



| Basic information | |
|---|---------------------|
| 2008/0003(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive | Procedure completed |
| Foodstuffs intended for particular nutritional uses. Recast Repealing Directive 1999/41/EC 1994/0076(COD) Repealing Directive 96/84/EC 1994/0327(COD) Repealed by 2011/0156(COD) Subject 3.10.10 Foodstuffs, foodstuffs legislation 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety | |

| Key players | | | |
|-------------------------------|--|---------------------|-------------------------|
| European Parliament | Committee responsible | | Rapporteur |
| | <div>JURI</div> Legal Affairs | | SZÁJER József (PPE-DE) |
| | Committee for opinion | | Appointed |
| | <div>ENVI</div> Environment, Public Health and Food Safety | | OUZKÝ Miroslav (PPE-DE) |
| Council of the European Union | Council configuration | Meetings | Date |
| | Transport, Telecommunications and Energy | 2935 | 2009-03-30 |
| European Commission | Commission DG | Commissioner | |
| | Legal Service | BARROSO José Manuel | |

| Key events | | | |
|------------|---|--|---------|
| Date | Event | Reference | Summary |
| 16/01/2008 | Legislative proposal published | COM(2008)0003  | Summary |
| 19/02/2008 | Committee referral announced in Parliament, 1st reading | | |
| 26/06/2008 | Vote in committee, 1st reading | | Summary |
| 08/07/2008 | Committee report tabled for plenary, 1st reading | A6-0295/2008 | |
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|------------|---|---|-------------------------|
| 23/09/2008 | Decision by Parliament, 1st reading | T6-0432/2008 | Summary |
| 23/09/2008 | Results of vote in Parliament |  | |
| 30/03/2009 | Act adopted by Council after Parliament's 1st reading | | |
| 06/05/2009 | Final act signed | | |
| 06/05/2009 | End of procedure in Parliament | | |
| 20/05/2009 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|--|
| Procedure reference | 2008/0003(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Recast |
| Legislative instrument | Directive |
| Amendments and repeals | Repealing Directive 1999/41/EC 1994/0076(COD) Repealing Directive 96/84/EC 1994/0327(COD) Repealed by 2011/0156(COD) |
| Legal basis | EC Treaty (after Amsterdam) EC 095 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | JURI/6/58355 |

Documentation gateway


European Parliament

| Document type | Committee | Reference | Date | Summary |
|---|-----------|--------------|------------|---------|
| Committee opinion | ENVI | PE404.621 | 04/06/2008 | |
| Committee draft report | | PE407.756 | 06/06/2008 | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0295/2008 | 08/07/2008 | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0432/2008 | 23/09/2008 | Summary |

Council of the EU

| Document type | Reference | Date | Summary |
|-----------------|----------------|------------|---------|
| Draft final act | 03697/2008/LEX | 06/05/2009 | |

European Commission

| Document type | Reference | Date | Summary |
|-----------------|--|------------|---------|
| For information | COM(2007)0740  | 23/11/2007 | |
| | COM(2008)0003 | | |

| Legislative proposal |  | 16/01/2008 | Summary | |
|--|--|------------------------------|-------------------------|---------|
| Commission response to text adopted in plenary | SP(2008)6073 | 17/10/2008 | | |
| Other institutions and bodies | | | | |
| Institution/body | Document type | Reference | Date | Summary |
| EESC | Economic and Social Committee: opinion, report | CES0763/2008 | 22/04/2008 | |

| Additional information | | |
|------------------------|-------------------------|------|
| Source | Document | Date |
| National parliaments | IPEX | |
| European Commission | EUR-Lex | |

| Final act |
|---|
| <div>Directive 2009/0039</div> <div>OJ L 124 20.05.2009, p. 0021</div> <div>Summary</div> |

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.

Foodstuffs intended for particular nutritional uses. Recast

2008/0003(COD) - 23/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 635 votes to 15 with 18 abstentions, a legislative resolution amending the proposal for a directive of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (recast). The report had been tabled for consideration by József **SZAJER** (EPP-ED, HU) on behalf of the Committee on Legal Affairs. The amendments were the result of a compromise agreement between Parliament and Council.

Members extended the measures that must be adopted in accordance with the regulatory procedure with scrutiny. These include the Commission's power to authorise for a two-year period the placing on the market of foodstuffs which do not comply with the rules as to composition laid down by the specific directives for groups of foodstuffs for particular nutritional uses referred to in Annex I. It also includes certain derogations from the provisions regarding labelling.

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.