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

2012/0075(COD) - 25/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Matthias GROOTE (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council amending 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.

The committee recommends that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal.

The new regulation seeks to allow the Commission to amend, through delegated acts, the technical characteristics related to the product descriptions and definitions in the Annexes to Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC.

Members consider that this **explicit delegation** to amend characteristics that will affect the descriptions, definitions or names of products - which are essential elements of the Directives – **reaches beyond the scope of delegated acts** according to Article 290 of the Treaty, which limits the delegation to supplement or amend certain non-essential elements of the legislative act only.

In order to **properly include only non-essential elements** and avoid ambiguity about the extent to which the Commission can adopt delegated acts that will affect essential elements such as the definition of products, Members propose to:

- limit the delegation of powers for:

- Sections C and D of Annex I to Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption,
- Part B of the Annex to Directive 2001/111/EC on certain sugars intended for human consumption,
- Annex II (additions) and Part B of Annex III of Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.

- delete those provisions for delegated acts which relate to technical elements that affect product descriptions, definitions, names or sales names, and characteristics.

The report also proposes to **limit the delegation to a (renewable) 5-year period** and to monitor the delegation of powers by requesting the Commission to report in this respect before the end of each 5-year period.