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**COVER NOTE**

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**From:** Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

**To:** Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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**Subject:** Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL adapting to Article 290 and 291 of the Treaty on  
the Functioning of the European Union a number of legal acts providing for  
the use of the regulatory procedure with scrutiny

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Delegations will find attached document COM(2013) 751 final.

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Encl.: COM(2013) 751 final



Brussels, 30.10.2013  
COM(2013) 751 final

2013/0365 (COD)

Proposal for a

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

**adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union  
a number of legal acts providing for the use of the regulatory procedure with scrutiny**

## EXPLANATORY MEMORANDUM

### **1. BACKGROUND TO THE PROPOSAL**

Following the proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS) (COM(2013)451) and the proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 TFEU a number of legal acts in the area of Justice providing for the RPS (COM(2013)452), the present proposal concerns the alignment of the remaining basic acts referring to the RPS.

The Commission has carried out a careful examination of all legislative instruments still referring to the RPS in order to analyse whether the RPS measures meet the criteria of the TFEU. The analysis showed that some of the measures do not fall into the scope of Article 290 TFEU. In cases where those measures fulfil the criteria of Article 291 TFEU, it is therefore proposed that the Commission is empowered to adopt implementing acts. In few cases where the powers given to the Commission are not in accordance with the Treaty, it is proposed that the provisions in question are deleted.

### **2. METHOD OF THE ADAPTATION**

The approach followed in this proposal is similar to the one followed in the preceding proposals (COM(2013)451 and COM(2013)452). Accordingly, the present framework regulation provides that where legal acts listed in Annex I provide for the use of Article 5a of the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup> ("the Comitology Decision"), the Commission is empowered to adopt delegated acts, while for legal acts providing for the use of Article 5a of the Comitology Decision which are listed in Annex II, the Commission is empowered to adopt implementing acts.

In cases where one provision contains a list of empowerments which, in light of the criteria of Articles 290 and 291 TFEU, are of a differing nature (some empowerments are of delegated and some of implementing nature), it is proposed that the empowerment is split.

In case of measures listed in Annex I, the proposal adapts the urgency procedure according to Article 5a(6) of the Comitology Decision to the urgency procedure for delegated acts (Article 3 of the proposal).

For measures listed in Annex II, the proposal adapts the urgency procedure according to Article 5a(6) of the Comitology Decision to the procedure for immediately applicable implementing acts under Article 8 of Regulation 182/2011<sup>2</sup> ("the Comitology Regulation") (Article 4(2) of the proposal).

Adaptation to the delegated act regime and the implementing act regime will not affect pending procedures in which an opinion has already been delivered by a committee in accordance with the Comitology Decision.

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

<sup>2</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.

Basic acts which are adapted to the delegated acts regime are listed in Annex I of the proposal. Basic acts which are adapted to the implementing acts regime are listed in Annex II of the proposal. Annex III contains amendments to the basic acts the provisions of which are deleted. The lists are organised according to policy areas and chronological order of the adoption of the instruments.

### 3. LIST OF BASIC ACTS SUBJECT TO A SEPARATE REVISION

The instruments listed hereunder referring to the RPS for which a separate substantial revision is envisaged, are not included in this proposal, nor in the two preceding alignment proposals. Their alignment will be part of those envisaged revisions.

| Field | Instrument   |
|-------|--|
| AGRI  | Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89     |
| ESTAT | Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95  |
| ESTAT | Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91  |
| ESTAT | Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics  |
| HOME  | Regulation (EC) N° 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas   |
| MARKT | Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC                                       |
| OLAF  | Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters |

|       |  |
|-------|--|
| SANCO | Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EC |
| SANCO | Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products  |

Proposal for a

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

**adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union  
a number of legal acts providing for the use of the regulatory procedure with scrutiny**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43(2), 53(1), 62, 100(2), 114, 168(4)a, 168(4)b, 172, 192(1), 207, 214(3), 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,

Having regard to the opinion of the Committee of the Regions<sup>4</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Treaty of Lisbon introduced a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts (implementing acts).
- (2) The measures which can be covered by delegations of powers, as referred to in Article 290(1) of the Treaty on the Functioning of the European Union (TFEU), correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC<sup>5</sup>.
- (3) It is necessary to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny and which fulfil the criteria of Article 290(1) TFEU.
- (4) When the Commission prepares delegated acts on the basis of the legal acts adapted by this Regulation, it is of particular importance that it carry out appropriate

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

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

<sup>5</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ L 184, 17.7.1999, p. 23.

consultations, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

- (5) It is necessary to adapt to Article 291 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny and which fulfil the criteria of Article 291(2) of the TFEU.
- (6) When implementing powers are conferred on the Commission, those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>6</sup>
- (7) As a consequence of the entry into force of the Treaty of Lisbon, it is also necessary to amend a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny by deleting certain measures covered by that procedure.
- (8) This Regulation should not affect pending procedures in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC before the entry into force of this Regulation.
- (9) Since the adaptations and amendments to be made by this Regulation concern only procedures, they do not, in the case of directives, need to be transposed by the Member States,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

1. Where provisions listed in Annex I to this Regulation provide for the use of the regulatory procedure with scrutiny referred to in Article 5a(1) to (5) of Decision 1999/468/EC, the Commission shall be empowered to adopt delegated acts in accordance with Article 2 of this Regulation.
2. Where provisions listed in Annex I provide for the use of the urgency procedure referred to in Article 5a(6) of Decision 1999/468/EC, the Commission shall be empowered to adopt delegated acts in accordance with the urgency procedure provided in Article 3 of this Regulation.

#### *Article 2*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts shall be conferred on the Commission for an indeterminate period of time.

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<sup>6</sup> Regulation (EU) No 182/2011 of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.02.2011, p. 13.



3. The delegation of power may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. An adopted delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

6. Where provisions listed in Annex I to this Regulation provide that the time-limit laid down in Article 5a(3)(c) of Decision 1999/468/EC is curtailed pursuant to Article 5a(5)(b) of that Decision, the periods laid down in paragraph 5 of this Article shall be set at one month.

### *Article 3*

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 2(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

### *Article 4*

1. Where provisions listed in Annex II provide for the use of the regulatory procedure with scrutiny referred to in Article 5a(1) to (5) of Decision 1999/468/EC, the Commission shall be empowered to adopt implementing acts in accordance with the examination procedure of Article 5 of Regulation (EU) No 182/2011.

2. Where provisions listed in Annex II provide for the use of the urgency procedure referred to in Article 5a(6) of Decision 1999/468/EC, the Commission shall be empowered to adopt immediately applicable implementing acts in accordance with Article 8 in conjunction with Article 5 of Regulation (EU) No 182/2011.

### *Article 5*

Regulation (EC) No 66/2010 of the European Parliament and of the Council, Regulation (EC) No 1221/2009 of the European Parliament and of the Council, Council Directive 97/70/EC, Regulation (EC) No 1333/2008 of the European Parliament and the Council, , Directive

2002/46/EC of the European Parliament and the Council and Council Regulation (EC) No 1257/96 are amended as set out in Annex III to this Regulation.

*Article 6*

This Regulation shall not affect pending procedures in which a committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC.

*Article 7*

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

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### Provisions of legal acts making reference to the regulatory procedure with scrutiny referred to in Article 5a of Decision 1999/468/EC which are adapted to the regime of delegated acts<sup>7</sup>.

#### **A. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY**

1. 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  
  
Article 3(1)a\*\*  
  
Article 5(1)  
  
Article 5(2)
2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)  
  
Article 35
3. Directive No 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)  
  
Article 13a(4)

#### **B. CLIMATE ACTION**

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020  
  
Article 3(6)  
  
Article 11(3)
5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC  
  
Article 3d(3)  
  
Article 3f(9)

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<sup>7</sup> For information purposes, provisions referring to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with \*, provisions referring to the urgency procedure pursuant to Article 3 are indicated in this Annex with \*\* and provision referring to the urgency procedure pursuant to Article 3 and to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with \*\*\*.

Article 10(4)  
Article 10a(1)  
Article 10a(7)  
Article 10a(8)  
Article 10a(13)  
Article 11a(9)  
Article 11b(7)  
Article 14(1)  
Article 15 fifth paragraph  
Article 19(3)  
Article 22  
Article 24(1)b  
Article 24(3)  
Article 24a(1)  
Article 24a(2)  
Article 25(2)  
Article 25a(1)  
Annex IV Part A

### **C. ENERGY**

6. Directive 2008/92/EC of the European Parliament and of the Council of 22 October 2008 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (recast)

Article 6

### **D. ENTERPRISE AND INDUSTRY**

7. Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information

Article 5(3)

Article 8

Article 14(2)

Article 14(3)

8. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Article 8(1)a

## **E. ENVIRONMENT**

9. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

Article 6(7)

Article 8(2)

Article 15

10. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

Article 17(3)

Article 48(2)

## **F. STATISTICS**

11. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies

Article 2(1)

Article 3(1)

Article 7(1)

Article 7(3)

12. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

Article 3(6)

Article 5(2)

Article 6(3) as to the adoption of "measures relating to common quality standards" in conjunction with Article 15(1)(c) as to the adoption of "common quality standards"

Article 8(3)

Article 15(1)

13. Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates

Article 5(4)

Article 6(3) as to the adoption of "common quality standards" in conjunction with Article 9(2)(a)

Article 9(2)(b)

Article 9(2)(c) as to the definition of "proper common quality standards"

14. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination

Article 7(4) as to the adoption of "the common quality control criteria" in conjunction with Article 12(3)(c) as to the definition of "quality criteria"

Article 12(3)

15. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises

Article 5(2)

Article 7(3)

Article 8(2)

Article 9(4) as to the adoption of "quality requirements and any measures necessary for assessing or improving the quality"

Article 10(2)

Article 13

16. 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.

Article 4(3) as to the adoption of "common quality standards"

Article 10

17. 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)

Article 6(2)

Article 15(5) in conjunction with Article 15(2)(a) as to "the definition of the list of target primary variables to be included in each area for the cross-sectional component and the list of target variables included in the longitudinal component, including the specification of variable codes"

Article 15(5) in conjunction with Article 15(2)(c)

Article 15(5) in conjunction with Article 15(2)(e)

Article 15(5) in conjunction with Article 15(2)(f)

18. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index

Article 2(4)

Article 3(2)

Article 4(1)

Article 4(2)

Article 8(1)

Article 11(a)

Article 11(b)

Article 11(d)

Article 11(e)

Article 11(f) as to the adoption of "the separate quality criteria for current and back data transmitted"

Article 11 (i)

Annex point 3

19. Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

Article 5

Article 7(2)

Article 10(2)

20. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

Article 1(5)

Article 3(1)

Article 4(3)

Article 5(4)

Article 6(2)(a)

Article 6(2)((b)

Article 6(2)(c) as to the "definition of the proper quality evaluation criteria"

Article 6(2)(d)

Article 8(3)

Annex I section 7, point 1

Annex II section 7, point 1

## **G. INTERNAL MARKET AND SERVICES**

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(1)

22. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC

Article 68(1)\*\*\*

Article 69(2)\*\*\*

## **H. MOBILITY AND TRANSPORT**

23. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations

Article 13



Article 14(1)

Article 14(2)

24. Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (Recast)

Article 10(3)

25. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Article 10(2)\*\*

26. 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

Article 15

27. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8(b)

## **I. HEALTH AND CONSUMERS**

28. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products

Article 2 (3)

Article 13 (8)

Article 14 (2)

Article 15 (1)

Article 15 (2)\*\*

Article 16 (8)

Article 16(9)\*\*

Article 20 (2)

Article 31(1) \*\*

Article 31 (2)

Article 31 (3)

29. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC

Article 8(4) the last sentence in conjunction with Article 78(1)(b)

Article 25(3) in conjunction with Article 78(1)(e)

Article 26 in conjunction with Article 78(1)(f)

Article 27(2) in conjunction with Article 78(1)(h)

Article 29(6) first subparagraph, second sentence in conjunction with Article 78(1)(c)

Article 30(3) in conjunction with Article 78(1)(i)

Article 52(4) last subparagraph in conjunction with Article 78(1)(j)

Article 54(5) in conjunction with Article 78(1)(k)

Article 58(2) in conjunction with Article 78(1)(l)

Article 65(1) in conjunction with Article 78(1)(m)

Article 68 third subparagraph in conjunction with Article 78(1)(n)

Article 78(1)(a)

Annex II, point 3.6.5

30. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002

Article 5(1)\*\*

Article 5(2)\*

Article 6(1)

Article 6(2)\*

Article 7(4)

Article 11(2)

Article 15(1)

Article 17(2)

Article 18(3)

Article 19(4)

Article 20(11)

Article 21(6)

Article 27

Article 31(2)

Article 32(3)

Article 40 (a)

Article 40 (b)

Article 40 (f)

Article 42(2) (a)

Article 42(2) (b)

Article 42(2) (c)

Article 43(3)

Article 48(7) (a)

Article 48(7) (b)

Article 48(7) (d)

Article 48(8)

31. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Article 6(2)\*\*

Article 17(4)

Article 20(2)

Article 27(1)

Article 32(4)

32. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin,

repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Articles 13(2)

Article 19(3)

Article 24(4)

33. Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC

Article 8(2)\*\*

Article 22\*\*

Article 25(3)

34. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

Article 9(2)

Article 24(3)\*

Article 30(1)\*

Article 30(2)\*

Article 30(3)\*

Article 30(5)

Article 31\*

35. Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97

Article 17(5)

36. Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings

Article 7(4)

Article 7(5)\*

Article 7(6) \*\*

37. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

Article 3(3)\*\*

Article 4 second subparagraph

Article 5(1)

Article 6(6)

Article 7(1)

Article 8(2)

Article 8(5)\*\*

38. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Article 1(2)

Article 1(4)

Article 3(d)

Article 4(1) first subparagraph

Article 4(1) sixth subparagraph

Article 4(5)

Article 8(2)

Article 28(4)(b)

39. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Article 8(5)

Article 28\*\*

40. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Article 12(4)

Article 14(1) third indent

Article 24(4)

Article 32 sixth subparagraph

Article 47(3)

41. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Article 29 first subparagraph\*\*

Article 29 second subparagraph (a)

Article 29 second subparagraph (b)\*\*

Article 29 second subparagraph (c)\*\*

Article 29 second subparagraph (d)\*\*

Article 29 second subparagraph (e)\*\*

Article 29 second subparagraph (f)\*\*

Article 29 second subparagraph (g)\*\*

Article 29 second subparagraph (h)

42. 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

Article 4(2)

Article 4(5)\*\*

Article 5(4) as to the adoption of "minimum amounts of vitamins and minerals"

43. Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed

Article 7(2)\*\*

Article 8(1)\*\*

Article 8(2) second indent

## ANNEX II

**Provisions of legal acts making reference to the regulatory procedure with scrutiny referred to in Article 5a of Decision 1999/468/EC which are adapted to the regime of implementing acts<sup>8</sup>.**

**A. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY**

1. Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS)  
  
Article 9(3)\*
2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)  
  
Article 26(7)  
  
Article 27a(5)
3. Directive No 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)  
  
Article 9b(3)  
  
Article 10(4)  
  
Article 15(4)  
  
Article 17(6)a  
  
Article 19(4)

**B. CLIMATE ACTION**

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020  
  
Article 3(2)
5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC  
  
Article 11a(8)

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<sup>8</sup> For information purposes, provisions referring to the urgency procedure pursuant to Article 8 of Regulation (EU) No 182/2011 are indicated in this Annex with \*\*

Article 16(12)

### **C. ENTERPRISE AND INDUSTRY**

6. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Article 8(1)b in conjunction with Article 9(3)

### **D. ENVIRONMENT**

7. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

Article 46(6)

### **E. STATISTICS**

8. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies

Article 5(1)

9. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

Article 6(3) as to the adoption of “the content and periodicity of the quality reports” in conjunction with Article 15(1)(c) as to the adoption of “the content and periodicity of the quality reports”

10. Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates

Article 6(3) as to the adoption of “the content and periodicity of the quality reports” in conjunction with Article 9(2) (c) as to the definition of “the content and periodicity of the quality reports”

11. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination

Article 7 (4) as to the adoption of “structure of the quality reports” in conjunction with Article 12 (3) (c) as to the definition of the “structure of the quality reports”

12. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises



Article 9(4) as to the adoption of "structure of the quality reports"

13. 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.

Article 4(3) as to the adoption of "content and periodicity of the quality reports"

14. 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)

Article 8(3)

Article 15(5) in conjunction with Article 15(2)(a) as to the definition of "technical format of transmission to Eurostat",

Article 15(5) in conjunction with Article 15(2)(b)

Article 15(5) in conjunction with Article 15(2)(d)

15. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index

Article 8(2) in conjunction with Article 11(f) as to the adoption of "content of quality reports"

16. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

Article 6(2)(c) as to the adoption of "content of quality reports"

## **F. INTERNAL MARKET AND SERVICES**

17. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(2)

## **G. MOBILITY AND TRANSPORT**

18. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Article 10(3)\*\*

19. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

## **H. HEALTH AND CONSUMERS**

20. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products

Article 18(2)

21. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC

Article 17 second subparagraph in conjunction with Article 78(1)(d)

Article 29(4) in conjunction with Article 78(1)(g)

22. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002

Article 40 (c)

Article 40 (d)

Article 40 (e)

Article 41(1)

Article 41(3)

Article 42(2) (d)

Article 45(4)

Article 48(7) (c)

23. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Article 7(2)

Article 10(5)\*

Article 26(3)

24. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Article 18\*\*

25. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

Article 6(1)

Article 6(2)

26. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Article 13(3)

Article 13(4)

Article 17(3) first subparagraph

Article 17(3) second subparagraph (b)

Article 18(5) first subparagraph

Article 18(5) second subparagraph (b)

Article 28(6)(a)(ii)

27. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Article 8(6)

Article 9(4)

28. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Article 3(2)

Article 14(1) first indent

Article 14(1) second indent

Article 15(2)

Article 26(1)

29. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Article 29 second subparagraph i)

30. 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

Article 5(4) as to the adoption of "maximum amounts of vitamins and minerals"

## **ANNEX III**

### **Amendments to Regulation (EC) No 66/2010 of the European Parliament and of the Council, Regulation (EC) No 1221/2009 of the European Parliament and of the Council, Council Directive 97/70/EC, Regulation (EC) No 1333/2008 of the European Parliament and the Council, Directive 2002/46/EC of the European Parliament and the Council and to Council Regulation (EC) No 1257/96**

#### **A. ENVIRONMENT**

- 1) In paragraph 5 of Article 6 of Regulation (EC) No 66/2010, the second subparagraph is deleted.
- 2) Regulation (EC) No 1221/2009 is amended as follows:
  - (a) in Article 16, paragraph 4 is deleted;
  - (b) in Article 30, paragraph 6 is deleted.

#### **B. MOBILITY AND TRANSPORT**

- 3) In point a) of Article 8 of Directive 97/70/EC, the second indent is deleted.

#### **C. HEALTH AND CONSUMERS**

- 4) In Article 23 of Regulation (EC) No 1333/2008, paragraph 4, second sentence is deleted.
- 5) In Article 12 of Directive 2002/46/EC, paragraph 3 is deleted.

#### **D. HUMANITARIAN AID**

- 6) In Article 15 of Regulation (EC) No 1257/96, paragraph 1 is deleted.