

Foodstuffs intended for particular nutritional uses. Recast

2008/0003(COD) - 06/05/2009 - Final act

PURPOSE: recast of 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).

LEGISLATIVE ACT: Directive 2009/39/EC of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (recast).

CONTENT: following a first reading agreement with the Parliament, the Council adopted this Regulation which recasts legislation on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses. The codification of Directive 89/398/EEC had been initiated by the Commission, when Council Decision 1999/468/EC was 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 co-decision procedure. Accordingly, the codification of Directive 89/398/EEC was transformed into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

On comitology, the text now states that the Commission is to adopt certain specific Directives, a list of substances with specific nutritional purposes and of other substances intended to be added to foodstuffs intended for particular nutritional uses, together with the purity criteria applicable to them, and, where appropriate, the conditions under which they should be used, provisions rendering it possible to indicate on foodstuffs for normal consumption that they are suitable for a particular nutritional use, special provisions for foods for persons suffering from carbohydrate metabolism disorders (diabetes), rules for the use of terms concerning the reduction or absence of sodium or salt content or the absence of gluten, which may be used to describe the products, as well as conditions under which reference may be made in labelling, presentation and advertising to a diet or to a category of persons. Those measures must be adopted in accordance with the regulatory procedure with scrutiny. When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission will be able to apply the urgency procedure provided for in Decision 1999/468/EC for the adoption and amendment of a list of substances with specific nutritional purposes and of other substances intended to be added to foodstuffs intended for particular nutritional uses, together with the purity criteria applicable to them and, where appropriate, the conditions under which they should be used, as well as for adoption of amendments to this Directive or to specific Directives when it is established that a foodstuff intended for a particular nutritional use endangers human health although it complies with the relevant specific Directive.

The new elements introduced into this Directive concern only the committee procedures. They therefore do not need to be transposed by Member States.

ENTRY INTO FORCE: 09/06/2009.