

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

Article 1

Overall objective

1 With a view to meeting the requirements of Directive 75/442/EEC, and in particular Articles 3 and 4 thereof, the aim of this Directive is, by way of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

2 In respect of the technical characteristics of landfills, this Directive contains, for those landfills to which Directive 96/61/EC is applicable, the relevant technical requirements in order to elaborate in concrete terms the general requirements of that Directive. The relevant requirements of Directive 96/61/EC shall be deemed to be fulfilled if the requirements of this Directive are complied with.

Article 2

Definitions

For the purposes of this Directive:

- (a) ‘*waste*’ means any substance or object which is covered by Directive 75/442/EEC;
- (b) ‘*municipal waste*’ means waste from households, as well as other waste which, because of its nature or composition, is similar to waste from household;
- (c) ‘*hazardous waste*’ means any waste which is covered by Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste⁽¹⁾
- (d) ‘*non-hazardous waste*’ means waste which is not covered by paragraph (c);
- (e) ‘*inert waste*’ means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;
- (f) ‘*underground storage*’ means a permanent waste storage facility in a deep geological cavity such as a salt or potassium mine;
- (g) ‘*landfill*’ means a waste disposal site for the deposit of the waste onto or into land (i.e. underground), including:
 - internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production), and
 - a permanent site (i.e. more than one year) which is used for temporary storage of waste,

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but excluding:

- facilities where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere, and
 - storage of waste prior to recovery or treatment for a period less than three years as a general rule, or
 - storage of waste prior to disposal for a period less than one year;
- (h) ‘*treatment*’ means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;
- (i) ‘*leachate*’ means any liquid percolating through the deposited waste and emitted from or contained within a landfill;
- (j) ‘*landfill gas*’ means all the gases generated from the landfilled waste;
- (k) ‘*eluate*’ means the solution obtained by a laboratory leaching test;
- (l) ‘*operator*’ means the natural or legal person responsible for a landfill in accordance with the internal legislation of the Member State where the landfill is located; this person may change from the preparation to the after-care phase;
- (m) ‘*biodegradable waste*’ means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard;
- (n) ‘*holder*’ means the producer of the waste or the natural or legal person who is in possession of it;
- (o) ‘*applicant*’ means any person who applies for a landfill permit under this Directive;
- (p) ‘*competent authority*’ means that authority which the Member States designate as responsible for performing the duties arising from this Directive;
- (q) ‘*liquid waste*’ means any waste in liquid form including waste waters but excluding sludge;
- (r) ‘*isolated settlement*’ means a settlement:
- with no more than 500 inhabitants per municipality or settlement and no more than five inhabitants per square kilometre and,
 - where the distance to the nearest urban agglomeration with at least 250 inhabitants per square kilometre is not less than 50 km, or with difficult access by road to those nearest agglomerations, due to harsh meteorological conditions during a significant part of the year.

Article 3

Scope

- 1 Member States shall apply this Directive to any landfill as defined in Article 2(g).
- 2 Without prejudice to existing Community legislation, the following shall be excluded from the scope of this Directive:
- the spreading of sludges, including sewage sludges, and sludges resulting from dredging operations, and similar matter on the soil for the purposes of fertilisation or improvement,

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- the use of inert waste which is suitable, in redevelopment/restoration and filling-in work, or for construction purposes, in landfills,
- the deposit of non-hazardous dredging sludges alongside small waterways from where they have been dredged out and of non-hazardous sludges in surface water including the bed and its sub soil,
- the deposit of unpolluted soil or of non-hazardous inert waste resulting from prospecting and extraction, treatment, and storage of mineral resources as well as from the operation of quarries.

3 Without prejudice to Directive 75/442/EEC Member States may declare at their own option, that the deposit of non-hazardous waste, to be defined by the committee established under Article 17 of this Directive, other than inert waste, resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries and which are deposited in a manner preventing environmental pollution or harm to human health, can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 of this Directive.

4 Without prejudice to Directive 75/442/EEC Member States may declare, at their own option, parts or all of Articles 6(d), 7(i), 8(a)(iv), 10, 11(1)(a), (b) and (c), 12(a) and (c), Annex I, points 3 and 4, Annex II (except point 3, level 3, and point 4) and Annex III, points 3 to 5 to this Directive not applicable to:

- a landfill sites for non-hazardous or inert wastes with a total capacity not exceeding 15 000 tonnes or with an annual intake not exceeding 1 000 tonnes serving islands, where this is the only landfill on the island and where this is exclusively destined for the disposal of waste generated on that island. Once the total capacity of that landfill has been used, any new landfill site established on the island shall comply with the requirements of this Directive;
- b landfill sites for non-hazardous or inert waste in isolated settlements if the landfill site is destined for the disposal of waste generated only by that isolated settlement.

Not later than two years after the date laid down in Article 18(1), Member States shall notify the Commission of the list of islands and isolated settlements that are exempted. The Commission shall publish the list of islands and isolated settlements.

5 Without prejudice to Directive 75/442/EEC Member States may declare, at their own option, that underground storage as defined in Article 2(f) of this Directive can be exempted from the provisions in Article 13(d) and in Annex I, point 2, except first indent, points 3 to 5 and in Annex III, points 2, 3 and 5 to this Directive.

Article 4

Classes of landfill

Each landfill shall be classified in one of the following classes:

- landfill for hazardous waste,
- landfill for non-hazardous waste,
- landfill for inert waste.

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Article 5

Waste and treatment not acceptable in landfills

1 Member States shall set up a national strategy for the implementation of the reduction of biodegradable waste going to landfills, not later than two years after the date laid down in Article 18(1) and notify the Commission of this strategy. This strategy should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production or materials/energy recovery. Within 30 months of the date laid down in Article 18(1) the Commission shall provide the European Parliament and the Council with a report drawing together the national strategies.

2 This strategy shall ensure that:

- a not later than five years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available
- b not later than eight years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available;
- c not later than 15 years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available.

Two years before the date referred to in paragraph (c) the Council shall reexamine the above target, on the basis of a report from the Commission on the practical experience gained by Member States in the pursuance of the targets laid down in paragraphs (a) and (b) accompanied, if appropriate, by a proposal with a view to confirming or amending this target in order to ensure a high level of environmental protection.

Member States which in 1995 or the latest year before 1995 for which standardised EUROSTAT data is available put more than 80 % of their collected municipal waste to landfill may postpone the attainment of the targets set out in paragraphs (a), (b), or (c) by a period not exceeding four years. Member States intending to make use of this provision shall inform in advance the Commission of their decision. The Commission shall inform other Member States and the European Parliament of these decisions.

The implementation of the provisions set out in the preceding subparagraph may in no circumstances lead to the attainment of the target set out in paragraph (c) at a date later than four years after the date set out in paragraph (c).

3 Member States shall take measures in order that the following wastes are not accepted in a landfill:

- a liquid waste;
- b waste which, in the conditions of landfill, is explosive, corrosive, oxidising, highly flammable or flammable, as defined in Annex III to Directive 91/689/EEC;
- c hospital and other clinical wastes arising from medical or veterinary establishments, which are infectious as defined (property H9 in Annex III) by Directive 91/689/EEC and waste falling within category 14 (Annex I.A) of that Directive.

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- d whole used tyres from two years from the date laid down in Article 18(1), excluding tyres used as engineering material, and shredded used tyres five years from the date laid down in Article 18(1) (excluding in both instances bicycle tyres and tyres with an outside diameter above 1 400 mm);
- e any other type of waste which does not fulfil the acceptance criteria determined in accordance with Annex II.

4 The dilution of mixture of waste solely in order to meet the waste acceptance criteria is prohibited.

Article 6

Waste to be accepted in the different classes of landfill

Member States shall take measures in order that:

- (a) only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of this Directive, as set out in Article 1, by reducing the quantity of the waste or the hazards to human health or the environment;
- (b) only hazardous waste that fulfils the criteria set out in accordance with Annex II is assigned to a hazardous landfill;
- (c) landfill for non-hazardous waste may be used for:
 - (i) municipal waste;
 - (ii) non-hazardous waste of any other origin, which fulfil the criteria for the acceptance of waste at landfill for non-hazardous waste set out in accordance with Annex II;
 - (iii) stable, non-reactive hazardous wastes (e.g. solidified, vitrified), with leaching behaviour equivalent to those of the non-hazardous wastes referred to in point (ii), which fulfil the relevant acceptance criteria set out in accordance with Annex II. These hazardous wastes shall not be deposited in cells destined for biodegradable non-hazardous waste,
- (d) inert waste landfill sites shall be used only for inert waste.

Article 7

Application for a permit

Member States shall take measures in order that the application for a landfill permit must contain at least particulars of the following:

- (a) the identity of the applicant and of the operator when they are different entities;
- (b) the description of the types and total quantity of waste to be deposited;
- (c) the proposed capacity of the disposal site;
- (d) the description of the site, including its hydrogeological and geological characteristics;

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- (e) the proposed methods for pollution prevention and abatement;
- (f) the proposed operation, monitoring and control plan;
- (g) the proposed plan for the closure and after-care procedures;
- (h) where an impact assessment is required under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁽²⁾, the information provided by the developer in accordance with Article 5 of that Directive;
- (i) the financial security by the applicant, or any other equivalent provision, as required under Article 8(a)(iv) of this Directive.

Following a successful application for a permit, this information shall be made available to the competent national and Community statistical authorities when requested for statistical purposes.

Article 8

Conditions of the permit

Member States shall take measures in order that:

- (a) the competent authority does not issue a landfill permit unless it is satisfied that:
 - (i) without prejudice to Article 3(4) and (5), the landfill project complies with all the relevant requirements of this Directive, including the Annexes;
 - (ii) the management of the landfill site will be in the hands of a natural person who is technically competent to manage the site; professional and technical development and training of landfill operators and staff are provided;
 - (iii) the landfill shall be operated in such a manner that the necessary measures are taken to prevent accidents and limit their consequences;
 - (iv) adequate provisions, by way of a financial security or any other equivalent, on the basis of modalities to be decided by Member States, has been or will be made by the applicant prior to the commencement of disposal operations to ensure that the obligations (including after-care provisions) arising under the permit issued under the provisions of this Directive are discharged and that the closure procedures required by Article 13 are followed. This security or its equivalent shall be kept as long as required by maintenance and after-care operation of the site in accordance with Article 13(d). Member States may declare, at their own option, that this point does not apply to landfills for inert waste;
- (b) the landfill project is in line with the relevant waste management plan or plans referred to in Article 7 of Directive 75/442/EEC;
- (c) prior to the commencement of disposal operations, the competent authority shall inspect the site in order to ensure that it complies with the relevant conditions of the permit. This will not reduce in any way the responsibility of the operator under the conditions of the permit.

Article 9

Content of the permit

Specifying and supplementing the provisions set out in Article 9 of Directive 75/442/EEC and Article 9 of Directive 96/61/EC, the landfill permit shall state at least the following:

- (a) the class of the landfill;
- (b) the list of defined types and the total quantity of waste which are authorised to be deposited in the landfill;
- (c) requirements for the landfill preparations, landfilling operations and monitoring and control procedures, including contingency plans (Annex III, point 4.B), as well as provisional requirements for the closure and after-care operations;
- (d) the obligation on the applicant to report at least annually to the competent authority on the types and quantities of waste disposed of and on the results of the monitoring programme as required in Articles 12 and 13 and Annex III.

Article 10

Cost of the landfill of waste

Member States shall take measures to ensure that all of the costs involved in the setting up and operation of a landfill site, including as far as possible the cost of the financial security or its equivalent referred to in Article 8(a)(iv), and the estimated costs of the closure and after-care of the site for a period of at least 30 years shall be covered by the price to be charged by the operator for the disposal of any type of waste in that site. Subject to the requirements of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment⁽³⁾ Member States shall ensure transparency in the collection and use of any necessary cost information.

Article 11

Waste acceptance procedures

1 Member States shall take measures in order that prior to accepting the waste at the landfill site:

- a before or at the time of delivery, or of the first in a series of deliveries, provided the type of waste remains unchanged, the holder or the operator can show, by means of the appropriate documentation, that the waste in question can be accepted at that site according to the conditions set in the permit, and that it fulfils the acceptance criteria set out in Annex II;
- b the following reception procedures are respected by the operator:
 - checking of the waste documentation, including those documents required by Article 5(3) of Directive 91/689/EEC and, where they apply, those required by Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽⁴⁾;

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- visual inspection of the waste at the entrance and at the point of deposit and, as appropriate, verification of conformity with the description provided in the documentation submitted by the holder. If representative samples have to be taken in order to implement Annex II, point 3, level 3, the results of the analyses shall be kept and the sampling shall be made in conformity with Annex II, point 5. These samples shall be kept at least one month;
 - keeping a register of the quantities and characteristics of the waste deposited, indicating origin, date of delivery, identity of the producer or collector in the case of municipal waste, and, in the case of hazardous waste, the precise location on the site. This information shall be made available to the competent national and Community statistical authorities when requested for statistical purposes;
- c the operator of the landfill shall always provide written acknowledgement of receipt of each delivery accepted on the site;
- d without prejudice to the provisions of Regulation (EEC) No 259/93, if waste is not accepted at a landfill the operator shall notify without delay the competent authority of the non-acceptance of the waste.

2 For landfill sites which have been exempted from provisions of this Directive by virtue of Article 3(4) and (5), Member States shall take the necessary measures to provide for:

- regular visual inspection of the waste at the point of deposit in order to ensure that only non-hazardous waste from the island or the isolated settlement is accepted at the site; and
- a register on the quantities of waste that are deposited at the site be kept.

Member States shall ensure that information on the quantities and, where possible, the type of waste going to such exempted sites forms part of the regular reports to the Commission on the implementation of the Directive.

Article 12

Control and monitoring procedures in the operational phase

Member States shall take measures in order that control and monitoring procedures in the operational phase meet at least the following requirements:

- (a) the operator of a landfill shall carry out during the operational phase a control and monitoring programme as specified in Annex III;
- (b) the operator shall notify the competent authority of any significant adverse environmental effects revealed by the control and monitoring procedures and follow the decision of the competent authority on the nature and timing of the corrective measures to be taken. These measures shall be undertaken at the expense of the operator.

At a frequency to be determined by the competent authority, and in any event at least once a year, the operator shall report, on the basis of aggregated data, all monitoring results to the competent authorities for the purpose of demonstrating compliance with permit conditions and increasing the knowledge on waste behaviour in the landfills;

- (c) the quality control of the analytical operations of the control and monitoring procedures and/or of the analyses referred to in Article 11(1)(b) are carried out by competent laboratories.

Article 13

Closure and after-care procedures

Member States shall take measures in order that, in accordance, where appropriate, with the permit:

- (a) a landfill or part of it shall start the closure procedure:
 - (i) when the relevant conditions stated in the permit are met; or
 - (ii) under the authorisation of the competent authority, at the request of the operator; or
 - (iii) by reasoned decision of the competent authority;
- (b) a landfill or part of it may only be considered as definitely closed after the competent authority has carried out a final on-site inspection, has assessed all the reports submitted by the operator and has communicated to the operator its approval for the closure. This shall not in any way reduce the responsibility of the operator under the conditions of the permit;
- (c) after a landfill has been definitely closed, the operator shall be responsible for its maintenance, monitoring and control in the after-care phase for as long as may be required by the competent authority, taking into account the time during which the landfill could present hazards.

The operator shall notify the competent authority of any significant adverse environmental effects revealed by the control procedures and shall follow the decision of the competent authority on the nature and timing of the corrective measures to be taken;
- (d) for as long as the competent authority considers that a landfill is likely to cause a hazard to the environment and without prejudice to any Community or national legislation as regards liability of the waste holder, the operator of the site shall be responsible for monitoring and analysing landfill gas and leachate from the site and the groundwater regime in the vicinity of the site in accordance with Annex III.

Article 14

Existing landfill sites

Member States shall take measures in order that landfills which have been granted a permit, or which are already in operation at the time of transposition of this Directive, may not continue to operate unless the steps outlined below are accomplished as soon as possible and within eight years after the date laid down in Article 18(1) at the latest:

- (a) with a period of one year after the date laid down in Article 18(1), the operator of a landfill shall prepare and present to the competent authorities, for their approval, a conditioning plan for the site including the particulars listed in Article 8 and any corrective measures which the operator considers will be needed in order to comply with the requirements of this Directive with the exception of the requirements in Annex I, point 1;

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- (b) following the presentation of the conditioning plan, the competent authorities shall take a definite decision on whether operations may continue on the basis of the said conditioning plan and this Directive. Member States shall take the necessary measures to close down as soon as possible, in accordance with Article 7(g) and 13, sites which have not been granted, in accordance with Article 8, a permit to continue to operate;
- (c) on the basis of the approved site-conditioning plan, the competent authority shall authorise the necessary work and shall lay down a transitional period for the completion of the plan. Any existing landfill shall comply with the requirements of this Directive with the exception of the requirements in Annex I, point 1 within eight years after the date laid down in Article 18(1);
- (d)
 - (i) within one year after the date laid down in Article 18(1), Articles 4, 5, and 11 and Annex II shall apply to landfills for hazardous waste;
 - (ii) within three years after the date laid down in Article 18(1), Article 6 shall apply to landfills for hazardous waste.

Article 15

Obligation to report

At intervals of three years Member States shall send to the Commission a report on the implementation of this Directive, paying particular attention to the national strategies to be set up in pursuance of Article 5. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC⁽⁵⁾. The questionnaire or outline shall be sent to Member States six months before the start of the period covered by the report. The report shall be sent to the Commission within nine months of the end of the three-year period covered by it.

The Commission shall publish a Community report on the implementation of this Directive within nine months of receiving the reports from the Member States.

[^{F1}Article 16

Committee procedure

Measures necessary to adapt the Annexes to this Directive to scientific and technical progress and to establish 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 Committee shall take into account the general principles and general procedures for testing and acceptance criteria set out in Annex II and shall set specific criteria and/or test methods and associated limit values for each class of landfill, including if necessary specific types of landfill within each class, including underground storage.

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

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Textual Amendments

- F1** Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

[^{F2}Article 17

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⁽⁶⁾ 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.

[^{F13} 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.]]

Textual Amendments

- F1** Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.
- F2** Substituted by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.

Article 18

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than two years after its entry into force. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

2 Member States shall communicate the texts of the provisions of national law which they adopt in the field covered by this Directive to the Commission.

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Article 19

Entry into force

This Directive will enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 20

Addressees

This Directive is addressed to the Member States.

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- (1) [OJ L 377, 31.12.1991, p. 20](#). Directive as last amended by Directive 94/31/EC ([OJ L 168, 2.7.1994, p. 28](#));
- (2) [OJ L 175, 5.7.1985, p. 40](#). Directive as amended by Directive 97/11/EC ([OJ L 73, 14.3.1997, p. 5](#)).
- (3) [OJ L 158, 23.6.1990, p. 56](#).
- (4) [OJ L 30, 6.2.1993, p. 1](#). Regulation as amended by Regulation (EC) No 120/97 ([OJ L 22, 24.1.1997, p. 14](#)).
- (5) [OJ L 377, 31.12.1991, p. 48](#).
- (6) [^{F2}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](#)).]

Textual Amendments

- F2** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003](#) adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.