJ L 123, 17.5.2003, p. 22.

- (1) Article 10 is replaced by the following:

“Article 10

#### Adaptations

The Annexes may be amended by the Commission in order to take account of developments at international level, in particular in the International Maritime Organisation (IMO), and to improve the effectiveness of this Directive in the light of experience and of technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2).”

- (2) Article 11 is replaced by the following:

"Article 11

#### Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002\*.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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\* OJ L 324, 29.11.2002, p.1."

**9.11. 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<sup>62</sup>**

As regards Directive 2003/59/EC, power should in particular be conferred on the Commission to make the necessary amendments to adapt the Annexes to scientific and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2003/59/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2003/59/EC is amended as follows:

- (1) Article 11 is replaced by the following:

"Article 11

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<sup>62</sup> OJ L 226, 10.9.2003, p. 4.

## Adaptation to scientific and technical progress

The amendments necessary to adapt Annexes I and II to scientific and technical progress, which are measures designed to amend non-essential elements of this Directive, shall be adopted in accordance with the procedure laid down in Article 12(2)."

(2) Article 12 is replaced by the following:

"Article 12

Committee

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **9.12. 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<sup>63</sup>**

As regards Regulation (EC) No 785/2004, power should in particular be conferred on the Commission to adopt the amounts in respect of liability for passengers, baggage and cargo, and the amounts in respect of liability for third parties. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 785/2004, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 785/2004 is amended as follows:

(1) Article 6(5) is replaced by the following:

"5. The values referred to in this Article may be amended, as appropriate, where amendments to the relevant international treaties indicate the necessity thereof. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(3)."

(2) Article 7(2) is replaced by the following:

"2. The values referred to in this Article may be amended, as appropriate, where amendments to the relevant international treaties indicate the necessity thereof. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(3)."

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<sup>63</sup> OJ L 138, 30.4.2004, p. 1.

(3) Article 9(3) is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

**9.13. 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<sup>64</sup>**

As regards Regulation (EC) No 336/2006, power should in particular be conferred on the Commission to amend annex containing the provisions for the administrations concerning the implementation of the international safety management code. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 336/2006, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 336/2006 is amended as follows:

(1) Article 11(2) is replaced by the following:

"2. Changes to Annex II, measures that are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3)."

(2) Article 12 is replaced by the following:

“Article 12

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002\*.

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 provided for in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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<sup>64</sup> OJ L 64, 4.3.2006, p. 1.



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\* OJ L 324, 29.11.2002, p.1."

**9.14. 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<sup>65</sup>**

As regards Directive 2006/32/EC, power should in particular be conferred on the Commission to adapt certain values and calculation methods to technical progress; to refine and complement the general framework for measurement and verification of energy savings; to raise the percentage of harmonised bottom-up calculations used in a harmonised calculation model; and to develop a set of harmonised energy efficiency indicators and benchmarks. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/32/EC and to supplement the Directive by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2006/32/EC is amended as follows:

(1) Article 15 is replaced by the following:

"Article 15

Review and adaptation of the framework

1. The values and calculation methods referred to in Annexes II, III, IV and V shall be adapted to technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(3).
2. Before 1 January 2008, the Commission shall further refine and complement as required points 2 to 6 of Annex IV, whilst respecting the general framework set out in Annex IV. Those measures designed to amend non-essential elements of this Directive, inter alia, by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(3).
3. Before 1 January 2012, the Commission shall raise the percentage of harmonised bottom-up calculations used in the harmonised calculation model referred to in point 1 of Annex IV, without prejudice to those Member State schemes that already use a higher percentage. This measure designed to amend non-essential elements of this directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(3). The new harmonised calculation model with a significantly higher percentage of bottom-up calculations shall first be used as from 1 January 2012.

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<sup>65</sup> OJ L 114, 27.4.2006, p. 64.

Wherever practicable and possible, the measurement of total savings over the total period of application of the Directive shall use this harmonised calculation model, without prejudice to those Member State schemes that use a higher percentage of bottom-up calculations.

4. Not later than 30 June 2008, the Commission shall develop a set of harmonised energy efficiency indicators and benchmarks based upon them, taking into account available data or data that can be collected in a cost-effective manner for each Member State. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(3). For the development of these harmonised energy efficiency indicators and benchmarks the Commission shall use as a reference guide the indicative list set out in Annex V. Member States shall gradually integrate these indicators and benchmarks into the statistical data included in their EEAPs as referred to in Article 14, and use them as one of the tools at their disposal to decide on future priority areas in the EEAPs.

Not later than 17 May 2011, the Commission shall present to the European Parliament and the Council a report on the progress in setting indicators and benchmarks."

- (2) Article 16 is replaced by the following:

"Article 16

Committee

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

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

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

### **Chronological Index**

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- (2) 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 (page 18)
- (3) 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 (page 17)

- (4) 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 (page 54)
- (5) 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 (page 10)
- (6) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs (page 55)
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- (18) 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 (page 20)

- (19) 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 (page 63)
- (20) Directive 1999/4/EC of the European Parliament and of the Council relating to coffee extracts and chicory extracts (page 9)
- (21) 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 (page 57)
- (22) 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 (page 20)
- (23) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (page 30)
- (24) Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (page 48)
- (25) 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 (page 31)
- (26) Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption (page 9)
- (27) 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 (page 64)
- (28) Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (page 32)
- (29) Directive 2001/96/EC of the European Parliament and of the Council Directive of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (page 66)
- (30) 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 (page 67)
- (31) 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 (page 68)
- (32) 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 (page 49)
- (33) 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 92/16/EEC (page 22)

- (34) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation law of the laws of the Member States relating to food supplements (page 59)
- (35) 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 (page 34)
- (36) 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) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (page 12)
- (37) Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings (page 68)
- (38) 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) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (page 14)
- (39) 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 (page 69)
- (40) 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) (page 41)
- (41) 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) (page 43)
- (42) 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 (page 23)
- (43) 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 (page 70)
- (44) Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 on the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (page 35)
- (45) 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 (page 35)

- (46) Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society (page 44)
- (47) 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) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (page 15)
- (48) Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments (page 23)
- (49) 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 (page 71)
- (50) 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 (page 44)
- (51) 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 (page 45)
- (52) 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 (page 47)
- (53) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (page 51)
- (54) 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 (page 72)
- (55) 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) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (page 15)
- (56) 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 (page 73)
- (57) Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases (page 36)
- (58) 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 (page 37)

- (59) Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (page 38)