Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2000/0068(COD)	Procedure completed
Animal nutrition: official inspections, undesirable substances and products Amending Directive 95/53/EC 1993/1039(CNS) Amending Directive 96/25/EC 1994/0180(CNS) Amending Directive 1999/29/EC 1995/0299(CNS) Subject 3.10.08.01 Feedingstuffs, animal nutrition 4.60.04.04 Food safety		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy		18/04/2000
		ELDR PAULSEN Marit	
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy		18/04/2000
		ELDR PAULSEN Marit	
	Former committee for opinion		
	AGRI Agriculture and Rural Development (Associated committee)		28/03/2000
		V/ALE AUROI Danielle	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2360	19/06/2001
	Economic and Financial Affairs ECOFIN	2329	12/02/2001
	Agriculture and Fisheries	2309	20/11/2000
European Commission	Commission DG	Commissioner	
	Health and Food Safety		

Key events

21/03/2000	Legislative proposal published	COM(2000)0162	Summary
14/04/2000	Committee referral announced in Parliament, 1st reading		
19/09/2000	Vote in committee, 1st reading		Summary
19/09/2000	Committee report tabled for plenary, 1st	A5-0256/2000	

	reading		
04/10/2000	Debate in Parliament		
04/10/2000	Decision by Parliament, 1st reading	T5-0431/2000	Summary
01/12/2000	Modified legislative proposal published	COM(2000)0777	Summary
12/02/2001	Council position published	13724/1/2000	Summary
14/02/2001	Committee referral announced in Parliament, 2nd reading		
25/04/2001	Vote in committee, 2nd reading		Summary
25/04/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0136/2001	
14/05/2001	Debate in Parliament		
15/05/2001	Decision by Parliament, 2nd reading	T5-0243/2001	Summary
19/06/2001	Act approved by Council, 2nd reading		
23/07/2001	Final act signed		
23/07/2001	End of procedure in Parliament		
01/09/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0068(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 95/53/EC 1993/1039(CNS) Amending Directive 96/25/EC 1994/0180(CNS) Amending Directive 1999/29/EC 1995/0299(CNS)
Legal basis	Rules of Procedure EP 57_o; EC Treaty (after Amsterdam) EC 152
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/13825

Documentation gateway

Legislative proposal		COM(2000)0162 OJ C 274 26.09.2000, p. 0028 E	21/03/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0256/2000 OJ C 178 22.06.2001, p. 0008	19/09/2000	EP	
Economic and Social Committee: opinion, report		CES1000/2000 OJ C 367 20.12.2000, p. 0011	20/09/2000	ESC	
Text adopted by Parliament, 1st reading/single reading		T5-0431/2000 OJ C 178 22.06.2001, p. 0075-0169	04/10/2000	EP	Summary
Modified legislative proposal		COM(2000)0777 OJ C 096 27.03.2001, p. 0279 E	01/12/2000	EC	Summary

Council position		13724/1/2000 OJ C 093 23.03.2001, p. 0001	12/02/2001	CSL	Summary
Commission communication on Council's position		SEC(2001)0216	13/02/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0136/2001	25/04/2001	EP	
Text adopted by Parliament, 2nd reading		T5-0243/2001 OJ C 034 07.02.2002, p. 0023-0105 E	15/05/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2001)0324	07/06/2001	EC	Summary

Additional information

European Commission	EUR-Lex

Final act

Directive 2001/46
OJ L 234 01.09.2001, p. 0055 Summary

Animal nutrition: official inspections, undesirable substances and products

PURPOSE : to amend Directive 95/53/EC on the organisation of official inspections in the field of animal inspections and Directive 99/29/EC on undesirable products in animal nutrition in order to improve feed safety following the dioxin crisis. CONTENT : The main purpose of Directive 95/53/EC is the harmonisation of official inspections carried out by Member States both regarding imports and trade within the Community. Following the dioxin crisis, a legislative programme to improve food safety included a review of this Directive. The review discovered various problems, particularly deficiencies in managing the crisis and poor co-ordination between different authorities. It also noted that the requirement to inform the official authorities about feed problems, which are currently part of Directive 99/29/EC should be repealed and included in Directive 95/53/EC. The amendments will lay down a legal base for action if there is serious contamination and provide Member States with a proper operational structure in the feed sector. The amendments to Directive 95/53/EC may be summarised as follows: - Member States must have adequate contingency plans to deal with serious feed risks; - The Commission will be able to take interim protective measures concerning feedingstuffs if there are serious risks to health or the environment; - Member States must inform the Commission as soon as serious contamination or risk is detected and has spread to feed or is likely to spread to other countries. This information must be provided in a harmonised form; - Member States must warn the Commission of increases in frequency of a hazard; - Member States must include in their annual report on inspection all information on occasional, limited contamination or hazards; - On the basis of the annual reports, the Commission will adopt a decision instead of a recommendation, to ensure the implementation of the co-ordinated inspection programmes for the following year; - The exchange of information for emergencies on animal nutrition will be operated by the current system for emergency notifications related to food. By monitoring at Community level, special conditions to approve establishments handling certain products where hazards are detected can be made on the basis of experience.?

Animal nutrition: official inspections, undesirable substances and products

The committee adopted the report (codecision procedure, first reading) by Marit PAULSEN (ELDR, S) amending the Commission proposal for a directive amending the directive on official inspections in the field of animal nutrition and the directive on undesirable substances and products in animal nutrition. Many of the amendments contained in the report were intended to tighten up the wording of the new directive. The committee also adopted an amendment providing for Commission and Member State experts to carry out on-the-spot inspections. The amendment stated that, after informing the Member State concerned, the Commission or another competent EU body (such as the future Food Safety Authority) could decide on, and carry out, inspections without giving prior notice to the subject of the inspection. It was, moreover, of the utmost importance that inspection reports be published in a spirit of maximum openness. The report also stressed the need to look at the funding of inspections, claiming that this was crucial to food safety. Lastly, it said that all Member States should have a strict control system and provide each other and the Commission with information without delay, in accordance with the precautionary principle. ?

Animal nutrition: official inspections, undesirable substances and products

The European Parliament endorsed the report drafted by Mrs Marit PAULSEN (ELDR, Sw) on official inspections of animal nutrition and Directive 1999/29/EC on undesirable substances in animal nutrition. In approving this proposal, the Parliament adopted various amendments, including one giving experts from the Commission and Member States permission to carry out on-the-spot inspections with cooperation of the national authorities, which would be required to give them full assistance in carrying out their duties. In addition, there is an obligation on persons and operators to inform the official authorities when a batch of feed materials or feedingstuffs constitutes a serious risk for animal

and/or human health and/or for the environment. This provision must not be seen as encouraging denunciation but basically as a means to enable the inspection services to take the necessary measures to withdraw a batch from circulation. In the event of destruction, use for other purposes, redispatch to the country of origin or rendering harmless of the products, the Member State of destination shall contact the Member State of dispatch without delay. Lastly, an annual report shall be drawn up by the Commission on the basis of the annual reports from the Member States and shall be presented to the European Parliament.?

Animal nutrition: official inspections, undesirable substances and products

The amendments accepted by the Commission concern in particular the following issues: - comitology: in relation to the powers conferred to the Commission, an amendment has been accepted which stresses the need to delegate to the Commission some powers in adopting protection measures; - definitions: the Commission accepted most of the amendments concerning definitions because they provide a wider and therefore a better coverage and also the reference to "immediate" in qualifying a risk to increase the legal certainty has been deleted. However, the reference to the word "serious" when used to qualify a risk cannot be accepted for consistency with proposal COM(2000)132 amending Council Directive 92/59/EEC on general product safety; - inspections: the amendments concerning specifically official inspection have been accepted; - transparency: the Commission accepted amendments which stress the need of keeping informed the European Parliament; - the information system: the Commission accepted an amendment proposed by the European Parliament which aims to clarify that the obligation for operators to inform the competent authorities in the event of hazards shall be considered a civic obligation and not an act of denunciation. There is also a need for the immediate transmission of information in the event of emergency; - linguistic and editorial improvements: the proposal has been amended to take into consideration all amendments adopted by the European Parliament considered merely linguistic.?

Animal nutrition: official inspections, undesirable substances and products

The Council while confirming the objectives proposed by the Commission and supported by the Parliament, considered it necessary, when drawing up its common position, to make a number of amendments to the proposal. The Council's amendments essentially set out: - specify the scope of certain provisions, especially those relating to emergency safeguard measures and the information system; - make the wording of the Directive more explicit in order to improve its legal clarity; - make the wording of the Directive more explicit in order to improve its legal clarity; - ensure consistency of the different legislative texts on animal nutrition. It should also be added that the Council added a reference in the title to Directives 70/524/EEC and 96/25/EC: for reasons of legal consistency, the Council considered it necessary to include in those two Directives the new definition, introduced in Directive 95/53/EC, of putting into circulation products intended for animal nutrition. More specifically, the amendments to the Commission's proposal relate to: - contingency operational plans drawn up by the Member States to deal with emergencies; - checks at places of destination; - safeguard clause; - information systems for hazards from feedingstuffs; - Member States annual reports on the implementation of their inspection programmes and the Commission's overall summary report.?

Animal nutrition: official inspections, undesirable substances and products

The Commission can accept all the Council's amendments for the following reasons: - they merely concern the updating of a definition in another relevant animal nutrition directive; - they help clarify the definition of product; - on the contingency plans, the Council's reformulation respects the spirit of the Commission proposal, although it dispenses with the blind simulation requirement; - on checks at destination: this ensures better implementation of all necessary controls; - on the safeguard clause: this allows the Commission to adopt rapid interim protective measures in an emergency. The common position also addresses the Parliament's concern to restrict the possible use of dangerous products and its request for immediate notification; - on the information system: the Council's reformation also provides for official import inspection and control data and so expands the framework; - on inspection: the Commission proposal concerning interim reports and the alteration of the current legal form is not a fundamental control policy issue. The common position of the Council takes no account of Parliamentary amendments, which could be regarded, as linguistic amendments and which have been accepted by the Commission. Whilst the Commission would have welcomed the Council's acceptance of the Parliamentary amendments which it had itself endorsed, it believes that the main objectives of the proposal, particularly the provisions concerning contingency plans, the emergency safeguard clause and the rapid alert system, have been respected and improved. Lastly, the Commission accepts the unanimous common position of the Council because it respects both the spirit of the intial proposal and some of the essential amendments adopted by the European Parliament on first reading. ?

Animal nutrition: official inspections, undesirable substances and products

The committee adopted the recommendation for second reading (under the codecision procedure) by Marit PAULSEN (ELDR, S) amending the Council's common position. The committee reinstated, in slightly modified form, a key Parliament amendment from first reading calling for on-the-spot checks to be carried out by Commission experts acting in cooperation with the authorities of the Member States. It pointed out that, when drawing up its common position on the new TSE regulation, the Council had provided for Community inspections of this kind to be carried out. The committee modified its first reading amendment slightly to bring it into line with the corresponding article in the TSE regulation and thus create a uniform and transparent inspection system. The committee also voted to retable an amendment rejected by Council which would include in the scope of the directive changes that occur in products as a result of faults in the manufacturing process.?

Animal nutrition: official inspections, undesirable substances and products

The European Parliament voted to endorse the report by Mrs Marit PAULSEN (ELDR, S) with a substantial number of amendments to the common position on proposals for official inspections in the field of animal nutrition. In particular, it calls for on the spot checks to be carried out

without prior notice by Commission experts. It also called for the directive to cover changes that occur in products as a result of faults in the manufacturing process. ?

Animal nutrition: official inspections, undesirable substances and products

The amendments accepted by the Commission relate to the following: - changing the word "decontamination" to the "rendering the products harmless" of Article 13(1), second indent of Directive 1995/53/EC. This change is accepted by the Commission because it extends the field of application to include undesirable substances which may be created for example as a result of faults and flaws the manufacturing process (eg where inappropriate manufacturing conditions cause adverse changes in the chemical composition of the feed). Such substances are not clearly covered by the notion of contamination, which could be interpreted as applying only to things added to the feed. - changing the expression "contamination" to "undesirable substances", modifying Article 16b(1) of Directive 1995/53/EC. An oral amendment was accepted by the Commission which relates to Article 17a of Directive 1995/53/EC which is replaced with similar provisions which are consistent with the evolution of legislative provisions concerning Commission on-the-spot inspections in the field of Transmissible Spongiform Encephalopathies. Lastly, the Commission is in favour of all the amendments to the common position voted by the European Parliament.?

Animal nutrition: official inspections, undesirable substances and products

PURPOSE : to amend certain directives on the organisation of official inspections and on undesirable products on animal nutrition in order to improve feed safety following the dioxin crisis. COMMUNITY MEASURE : Directive 2001/46/EC of the European Parliament and of the Council amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives 70/524/EEC, 96/25/EC and 99/29/EC on animal nutrition. CONTENT : The Council approved unanimously the six amendments adopted by the European Parliament. This Directive aims to improve existing procedures in cases where a product destined for animal feed represents a grave risk to public health. It provides that Member States will draw up contingency operational plans to be implemented immediately if a product for animal feed has been found to pose a serious risk to human or animal health or to the environment. The Commission must be informed. Where there there is a suspicion of contamination, Member States are required to verify its nature and extent and make every effort to identify its origin in order to detect any other possible contamination. Member States may carry out non-discriminatory random checks at places of destination. The Commission can act on its own initiative if measures taken by a Member State prove to be insufficient. The Commission may make on-the-spot inspections in cooperation with Member States, who are obliged to render to the Commission experts all the assistance necessary. The Commission and the Member States will set up and operate a system for rapid exchange of information under a prescribed procedure in order to expedite the transmission of alerts. DATE APPLICABLE : Member States shall adopt the laws necessary to comply with this Directive not later than 1 September 2002. They shall apply these provisions from 1 May 2003.?