


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2006/0307(COD) Procedure completed
Genetically modified food and feed: implementing powers conferred on the Commission Amending Regulation (EC) No 1829/2003	<a href="#">2001/0173(COD)</a>
Subject 3.10.08.01 Feedingstuffs, animal nutrition 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	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety	PSE <a href="#">SCHEELE Karin</a>	27/02/2007
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2856</a>	03/03/2008
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>	DIMAS Stavros	

Key events			
22/12/2006	Legislative proposal published	<a href="#">COM(2006)0912</a>	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
17/07/2007	Vote in committee, 1st reading		Summary
24/07/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0299/2007</a>	
29/11/2007	Results of vote in Parliament		
29/11/2007	Decision by Parliament, 1st reading	<a href="#">T6-0561/2007</a>	Summary
03/03/2008	Act adopted by Council after Parliament's 1st reading		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2006/0307(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1829/2003 <a href="#">2001/0173(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 037; EC Treaty (after Amsterdam) EC 152-p4b; EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/44487

Documentation gateway					
Legislative proposal		<a href="#">COM(2006)0912</a>	22/12/2006	EC	Summary
Committee draft report		<a href="#">PE388.724</a>	07/06/2007	EP	
Amendments tabled in committee		<a href="#">PE390.760</a>	27/06/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0299/2007</a>	24/07/2007	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0561/2007</a>	29/11/2007	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)6527</a>	18/12/2007	EC	
Draft final act		<a href="#">03693/2007/LEX</a>	11/03/2008	CSL	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2008/298</a> <a href="#">OJ L 097 09.04.2008, p. 0067</a> Summary

## Genetically modified food and feed: implementing powers conferred on the Commission

**PURPOSE** : to amend Regulation 1829/2003/EC on genetically modified food and feed by introducing a reference to the new regulatory procedure with scrutiny (comitology).

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

**CONTENT**: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACT/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

## Genetically modified food and feed: implementing powers conferred on the Commission

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The Committee on the Environment, Public Health and Food Safety adopted a report drafted by Karin SCHEELE (PES, AT) on the proposal for a regulation amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission. It made some amendments to the proposal, most of which were designed to add to the list of areas where implementing measures should be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(3) of the Regulation. These areas include the following;

- whether a type of food falls within the scope of Section 1 on supervision and authorisation of genetically modified food;
- the application for authorisation, including rules concerning the preparation and the presentation of the application.
- with regard to Article 7 on authorisation, the Committee inserted a provision stating that a final decision on the application will be adopted in accordance with the regulatory procedure with scrutiny;
- measures regarding the implementation of Article 8 on the status of existing products;
- the renewal of authorisations, including rules concerning the preparation and the presentation of the application;
- the section on labelling, amongst other things regarding the measures necessary for operators to comply with the labelling requirements, and specific rules concerning the information to be given by mass caterers providing food to the final consumer;
- implementing rules for the application of rules concerning the preparation and the presentation of the application for authorisation of genetically modified feed, as well as the status of existing products and renewal of authorisations and labelling provisions regarding genetically modified feed.

Lastly, it should be noted that Article 35(3) is amended and deletes the time limits in the Commission's proposal.

## Genetically modified food and feed: implementing powers conferred on the Commission

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The European Parliament adopted a report drafted by Karin SCHEELE (PES, AT) on the proposal for a regulation amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission. It made some amendments to the proposal, most of which were designed to add to the list of areas where implementing measures should be adopted in accordance with the regulatory procedure with scrutiny, and rejecting the Commission's option of curtailing timeframes. Parliament's main amendments:

- reject the possibility of curtailing the timeframe on grounds of efficiency for the lowering of the threshold under which adventitious presence of unauthorised GMOs does not need to be labelled;
- introduce regulatory procedure with scrutiny as regards the rules relating to implementing measures concerning "labelling of GM foods";
- introduce regulatory procedure with scrutiny as regards the rules relating to implementing measures for specific rules concerning the information to be given by mass caterers;
- reject the possibility of curtailing the timeframe on grounds of efficiency;
- introduce the regulatory procedure with scrutiny as regards implementing measures concerning "labelling of GM feeds".

## Genetically modified food and feed: implementing powers conferred on the Commission

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**PURPOSE:** to amend Regulation 1829/2003/EC on genetically modified food and feed by introducing a reference to the new regulatory procedure with scrutiny (comitology).

**LEGISLATIVE ACT:** Regulation (EC) No 298/2008 of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission.

**CONTENT:** Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that:

- the draft exceeds the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim;
- the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance

with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The Commission, in accordance with the regulatory procedure with scrutiny, will :

- define whether a type of food or feed falls within the scope of Regulation (EC) No 1829/2003;
- lower the thresholds for the labelling of the adventitious and technically unavoidable presence of material which contains, consists of or is produced from genetically modified organisms and for the adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk assessment in food and feed;
- to adopt measures regarding certain labelling and information requirements incumbent on operators and mass caterers.

ENTRY INTO FORCE: 10/04/2008.