


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive 1998/0301(COD)	Procedure completed
Animal nutrition: official inspections Amending Directive 95/53/EC 1993/1039(CNS)	
Subject 3.10.08 Animal health requirements, veterinary legislation and pharmacy 3.10.08.01 Feedingstuffs, animal nutrition 4.20 Public health 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		15/09/2000
		V/ALE STAES Bart	
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy		11/01/2000
		V/ALE STAES Bart	
	ENVI Environment, Public Health and Consumer Protection		
	ENVI Environment, Public Health and Consumer Protection		26/07/1999
		PPE-DE JACKSON Caroline	
	Former committee for opinion		
	AGRI Agriculture and Rural Development		24/11/1999
		V/ALE GRAEFE ZU BARINGDORF Friedrich-Wilhelm	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2309	20/11/2000
	Agriculture and Fisheries	2218	15/11/1999
European Commission	Commission DG Health and Food Safety	Commissioner	

Key events			
03/11/1998	Legislative proposal published	COM(1998)0602	Summary
16/11/1998	Committee referral announced in Parliament, 1st reading		

25/11/1998	Vote in committee, 1st reading		
16/12/1998	Decision by Parliament, 1st reading	T4-0737/1998	Summary
27/07/1999	Vote in committee, 1st reading		
27/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0014/1999	
06/10/1999	Decision by Parliament, 1st reading	T5-0041/1999	Summary
15/11/1999	Council position published	10804/1/1999	Summary
16/12/1999	Committee referral announced in Parliament, 2nd reading		
22/03/2000	Vote in committee, 2nd reading		Summary
22/03/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0084/2000	
10/04/2000	Debate in Parliament		
11/04/2000	Decision by Parliament, 2nd reading	T5-0137/2000	Summary
15/09/2000	Parliament's amendments rejected by Council		
11/10/2000	Formal meeting of Conciliation Committee		
11/10/2000	Final decision by Conciliation Committee		Summary
14/11/2000	Joint text approved by Conciliation Committee co-chairs	3650/2000	
20/11/2000	Decision by Council, 3rd reading		
30/11/2000	Report tabled for plenary, 3rd reading	A5-0372/2000	
13/12/2000	Debate in Parliament		
14/12/2000	Decision by Parliament, 3rd reading	T5-0569/2000	Summary
14/12/2000	Final act signed		
14/12/2000	End of procedure in Parliament		
29/12/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0301(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 95/53/EC 1993/1039(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 152; Rules of Procedure EP 050; Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13660

Documentation gateway					
Legislative proposal		COM(1998)0602 OJ C 346 14.11.1998, p. 0009	03/11/1998	EC	Summary
Text adopted by Parliament, 1st reading/single reading		T4-0737/1998 OJ C 098 09.04.1999, p. 0143-0150	16/12/1998	EP	Summary
Economic and Social Committee: opinion, report		CES0327/1999 OJ C 138 18.05.1999, p. 0017	24/03/1999	ESC	
Reconsultation		SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading		A5-0014/1999 OJ C 107 13.04.2000, p. 0005	27/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0041/1999 OJ C 107 13.04.2000, p. 0028-0063	06/10/1999	EP	Summary
Council position		10804/1/1999 OJ C 017 20.01.2000, p. 0008	15/11/1999	CSL	Summary
Commission communication on Council's position		SEC(1999)2035	08/12/1999	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0084/2000 OJ C 040 07.02.2001, p. 0007	22/03/2000	EP	
Text adopted by Parliament, 2nd reading		T5-0137/2000 OJ C 040 07.02.2001, p. 0020-0036	11/04/2000	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2000)0496	06/09/2000	EC	Summary
Joint text approved by Conciliation Committee co-chairs		3650/2000	14/11/2000	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0372/2000 OJ C 232 17.08.2001, p. 0011	30/11/2000	EP	
Text adopted by Parliament, 3rd reading		T5-0569/2000 OJ C 232 17.08.2001, p. 0201-0285	14/12/2000	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act
Directive 2000/77 OJ L 333 29.12.2000, p. 0081 Summary

Animal nutrition: official inspections

OBJECTIVE: to amend Directive 95/53/EC to provide a legal instrument better suited to inspection needs in the field of animal nutrition.

SUBSTANCE: the proposed amendments would enable the Commission to adopt additional measures in order to establish a reliable, harmonised procedure for documentary, identity and physical checks for all products from third countries used in animal nutrition. To this end, the proposal seeks to: - permit experts from the Commission and Member States to carry out on-the-spot checks not only in the Community but also in third countries, particularly if a phenomenon arises which may adversely affect the healthiness of animal feed placed in circulation in the Community; - adopt a safeguard system and enable the Commission to send Community experts to carry out on-the-spot checks if

necessary to ascertain whether Community rules are being respected and, if appropriate, to adopt suitable measures to deal with the situation;
- entrust to the Commission the task of adopting specific coordinated inspection programmes in addition to the general programmes already provided for by Directive 95/53/EC in the event of unexpected contamination which could present a serious and imminent danger to human and animal health.?

Animal nutrition: official inspections

This was a procedure without report. It was approved by the Parliament.?

Animal nutrition: official inspections

The European Parliament confirmed the first reading in the context of the codecision procedure of the text that it adopted on 16.12.1998 concerning this proposal for a directive.?

Animal nutrition: official inspections

The Council's common position approved the substance of the Commission's proposal by making some amendments to which the Commission can agree upon. These amendments concern, in particular, the proposal's choice of legal basis (Article 152, paragraph 4 of the EC Treaty instead of Article 100 A), as well as the introduction of the obligation to examine the outcome of the inspections made shall be discussed with the competent authorities before a final report is drawn up and circulated. The Council, furthermore, has introduced an important amendment aiming to amend the first Article, point 4, of the Commission's initial proposal and to add the first Article, point 8, to the proposed amendments. Originally, this provision allowed the Commission, in cases of emergency posing serious risk to human health or animal health or the environment, to take immediate protective measures against products imported from the third countries, without previously consulting the Member States. The Council has decided that the Commission on its own initiative or at the request of a Member State, shall immediately take the necessary measures. The Council introduced a new Article "23a" stipulating the procedure to take a safeguard measure based on Article 5 of Decision 99/468/EC on comitology.?

Animal nutrition: official inspections

One of the most problematic issues for achieving a common position has been the legal basis (100A) of the proposal. With the entry into force of the Treaty of Amsterdam, the Council and the Commission agreed that the proposal should be based on Article 152 (4). The Commission was also able to agree with editorial and minor formulation changes to the Commission proposal because these improve its clarity. On the other hand, the Commission cannot agree with the regulatory procedure chosen by the Council to take emergency protective measures against imports from third countries. Unlike the safeguard procedures as proposed by the Commission, this would not provide the means for rapid action when so required by an emergency situation. The Commission made a written unilateral statement for the minutes of the Council meeting at which the common position was adopted, in which it underlined that it maintained its proposal for a safeguard procedure, in line with the comitology decision (Decision 1999/468/EEC) since only this procedure would ensure that a prompt decision can be taken in each and every case.?

Animal nutrition: official inspections

The committee adopted the recommendation for second reading (codecision procedure) by Bart STAES (Greens/EFA, B) amending the Council common position on the principles governing the organisation of official inspections in the field of animal nutrition. The committee stood up for the Commission's right to carry out spot checks on animal feed in the Member States, saying that experts must be allowed to carry out checks without warning as soon as the health of animal feed on the Community market was at risk. The problem with the common position, in the committee's view, was the administrative method chosen: the Council had opted for a "regulatory committee" procedure instead of a "safeguard" procedure, which meant the Commission would not be able to take rapid action even in an emergency. Under the Commission's original proposal, it would have retained the power, in emergencies, to take safeguard measures appropriate in the case of animal feed, but this suggestion was deleted in the common position. The committee, however, unanimously backed its rapporteur in calling for this point to be reinstated.?

Animal nutrition: official inspections

In adopting the report by Mr. Bart Staes (Green/EFA, B), the European Parliament approves the legislative resolution on the common position of the Council with a view to the adoption of a European Parliament and Council Directive amending Directive 95/53/EEC fixing the principles governing the organisation of official inspections in the field of animal nutrition. The report was subject to some amendments which relate to the following issues: - the Commission consulting the Member States, except in emergencies, before taking measures such as suspending imports from all or part of the third country concerned or from one or more specific production establishments and, where appropriate, any third country of transit and/or lay down special conditions for products intended for import from all or part of the third country concerned; - the Commission may decide to carry out unannounced inspections in the Member States and they shall subsequently inform the Member States and the European Parliament of the results of inspections carried out and circulate an inspection report.?

Animal nutrition: official inspections

The Commission is in favour of all the amendments to the common position, voted by the European Parliament although it emphasises that the most important amendments are those affecting the procedure to adopt a safeguard measure. Conversely, the amendment relating to on-the-spot inspections is not essential to improved inspections in the field of animal nutrition. ?

Animal nutrition: official inspections

The Conciliation Committee reached agreement on a joint text for the directive. The compromise reached involved two main issues: (a) safeguard measures - the Commission may take safeguard measures in emergency situations without consulting Member States. The measures will apply immediately and will have to be submitted within 10 days to the appropriate committee which may then extend, amend or repeal them. This safeguard clause is based on similar provisions in the 1997 directive on veterinary checks on imports. Parliament also insisted on a clarification in the text to guarantee that the safeguard measures would remain in force until they were replaced by another act (e.g. a new decision of the Standing Committee); (b) inspections - in an effort to find a global compromise, Parliament withdrew its call for unannounced inspections in the Member States but insisted on a high level of assistance to be provided by the Member States to the Commission regarding inspections. Council agreed to Parliament's request that the Member States should provide "full assistance" rather than "all necessary assistance" to the Commission officials carrying out on-the-spot inspections. It was also agreed that Parliament should be informed about the results of inspections carried out. Parliament's delegation felt that the compromise reached would mean that the directive helped to increase safety in this sensitive area and provide the Commission with the possibility of adopting effective and rapid safeguard measures in emergency situations. It therefore recommended that Parliament adopt the joint text at third reading.?

Animal nutrition: official inspections

PURPOSE: to present a legal instrument better adapted to the needs of inspections in the field of animal nutrition. COMMUNITY MEASURE: Directive 2000/77/EC of the European Parliament and of the Council amending Council Directive 93/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition. CONTENT: the Directive seeks to adequately protect human and animal health and the environment, through the ability of experts to carry out on-the-spot inspections not only in the Community but also in third countries, in particular following the appearance in a third country of any problem likely to affect the health of animal feedingstuffs put into circulation in the Community. Moreover, the Commission has the possibility of, where necessary, sending experts to carry out on-the-spot inspections in the Community to check that Community rules are being applied and, where appropriate, adopting Community measures. Lastly, the Directive introduces a system of protective measures. ENTRY INTO FORCE: 29/12/2001.?

Animal nutrition: official inspections

The European Parliament approved the text by Mr Bart STAES (Greens/EFA, B) on the agreement reached in the Conciliation Committee. It covers the rules relating to on-the-spot checks and animal inspections with a view to ensuring respect for high health standards. The compromise reached provides for the Commission to take unilateral safeguard measures in the event of an emergency with the Member States agreeing to provide 'full assistance' to all EU inspectors, who will be obliged to give advance notice of any planned visit. ?