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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

28 April 2003

(2003/C 102/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1025	LVL	Latvian lats	0,6344
JPY	Japanese yen	132,54	MTL	Maltese lira	0,4252
DKK	Danish krone	7,4245	PLN	Polish zloty	4,274
GBP	Pound sterling	0,6914	ROL	Romanian leu	36 685
SEK	Swedish krona	9,1337	SIT	Slovenian tolar	232,5525
CHF	Swiss franc	1,5039	SKK	Slovak koruna	40,965
ISK	Iceland króna	82,85	TRL	Turkish lira	1 749 000
NOK	Norwegian krone	7,756	AUD	Australian dollar	1,7759
BGN	Bulgarian lev	1,9462	CAD	Canadian dollar	1,5951
CYP	Cyprus pound	0,5877	HKD	Hong Kong dollar	8,5989
CZK	Czech koruna	31,556	NZD	New Zealand dollar	1,9776
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,9589
HUF	Hungarian forint	245,55	KRW	South Korean won	1 348,03
LTL	Lithuanian litas	3,4531	ZAR	South African rand	7,8511

⁽¹⁾ Source: reference exchange rate published by the ECB.

AGREEMENT**between the European Atomic Energy Community (Euratom) and non-member States of the European Union on the participation of the latter in the Community arrangements for the early exchange of information in the event of radiological emergency (Ecurie)**

(2003/C 102/02)

THE PARTIES TO THIS AGREEMENT,

Whereas Council Decision 87/600/Euratom created a framework, in the form of the Ecurie arrangements, for the Early exchange of information in the event of a radiological emergency.

Whereas the efficiency of the Ecurie arrangements will be improved if third countries and in particular the neighbouring countries of the European Union participate.

Whereas Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic, Slovenia, Switzerland and Turkey, hereinafter 'the Participating Countries', should be invited to become party to this Agreement,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope**

The Agreement relates to notification arrangements and the exchange of information in all instances in which one of the Participating Countries or a Member State of Euratom decides to take measures of a widespread nature to protect the general public in the event of a radiological emergency resulting from:

(a) an accident occurring within its territory involving any of the following installations or in connection with any of the following fields of activity:

- any nuclear reactor, wherever located,
- any other nuclear fuel cycle facility,
- any radioactive waste management facility,
- the transport and storage of nuclear fuels or radioactive waste,
- the production, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific or research purposes,
- the use of radioisotopes for the generation of energy in space objects;

or

(b) any other accidents as a result of which a significant release of radioactive material has occurred or is likely to occur;

or

(c) the detection, within or outside its territory, of abnormal levels of radioactivity which are likely to be detrimental to public health.

*Article 2***Exchange of information where measures referred to in Article 1 are taken within the territory of a Participating Country or in a Member State of Euratom**

1. If one of the Participating Countries decides to take any of the measures referred to in Article 1, that Country shall promptly provide the Commission of the European Communities, (hereinafter the Commission), with information relevant to the minimising of any foreseen radiological consequence. The Commission shall promptly inform the Member States of Euratom and the other Participating Countries.
2. When a Member State of Euratom has decided to take any such measure and has informed the Commission thereof, the Commission shall promptly inform the Participating Countries.

*Article 3***The information provided for in Article 2**

The information to be provided in accordance with Article 2 shall, where practicable and appropriate, include the following:

- (a) the nature and time of the event, its exact location and the facility or activity involved;
- (b) the assumed or established cause and the foreseeable development of the accident as regards the release of radioactive materials;
- (c) the general characteristics of the radioactive release, including the nature, the probable physical and chemical form, the quantity, composition and effective height of the radioactive release;
- (d) information on current and forecast meteorological and hydrological conditions necessary for forecasting the dispersion of the radioactive release;
- (e) the results of environmental monitoring;
- (f) the results of measurements of the levels of radioactivity in foodstuffs, feedingstuffs and drinking water;
- (g) the protective measures taken or planned;
- (h) the measures taken, or planned, to inform the public;
- (i) the predicted behaviour over time of the radioactive release.

At appropriate intervals thereafter, the Participating Country concerned shall provide the Commission with any other information which may be of use, particularly with respect to the further development of the situation and the foreseeable or actual end of the emergency.

*Article 4***Conditions of exchange of information**

1. Upon receipt of the information referred to in Articles 2 and 3, the Commission shall, while taking account of the information received from the Member States of Euratom:
 - (a) promptly inform the Participating Countries of measures taken and recommendations issued following the receipt of such information;
 - (b) inform the Participating Countries, at appropriate intervals thereafter, of levels of radioactivity in foodstuffs, feedingstuffs, drinking water and the environment recorded by monitoring facilities in the Member States of Euratom and in the Participating Countries.

2. Upon receipt of the information referred to in Articles 2 and 3 above, the Participating Countries shall:

- (a) promptly inform the Commission of measures taken and recommendations issued following the receipt of such information;
- (b) inform the Commission, at appropriate intervals thereafter, of levels of radioactivity recorded by their monitoring facilities in foodstuffs, feedingstuffs, drinking water and the environment.

Article 5

Restrictions

The Participating Countries shall not be obliged to provide the Commission with information which would jeopardise national security, and the Commission shall not pass on to the Participating Countries any information provided by a Member State of Euratom or by any party to the Agreement if such information was made available on a confidential basis.

Article 6

Technical arrangements

1. The existing detailed Ecurie arrangements for the exchange of information referred to in Articles 2, 3 and 4 shall be implemented by the Participating Countries within three months of the date of their signature of this Agreement.

2. Thereafter, detailed arrangements for the exchange of information referred to in Articles 2, 3 and 4 shall be laid down by joint Agreement between the Participating Countries, the Commission and the Member States of Euratom and tested at regular intervals. Each party shall bear its own costs in respect of the implementation of those arrangements.

Article 7

Competent authorities and points of contact

1. The Participating Countries shall indicate to the Commission the competent authority and the point of contact designated to forward and receive the information referred to in Articles 2, 3 and 4, as well as their contact information. The Commission shall inform the Participating Countries as to which of its departments is the competent authority or the contact point.

2. The contact points in the Participating Countries and the relevant department of the Commission shall be available on a 24-hour basis.

Article 8

Meetings

1. The Participating Countries shall be invited to meetings of the group set up by the Commission for the management of the Ecurie arrangements.

2. That group may decide to invite representatives from Participating Countries to attend meetings of any working groups which are set up.

3. The representatives from the Participating Countries shall have observer status, and any expenses arising in that connection shall be borne by their national authorities.

Article 9

Ecurie arrangements and other international conventions in the same field

This Agreement shall not affect the rights and obligations of the Participating Countries and of the Euratom Community deriving from bilateral or multilateral Agreements or conventions which are currently in force or to be concluded in the areas covered by the present Agreement and which are in keeping with its objective.

*Article 10***Entry into force (*)**

1. Following signature of this Agreement by Euratom, the Agreement shall be open for ratification by the Republic of Bulgaria, the Republic of Cyprus, the Czech Republic, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, Romania, the Slovak Republic, the Republic of Slovenia, the Swiss Confederation and the Republic of Turkey. To that effect, Euratom shall transmit certified copies of the Agreement to those countries for signature. Euratom may invite other countries to become a party to this Agreement.
2. The Commission shall be depository of this Agreement.
3. This Agreement shall enter into force three months after at least one of the countries named above has acceded to it. For each Country acceding to this Agreement after its entry into force, the Agreement shall enter into force three months later.
4. Each acceding country shall inform the Commission about the termination of its internal procedures regarding the conclusion of this Agreement. The Commission shall inform the other parties to this Agreement about the accession of a new party, including the date on which the Agreement is to take effect for that party.
5. Each acceding country shall provisionally participate as a member of the Ecurie arrangements from the date on which the Commission receives a certified copy of this Agreement duly signed by the national authority invested with the requisite powers, as well as the contact information requested under Article 7 for its full implementation.

*Article 11***Termination conditions**

1. If a Party decides to terminate this Agreement, such termination shall be notified in writing to the other Parties. At the end of a three-month period from the date of notification, this Agreement shall cease to have legal effects between the Party which decides termination and the other Parties to this Agreement. The date of termination shall depend on the date of notification to the Commission. The Commission shall inform the other Parties to this Agreement of the relevant date.
2. Upon the accession of a Participating Country to the European Union, Council Decision 87/600/Euratom shall apply and this Agreement shall cease to have individual effect for that country.
3. This Agreement shall cease to exist if Euratom decides to withdraw from this Agreement in accordance with the conditions laid down in paragraph 1.

*Article 12***Provisions concerning Switzerland**

The Agreement concluded in the form of an exchange of letters between Euratom and Switzerland on 21 June 1995 (OJ C 335, 13.12.1995, p. 4) shall be repealed with effect from the date of entry into force of this Agreement for Switzerland after its accession to this Agreement.

Done at Brussels, 29 January 2003.

*For the Commission of the European Atomic
Energy Community*

Margot WALLSTRÖM

Member of the Commission

(*) A notice will be published in the *Official Journal of the European Union* once all the ratifications have been notified to the Commission.

Notice of initiation of an accelerated review of Council Regulation (EC) No 2164/98 imposing a definitive countervailing duty on imports of certain broad spectrum antibiotics originating in India

(2003/C 102/03)

The Commission has received an application for an accelerated review pursuant to Article 20 of Council Regulation (EC) No 2026/97⁽¹⁾ ('the basic Regulation'), as amended by Regulation (EC) No 1973/2002⁽²⁾, with regard to imports of certain broad spectrum antibiotics originating in India, subject to a definitive countervailing duty imposed by Council Regulation (EC) No 2164/98⁽³⁾.

1. Request for review

The application was lodged by Nestor Pharmaceuticals Limited ('the applicant'), an exporting producer in India.

2. Product

The product under review is amoxicillin trihydrate, ampicillin trihydrate and cefalexin not put in measured doses or in forms or packings for retail sale originating in India ('the product concerned'), currently classifiable within CN codes ex 2941 10 10, ex 2941 10 20 and ex 2941 90 00. These CN codes are given for information only.

3. Existing measures

The measures currently in force are a definitive countervailing duty imposed by Council Regulation (EC) No 2164/98, under which imports into the Community of certain broad spectrum antibiotics originating in India, including those produced by the applicant, are subject to a definitive countervailing duty of 14,6 %, with the exception of several companies specifically mentioned which are subject to individual duty rates.

4. Grounds for the review

The applicant alleges that it was not investigated during the period of investigation on which the countervailing measures were based, i.e. the period from 1 July 1996 to 30 June 1997 ('the original investigation period') for reasons other than the refusal to cooperate. The applicant alleges that it did not export the product concerned to the Community during the original investigation period, and that it is not related to any of the exporting producers of the product which are subject to the existing measure.

On the basis of the above, it has requested that an individual duty rate be established for it.

5. Procedure

Community producers known to be concerned have been informed of the above application and been given an opportunity to comment. No comments have been received.

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an accelerated review, the Commission hereby initiates a review in accordance with Article 20 of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant and may request relevant information from other interested parties.

(b) Collection of information and holding of hearings

Interested parties, provided they can show that they are likely to be affected by the results of the review, are hereby invited to present their views in writing, and submit the replies to the questionnaire mentioned in paragraph 5(a) of this notice or any other information to be taken into account during the review. This information and supporting evidence must reach the Commission within the time limit set in paragraph 6(a) of this notice.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in paragraph 6(b) of this notice.

6. Time limits

(a) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 4.

⁽³⁾ OJ L 273, 9.10.1998, p. 1.

(b) Hearings

All interested parties may also apply to be heard by the Commission within the same 40 day time limit.

J-79 — 05/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex: COMEU B 21877.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate B

8. Non-cooperation

In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 28 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available.

Amendment by France of public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, on the one hand, and Marseille and Nice, on the other

(2003/C 102/04)

(Text with EEA relevance)

1. France, acting pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 on access for Community air carriers to intra-Community air routes, has decided to amend the public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, on the one hand, and Marseille and Nice, on the other, as published in the *Official Journal of the European Communities* C 9 of 15 January 2003, page 4.

2. The said public service obligations are amended as follows:

On scheduled flights between Marseille and Nice, on the one hand, and Ajaccio and Bastia, on the other, the maximum fare for the categories of passengers listed in point in 2.2 of the abovementioned publication is EUR 93.

Prior notification of a concentration
(Case COMP/M.3156 — EADS/Astrium (II))

(2003/C 102/05)

(Text with EEA relevance)

1. On 16 April 2003 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking European Aeronautic Defence and Space Company EADS NV (EADS), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the undertaking Astrium NV (Astrium), by way of purchase of shares. This transaction is a modification of the transaction notified on 21 November 2002 under COMP/M.2924 which was not implemented.

2. The business activities of the undertakings concerned are:

— EADS: research, design, development, procurement, manufacture, modification, assembly, integration, testing, marketing, sale, supply, servicing and support of commercial aircraft, telecommunications equipment, civil and military helicopters, space vehicles and orbital infrastructures, guided weapons and guided weapons subsystems, drones, military aircraft and defence electronics and systems,

— Astrium: design, development and manufacture and supply of space systems, including satellites and their payloads, subsystems for launchers and manned space flight vehicles, ground stations, and various other subsystems and technologies.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3156 — EADS/Astrium (II), to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Prior notification of a concentration**(Case COMP/M.3161 — CVRD/Caemi)**

(2003/C 102/06)

(Text with EEA relevance)

1. On 22 April 2003 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Companhia Vale do Rio Doce (CVRD), Brazil, acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the undertaking Caemi Mineração e Metalurgia SA (Caemi), Brazil, currently jointly controlled by CVRD and the Japanese company Mitsui & Co, Ltd, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— CVRD: mining activities and related logistics operations,

— Caemi: mining activities and related logistics operations.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3161 — CVRD/Caemi, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Non-opposition to a notified concentration**(Case COMP/M.2275 — Pepsico/Quaker)**

(2003/C 102/07)

(Text with EEA relevance)

On 27 March 2001, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 301M2275. CELEX is the computerised documentation system of European Community law.

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EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 11 April 2003

at the request of the Council of the European Union on a proposal for a Council decision on the statistical data to be used for the adjustment of the key for subscription to the capital of the European Central Bank

(CON/2003/5)

(2003/C 102/08)

1. On 24 March 2003, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Council decision on the statistical data to be used for the adjustment of the key for subscription to the capital of the ECB (the draft decision).
2. The ECB's competence to deliver an opinion is based on Article 107(6) of the Treaty establishing the European Community. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council of the ECB has adopted this opinion.
3. The objective of the draft decision is to define the rules which the Commission must follow when providing statistical data to be used for the quinquennial adjustments of the weightings of the national central banks in the key for subscription to the ECB's capital. It will replace Council Decision 98/382/EC of 5 June 1998 on the statistical data to be used for the determination of the key for subscription of the capital of the European Central Bank ⁽¹⁾, which is limited to the determination of the initial key. The main differences between this Decision and the draft decision are that the latter: (i) establishes a permanent regime which will not only cover the future regular adjustments of the key but also future adjustments triggered by the enlargement of the European System of Central Banks upon accession of new Member States to the European Union; (ii) takes into account the most recent developments in statistical methodology, in particular the European system of Integrated Economic Accounts as adopted by the Council in its Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community ⁽²⁾.
4. The ECB welcomes the draft decision, in particular, the establishment of a regime which does not only provide for the next and future regular adjustments of the key but also those which will be necessary upon any enlargement. Moreover, the ECB supports the principle that the Commission (EUROSTAT) will continue to collect the statistical data in accordance with established procedures. It regards as important the validation of the data by the Statistical Programme Committee set up by Council Decision 89/382/EEC ⁽³⁾ as regards data on population, and of the Committee set up by Council Directive 89/130/EEC ⁽⁴⁾ as regards data on gross domestic product. Finally, it welcomes the provision by the Commission of the relevant data for all Member States separately not later than two months before the date on which the adjustment of weightings of the national central banks in the key for subscription to the capital of the ECB takes effect.
5. This opinion shall be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 11 April 2003.

The President of the ECB

Willem F. DUISENBERG

⁽¹⁾ OJ L 171, 17.6.1998, p. 33.

⁽²⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 359/2002 of the European Parliament and of the Council (OJ L 58, 28.2.2002, p. 1).

⁽³⁾ Council Decision 89/382/EEC, Euratom, of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities (OJ L 181, 28.6.1989, p. 47).

⁽⁴⁾ Council Directive 89/130/EEC, Euratom, of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices (OJ L 49, 21.2.1989, p. 26).

III

(Notices)

COUNCIL

Texts published in the *Official Journal of the European Union* C 102 E

(2003/C 102/09)

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⁽¹⁾ Text with EEA relevance