

Foodstuffs intended for particular nutritional uses. Recast

2008/0003(COD) - 16/01/2008 - Legislative proposal

PURPOSE: recast of the Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses. (adaptation to the new regulatory procedure with scrutiny).

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the codification of Directive 89/398/EEC has been initiated by the Commission, and a relevant proposal has been submitted to the legislative authority (see [COD/2004/0090](#)). The new Directive was to have superseded the various acts incorporated in it.

In the meantime, Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty (the co-decision procedure), including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

In accordance with the joint statement of the European Parliament, the Council and the Commission on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the co-decision procedure which are already in force, those instruments must be adjusted in accordance with the applicable procedures. The Commission feels that it is therefore appropriate to transform the codification of Directive 89/398/EEC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.