Basic information

2012/0075(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Food safety: aligning certain acts with the TFEU; powers conferred on the Commission Amending Directive 2000/36/EC 1996/0112(COD) Amending Directive 2001/111/EC 1996/0113(CNS) Amending Directive 2001/114/EC 1996/0116(CNS) Amending Directive 1999/4/EC 1996/0117(COD) Amending Directive 2001/113/EC 1996/0118(CNS) **Subject** 3.10.02 Processed products, agri-foodstuffs 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	GROOTE Matthias (S&D)	26/04/2012
	Shadow rapporteur AUCONIE Sophie (PPE) REIMERS Britta (ALDE) STAES Bart (Verts/ALE) OUZKÝ Miroslav (ECR) LIOTARD Kartika Tamara (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Employment, Social Policy, Health and Consumer Affairs	3206	2012-12-06
	Competitiveness (Internal Market, Industry, Research and Space)	3258	2013-09-26

European Commission	**Commission DG**	**Commissioner**
	Agriculture and Rural Development	CIOLOŞ Dacian

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
30/03/2012	Legislative proposal published	COM(2012)0150	Summary
18/04/2012	Committee referral announced in Parliament, 1st reading		
06/12/2012	Debate in Council		
19/02/2013	Vote in committee, 1st reading		
25/02/2013	Committee report tabled for plenary, 1st reading	A7-0045/2013	Summary
11/09/2013	Decision by Parliament, 1st reading	T7-0361/2013	Summary
11/09/2013	Results of vote in Parliament		
26/09/2013	Act adopted by Council after Parliament's 1st reading		
09/10/2013	Final act signed		
09/10/2013	End of procedure in Parliament		
29/10/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0075(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Directive 2000/36/EC 1996/0112(COD) Amending Directive 2001/111/EC 1996/0113(CNS) Amending Directive 2001/114/EC 1996/0116(CNS) Amending Directive 1999/4/EC 1996/0117(COD) Amending Directive 2001/113/EC 1996/0118(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed

Committee dossier	ENVI/7/09272

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE498.036	05/11/2012	
Amendments tabled in committee		PE501.964	12/12/2012	
Amendments tabled in committee		PE504.342	15/02/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0045/2013	25/02/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0361/2013	11/09/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00031/2013/LEX	09/10/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0150	30/03/2012	Summary
Commission response to text adopted in plenary	SP(2013)774	06/12/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0150	16/05/2012	
Contribution	IT_SENATE	COM(2012)0150	13/09/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1310/2012	23/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	

European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act	
Regulation 2013/1021 OJ L 287 29.10.2013, p. 0001	Summary

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.

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

2012/0075(COD) - 11/09/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 670 votes to 16, with 10 abstentions, a legislative resolution 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.

Parliament adopted its position following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council.

The amendments made to the proposal clarify that this Regulation is **limited to aligning the existing conferral of powers on the Commission** under Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC to Article 290 TFEU and, where appropriate, to reviewing the scope of those powers.

The amended text states that the **Commission shall be empowered to adopt delegated acts** in order to take into account technical progress and developments in relevant international standards.

The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** from the entry into force of the Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.

The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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

2012/0075(COD) - 09/10/2013 - Final act

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

LEGISLATIVE ACT: Regulation (EU) No 1021/2013 of the European Parliament and of the Council amending Directives 1999/4/EC and 2000/36/EC as well as Council Directives 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission.

CONTENT: the regulation aims to **align the existing Commission implementing powers provided by the five so-called “breakfast” directives** with the Treaty on the Functioning of the European Union (TFUE) and in particular with **Article 290** which allows the Commission to adopt **delegated acts**. This adoption follows a first reading agreement with the European Parliament.

The five so-called “breakfast” directives relate to:

- coffee and chicory extracts (Directive 1999/4/EC);
- cocoa and chocolate products (Directive 2000/36/EC);
- sugars (Directive 2001/111/EC);
- fruit jams, jellies and marmalades (Directive 2001/113/EC);
- dehydrated milk (Directive 2001/114/EC).

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

The power to adopt delegated acts shall be conferred on the Commission for a period of **five years from 18 November 2013**, this period to be tacitly extended for periods of an identical duration.

The time allowed to Parliament and to the Council to object to a delegated act shall be **two months** from the notification of this act. The period may be extended by **two months** at the initiative of the European Parliament or of the Council.

ENTRY INTO FORCE: 18/11/2013.

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.