

Genetically modified food and feed: implementing powers conferred on the Commission

2006/0307(COD) - 11/03/2008 - Final act

PURPOSE: to amend Regulation 1829/2003/EC on genetically modified food and feed by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Regulation (EC) No 298/2008 of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that:

- the draft exceeds the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim;
- the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The Commission, in accordance with the regulatory procedure with scrutiny, will :

- define whether a type of food or feed falls within the scope of Regulation (EC) No 1829/2003;
- lower the thresholds for the labelling of the adventitious and technically unavoidable presence of material which contains, consists of or is produced from genetically modified organisms and for the adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk assessment in food and feed;
- to adopt measures regarding certain labelling and information requirements incumbent on operators and mass caterers.

ENTRY INTO FORCE: 10/04/2008.