Food safety: aligning certain acts with the TFEU; powers conferred on the Commission

2012/0075(COD) - 30/03/2012 - Legislative proposal

PURPOSE: to amend Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission (delegated and implanting acts.)

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

BACKGROUND: following entry into force of the Treaty of Lisbon, the Treaty on the Functioning of the EU (TFEU) makes a distinction between the **powers delegated** to the Commission to adopt non-legislative acts of general application to supplement or amend certain nonessential elements of the legislative act as laid down in Article 290(1) of the Treaty **(delegated acts),** and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the Treaty **(implementing acts).**

The aim is to align the existing Commission implementing powers in Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC to the differentiation between delegated and implementing powers of the Commission introduced by Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFUE) and to confer additional delegated powers on the Commission.

IMPACT ASSESSMENT: there was no need of impact assessment since the proposal is an inter-institutional matter that will concern all Council and/or Council and European Parliament acts.

LEGAL BASIS: Articles 43 and 114 of the Treaty on the Functioning of the European Union.

CONTENT : the proposal aims to **identify the delegated and implementing powers that should be conferred upon the Commission** as regards Directives 1999/4/EC (relating to coffee extracts and chicory extracts), 2000/36/EC (relating to cocoa and chocolate products intended for human consumption), 2001 /111/EC (relating to certain sugars intended for human consumption), 2001/113/EC (relating to fruit jams, jellies and marmalades and sweetened chestnut purée) and 2001/114/EC (relating to certain partly or wholly dehydrated preserved milk for human consumption) and establish the corresponding procedure for adoption of these acts in the new legal context determined by the entry into force of Articles 290 and 291 of the TFUE.

The proposal ensures that the Commission shall be empowered to adopt appropriate acts to amend the Annexes to take account of the developments in relevant international standards.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.