Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2006/0195(COD)
Nutrition and health claims made on foods: Commission implementing powers Amending Regulation (EC) No 1924/2006 2003/0165(COD) Subject 3.10.10 Foodstuffs, foodstuffs legislation 4.20.05 Health legislation and policy 4.60.02 Consumer information, advertising, labelling	Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		03/10/2006
		UEN POLI BORTONE Adriana	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2841	17/12/2007
European Commission	Commission DG	Commissioner	
	Health and Food Safety	KYPRIANOU Markos	

Key events

13/10/2006	Legislative proposal published	COM(2006)0607	Summary
23/10/2006	Committee referral announced in Parliament, 1st reading		
21/11/2006	Vote in committee, 1st reading		Summary
23/11/2006	Committee report tabled for plenary, 1st reading	A6-0404/2006	
07/06/2007	Results of vote in Parliament		
07/06/2007	Decision by Parliament, 1st reading	T6-0226/2007	Summary
17/12/2007	Act adopted by Council after Parliament's 1st reading		
15/01/2008	Final act signed		
15/01/2008	End of procedure in Parliament		
13/02/2008	Final act published in Official Journal		

Technical information

Procedure reference	2006/0195(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1924/2006 2003/0165(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/41639

Documentation gateway

For information		COM(2003)0424	16/07/2003	EC	
Legislative proposal		COM(2006)0607	13/10/2006	EC	Summary
Committee draft report		PE380.722	26/10/2006	EP	
Amendments tabled in committee		PE380.844	08/11/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0404/2006	23/11/2006	EP	
Economic and Social Committee: opinion, report		CES1571/2006	13/12/2006	ESC	
Text adopted by Parliament, 1st reading/single reading		T6-0226/2007	07/06/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)3798/2	18/07/2007	EC	
Draft final act		03628/2007/LEX	15/01/2008	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Regulation 2008/107
OJ L 039 13.02.2008, p. 0008 Summary

Nutrition and health claims made on foods: Commission implementing powers

PURPOSE: to amend the European Parliament and Council Regulation on nutrition and health claims made on foods, in order to align it with the new Council Decision 2006/512/EC amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny (see CNS/2002/0298) to be used for the adoption of implementing measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

The regulatory procedure with scrutiny should therefore be followed for measures of general scope designed to amend non-essential elements of this Regulation.

The present proposal aims to introduce in the Regulation a reference to the new regulatory procedure with scrutiny procedure in all cases where the Commission is empowered to adopt quasi-legislative measures within the meaning of Article 2 of Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred to the Commission, as amended by Decision 2006/512/EC.

Due to the urgency of the matter it will be necessary that the adoption of this proposal by the Parliament and Council take place by December 2006.

Nutrition and health claims made on foods: Commission implementing powers

The committee adopted the report by Adriana POLI BORTONE (UEN, IT) approving the proposal amending the new regulation on nutrition and health claims made on foods. The proposal was aimed at introducing into the regulation the new regulatory procedure with scrutiny that is now applicable for the exercise of implementing powers. The committee adopted just three amendments - under the 1st reading of the codecision procedure - designed to ensure that the new procedure should also apply to national measures considered necessary by a Member State.

Nutrition and health claims made on foods: Commission implementing powers

The European Parliament adopted a resolution drafted by Adriana POLI BORTONE (UEN, IT) and made some amendments to the Commission?s proposal. These amendments are aimed at reinforcing Parliament's role by extending the areas in which the regulatory procedure with scrutiny should be applied. Negotiations conducted with the Commission and the Council with a view to reaching an agreement ahead of the plenary vote have resulted in a compromise package supported by all the political groups. Compared to the Commission's original proposal, Parliament's role in the execution of the Regulation has been strengthened considerably.

It is recalled that on 19 January 2007, Regulation 1924/2006 on nutrition and health claims made on foods entered into force. The Regulation currently only contains a list of permitted nutrition claims, including a description of their conditions of use. However, it foresees the development of an additional list of health claims based on generally accepted scientific evidence via the Article 13 procedure. This involves the submission of health claims (under the form of concise dossiers providing references on substantiation data for specific ingredient health effects and conditions of use) to national authorities, which will then send their national lists of health claims to the European Commission by 31 January 2008. Following EFSA evaluation, the European Commission will set up the ?Community list? of permitted health claims by end January 2010.

Moreover, additional procedures have been established for the approval of health claims based on newly developed scientific evidence or including a request for the protection of proprietary data, reduction of disease risk claims and claims referring to children's development and health.

The Regulation contains a variety of transition periods which apply to products already on the market, or certain claims already in use. It has currently no transition period for claims referring to children's development and health

Parliament provided in its amendments that the regulatory procedure with scrutiny should apply to the following:

- to adopt Community measures concerning the labelling, presentation and advertising of certain foods;

- to establish derogations from certain provisions of Regulation (EC) No 1924/2006;

- to establish and update nutrient profiles and the conditions and exemptions under which they can be used;

- to establish and/or amend lists of nutrition and health claims;

- to amend the list of foods in respect of which the making of claims is restricted or prohibited.

Furthermore it provided that when data protection provisions apply, the authorisation restricted to use by an individual operator should not prevent other applicants from applying for authorisation to use the same claim. Parliament stipulated that, where at the applicant's request for the protection of proprietary data, the Commission proposes to restrict the use of the claim in favour of the applicant:

- a decision on the authorisation of the claim shall be taken in accordance with the regulatory procedure (i.e the new regulatory procedure with scrutiny does not apply at this point). In such case, the authorisation, if granted, shall expire after five years;

- before the expiry of the five-year period, if the claim still meets the conditions laid down in the Regulation, the Commission shall submit a proposal for authorisation of the claim without restriction for use which shall be decided on in accordance with the regulatory procedure with scrutiny.

Nutrition and health claims made on foods: Commission implementing powers

PURPOSE : to amend the Regulation on nutrition and health claims made on foods, in order to align it with the new Council Decision 2006/512/EC amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology).

LEGISLATIVE ACT: Regulation (EC) N° 107/2008 of the European Parliament and of the Council amending Regulation (EC) N° 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission.

CONTENT: Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny (see CNS/2002/0298) to be used for the adoption of implementing measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

It is recalled that on 19 January 2007, Regulation 1924/2006 on nutrition and health claims made on foods entered into force. The Regulation contained a list of permitted nutrition claims, including a description of their conditions of use. However, it foresaw the development of an additional list of health claims based on generally accepted scientific evidence via the Article 13 procedure. This involves the submission of health claims (under the form of concise dossiers providing references on substantiation data for specific ingredient health effects and conditions of use) to national authorities, which will then send their national lists of health claims to the European Commission by 31 January 2008. Following EFSA evaluation, the European Commission will set up the ?Community list? of permitted health claims by end January 2010.

Moreover, additional procedures had been established for the approval of health claims based on newly developed scientific evidence or including a request for the protection of proprietary data, reduction of disease risk claims and claims referring to children's development and health.

Regulation 1924/2006 contained a variety of transition periods which applied to products already on the market, or certain claims already in use. It had no transition period for claims referring to children's development and health

This Regulation provides that the regulatory procedure with scrutiny should apply to the following:

- to adopt Community measures concerning the labelling, presentation and advertising of certain foods;
- to establish derogations from certain provisions of Regulation (EC) N° 1924/2006;
- to establish and update nutrient profiles and the conditions and exemptions under which they can be used;
- to establish and/or amend lists of nutrition and health claims;
- to amend the list of foods in respect of which the making of claims is restricted or prohibited.

Furthermore it provides that when data protection provisions apply, the authorisation restricted to use by an individual operator should not prevent other applicants from applying for authorisation to use the same claim. Where at the applicant's request for the protection of proprietary data, the Commission proposes to restrict the use of the claim in favour of the applicant:

- a decision on the authorisation of the claim shall be taken in accordance with the regulatory procedure (i.e. the new regulatory procedure with scrutiny does not apply at this point). In such case, the authorisation, if granted, shall expire after five years;
- before the expiry of the five-year period, if the claim still meets the conditions laid down in the Regulation, the Commission shall submit a proposal for authorisation of the claim without restriction for use which shall be decided on in accordance with the regulatory procedure with scrutiny.

ENTRY INTO FORCE: 04/03/2008.