COUNCIL REGULATION (EC) No 807/2003

of 14 April 2003

adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 93, 94, 269, 279 and 308 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

After consulting the Court of Auditors concerning Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax [4],

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 [5] has replaced Decision 87/373/EEC [6].

(2) In accordance with the Statement of the Council and of the Commission [7] on Decision 1999/468/EC, the provisions relating to committees which assist the Commission in the exercise of its implementing powers, provided for in application of Decision 87/373/EEC, should be adapted in order to bring align them with the provisions of Articles 3, 4 and 5 of Decision 1999/468/EC.

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

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

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

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

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

(8) This Regulation aims purely at aligning committee procedures. The name of the committees relating to these procedures has, where appropriate, been amended,

HAS ADOPTED THIS REGULATION:

Article 1

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

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(1) OJ C 75 E, 26.3.2000, p. 448.
(2) Opinion of 11 March 2003 (not yet published in the Official Journal).
(3) OJ C 241, 7.10.2002, p. 128.
(4) OJ L 155, 7.6.1989, p. 9.
(5) OJ L 184, 17.7.1999, p. 23.
(6) OJ L 197, 18.7.1987, p. 33.
(7) OJ C 203, 17.7.1999, p 1.

Article 2

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

Article 3

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

Article 4

References to provisions of the instruments in Annexes I, II and III shall be construed as being made to these provisions as adapted by this Regulation.

References made, in this Regulation, to the former names of committees shall be construed as being made to the new names.

Article 5

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

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

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

ANNEX I

ADVISORY PROCEDURE

List of instruments falling under the advisory procedure adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the following amendments:

1. Council Decision 87/95/EEC of 22 December 1986 on standardisation in the field of information technology and telecommunications [1].

   Article 7(1) shall be replaced by the following:

   '1. (a) In its pursuance of the objectives and its management of the activities laid down by this Decision, the Commission shall be assisted by a committee, called the "Senior Officials group on standardisation in the field of Information Technology".

   For telecommunications issues the Commission shall be assisted by the committee called the "Senior Officials group for Telecommunications" referred to in Article 5 of Directive 86/361/EEC.

   (b) Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (*) shall apply.

   (*) OJ L 184, 17.7.1999, p. 23.'

2. Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax [2].

   Article 13(4) shall be replaced by the following:

   '4. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC (*) shall apply.

   (*) OJ L 184, 17.7.1999, p. 23.'

   The following paragraph shall be added:

   '6. The committee shall adopt its rules of procedure.'

[1] OJ L 36, 7.2.1987, p. 31.
[2] OJ L 155, 7.6.1989, p. 9. Regulation as amended by Regulation (EC, Euratom) No 1026/1999 (OJ L 126, 20.5.1999, p. 1).

ANNEX II

MANAGEMENT PROCEDURE

List of instruments falling under the management procedure adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the following amendments:

1. Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe [1].

   Article 9 shall be replaced by the following:

   '*Article 9*

   1. The Commission shall be assisted by a committee referred to as the committee on aid for economic restructuring in the countries referred to in Article 1. An observer from the European Investment Bank shall take part in the committee's proceedings with regard to questions concerning the Bank.

   2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC (*) shall apply.

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

   3. The committee shall adopt its rules of procedure.

   (*) OJ L 184, 17.7.1999, p. 23.'

2. Council Decision 1999/21/EC, Euratom of 14 December 1998 adopting a multiannual framework programme for actions in the energy sector (1998-2002) and connected measures [2].

   Article 4(2) shall be replaced by the following:

   '2. (a) The Commission shall be assisted in the management of this framework programme by a committee.

   (b) Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC (*) shall apply.

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

   (c) The committee shall adopt its rules of procedure.

   (*) OJ L 184, 17.7.1999, p. 23.'

[1] OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2500/2001 (OJ L 342, 27.12.2001, p. 1).
[2] OJ L 7, 13.1.1999, p. 16.

ANNEX III

REGULATORY PROCEDURE

List of instruments falling under the regulatory procedure adapted to the corresponding provisions of Decision 1999/468/EC in accordance with the following amendments:

1. Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [1].

   In Article 27(2), the terms paragraph (4)(a) shall be deleted.

   Article 29 shall be replaced by the following:

   '*Article 29*

   1. The Commission shall be assisted by a committee.

   2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (*) shall apply.

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

   3. The committee shall adopt its rules of procedure.

   (*) OJ L 184, 17.7.1999, p. 23.'

2. Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers [2].

   Article 13 shall be amended as follows:

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

   '1. The Commission shall be assisted by a committee referred to as the "Committee for Adaptation to Technical Progress".'

   (b) Paragraph 3 shall be replaced by the following:

   '3. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (*) shall apply.

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

   (*) OJ L 184, 17.7.1999, p. 23.'

   (c) The following paragraph shall be added:

   '6. The committee shall adopt its rules of procedure.'

[1] OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p. 1).
[2] OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2001/116/EC (OJ L 18, 21.1.2001, p. 1).