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COUNCIL REGULATION (EC) No 806/2003

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 (qualified majority)

(OJ L 122, 16.5.2003, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 138, 5.6.2003, p. 49 (806/2003/EC)

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COUNCIL REGULATION (EC) No 806/2003

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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 (qualified majority)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36, 37 and 133 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]),

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 ([4]) replaced Decision 87/373/EEC ([5]).

(2) In accordance with the statement of the Council and of the Commission ([6]) on Decision 1999/468/EC, the provisions relating to committees which assist the Commission in the exercise of its implementing powers, provided for in Decision 87/373/EEC, should be adapted in order to 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 should therefore be replaced by provisions referring to the advisory procedure laid down in Article 3 of Decision 1999/468/EC.

(6) The provisions of the instruments providing for recourse to type IIa and IIb committee procedures established by Decision 87/373/EEC 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 committee relating to these procedures has, where appropriate, been amended,

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([1]) OJ C 75 E, 26.3.2002, p. 425.
([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 184, 17.7.1999, p. 23.
([5]) OJ L 197, 18.7.1987, p. 33.
([6]) OJ C 203, 17.7.1999, p. 1.

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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.

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 the Annexes I, II and III shall be construed as being made to those 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 20th 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.

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ANNEX I

ADVISORY PROCEDURE

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

1. Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ([1]).

   Article 21 shall be replaced by the following:

   'Article 21

   1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health.

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

2. Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods ([2]).

   Article 8 shall be replaced by the following:

   'Article 8

   1. The Commission shall be assisted by a committee.

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

   3. The Committee shall adopt its Rules of Procedure.

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

3. Council Decision 98/552/EC of 24 September 1998 on the implementation by the Commission of activities relating to the Community market access strategy ([3]).

   Article 3 shall be replaced by the following:

   'Article 3

   1. The Commission shall be assisted by a committee.

   2. In the context of the implementation of the activity referred to in Article 1, Articles 3 and 7 of Decision 1999/468/EC (*) shall apply.

   3. The Committee shall adopt its Rules of Procedure.

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

([1]) OJ L 230, 19.8.1991, p. 1; Directive as last amended by Commission Directive 2002/64/EC (OJ L 189, 18.7.2002, p. 27).
([2]) OJ L 395, 31.12.1992, p. 1; Regulation as last amended by Regulation (EC) No 974/2001 (OJ L 137, 19.5.2001, p. 10).
([3]) OJ L 265, 30.9.1998, p. 31.

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ANNEX II

MANAGEMENT PROCEDURE

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

1. Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ([1]).

   Articles 18 and 19 shall be replaced by the following:

   'Article 18

   The Community Committee shall consist of representatives of the Member States and be chaired by the Commission representative.

   Article 19

   1. The Commission shall be assisted by the Community Committee for the Farm Accountancy Data Network.

   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 one month.

   3. The Community Committee shall adopt its Rules of Procedure.

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

2. Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ([2]).

   Article 13(2) shall be deleted.

   Article 14 shall be replaced by the following:

   'Article 14

   1. The Commission shall be assisted by the Management Committee for Live Plants.

   2. 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 one month.

   3. The Committee shall adopt its Rules of Procedure.

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

3. Council Regulation (EEC) No 1728/74 of 27 June 1974 on the coordination of agricultural research ([3]).

   Article 7(3) shall be deleted.

   Article 8 shall be replaced by the following:

   'Article 8

   1. The Commission shall be assisted by the Standing Committee on Agricultural Research.

   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 one month.

   3. The Committee shall adopt its Rules of Procedure.

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

4. Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ([4]).

([1]) OJ 109, 23.6.1965, p. 1859/65; Regulation as last amended by Regulation (EC) No 1256/97 (OJ L 174, 2.7.1997, p. 7).
([2]) OJ L 55, 2.3.1968, p. 1; Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).
([3]) OJ L 182, 5.7.1974, p. 1; Regulation as last amended by the 1994 Act of Accession.
([4]) OJ L 282, 1.11.1975, p. 49; Regulation as last amended by Commission Regulation (EC) No 493/2002 (OJ L 77, 20.3.2002, p. 7).