


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 2008/0003(COD)
Foodstuffs intended for particular nutritional uses. Recast Repealing Directive 1999/41/EC <a href="#">1994/0076(COD)</a> Repealing Directive 96/84/EC <a href="#">1994/0327(COD)</a> Repealed by <a href="#">2011/0156(COD)</a>	
Subject 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>JURI</b> Legal Affairs		19/12/2007
		PPE-DE <a href="#">SZÁJER József</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety		13/03/2008
		PPE-DE <a href="#">OUZKÝ Miroslav</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2935</a>	30/03/2009
European Commission	Commission DG	Commissioner	
	<a href="#">Legal Service</a>	BARROSO José Manuel	

Key events			
16/01/2008	Legislative proposal published	<a href="#">COM(2008)0003</a>	Summary
19/02/2008	Committee referral announced in Parliament, 1st reading		
26/06/2008	Vote in committee, 1st reading		Summary
08/07/2008	Committee report tabled for plenary, 1st reading	<a href="#">A6-0295/2008</a>	
23/09/2008	Results of vote in Parliament		
23/09/2008	Decision by Parliament, 1st reading	<a href="#">T6-0432/2008</a>	Summary
30/03/2009	Act adopted by Council after Parliament's 1st reading		
	Final act signed		

06/05/2009			
06/05/2009	End of procedure in Parliament		
20/05/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0003(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	Repealing Directive 1999/41/EC <a href="#">1994/0076(COD)</a> Repealing Directive 96/84/EC <a href="#">1994/0327(COD)</a> Repealed by <a href="#">2011/0156(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/58355

Documentation gateway					
For information		<a href="#">COM(2007)0740</a>	23/11/2007	EC	
Legislative proposal		<a href="#">COM(2008)0003</a>	16/01/2008	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0763/2008</a>	22/04/2008	ESC	
Committee opinion	ENVI	<a href="#">PE404.621</a>	04/06/2008	EP	
Committee draft report		<a href="#">PE407.756</a>	06/06/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0295/2008</a>	08/07/2008	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0432/2008</a>	23/09/2008	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2008)6073</a>	17/10/2008	EC	
Draft final act		<a href="#">03697/2008/LEX</a>	06/05/2009	CSL	

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

Final act
<a href="#">Directive 2009/39</a> <a href="#">OJ L 124 20.05.2009, p. 0021</a> Summary

Foodstuffs intended for particular nutritional uses. Recast

**PURPOSE:** recast of the Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses. (adaptation to the new regulatory procedure with scrutiny).

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

**CONTENT:** the codification of Directive 89/398/EEC has been initiated by the Commission, and a relevant proposal has been submitted to the legislative authority (see [COD/2004/0090](#)). The new Directive was to have superseded the various acts incorporated in it.

In the meantime, Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty (the co-decision procedure), including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

In accordance with the joint statement of the European Parliament, the Council and the Commission on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the co-decision procedure which are already in force, those instruments must be adjusted in accordance with the applicable procedures. The Commission feels that it is therefore appropriate to transform the codification of Directive 89/398/EEC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

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## Foodstuffs intended for particular nutritional uses. Recast

The Committee on Legal Affairs adopted a report drafted by József SZAJER (EPP-ED, HU) and amended the proposal for a directive of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (recast).

Certain additional measures must be taken in accordance with the regulatory procedure with scrutiny. These include the Commission's power to authorise for a two-year period the placing on the market of foodstuffs which do not comply with the rules as to composition laid down by the specific directives for groups of foodstuffs for particular nutritional uses referred to in Annex I. It also includes certain derogations from the provisions of the legislation. The urgency procedure may only be used if there exist imperative grounds of urgency.

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## Foodstuffs intended for particular nutritional uses. Recast

The European Parliament adopted, by 635 votes to 15 with 18 abstentions, a legislative resolution amending the proposal for a directive of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (recast). The report had been tabled for consideration by József SZAJER (EPP-ED, HU) on behalf of the Committee on Legal Affairs. The amendments were the result of a compromise agreement between Parliament and Council.

Members extended the measures that must be adopted in accordance with the regulatory procedure with scrutiny. These include the Commission's power to authorise for a two-year period the placing on the market of foodstuffs which do not comply with the rules as to composition laid down by the specific directives for groups of foodstuffs for particular nutritional uses referred to in Annex I. It also includes certain derogations from the provisions regarding labelling.

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## Foodstuffs intended for particular nutritional uses. Recast

**PURPOSE:** recast of Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses (adaptation to the new regulatory procedure with scrutiny).

**LEGISLATIVE ACT:** Directive 2009/39/EC of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (recast).

**CONTENT:** following a first reading agreement with the Parliament, the Council adopted this Regulation which recasts legislation on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses. The codification of Directive 89/398/EEC had been initiated by the Commission, when Council Decision 1999/468/EC was amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the co-decision procedure. Accordingly, the codification of Directive 89/398/EEC was transformed into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

On comitology, the text now states that the Commission is to adopt certain specific Directives, a list of substances with specific nutritional purposes and of other substances intended to be added to foodstuffs intended for particular nutritional uses, together with the purity criteria applicable to them, and, where appropriate, the conditions under which they should be used, provisions rendering it possible to indicate on foodstuffs for normal consumption that they are suitable for a particular nutritional use, special provisions for foods for persons suffering from carbohydrate metabolism disorders (diabetes), rules for the use of terms concerning the reduction or absence of sodium or salt content or the absence of gluten, which may be used to describe the products, as well as conditions under which reference may be made in labelling, presentation and advertising to a diet or to a category of persons. Those measures must be adopted in accordance with the regulatory procedure with scrutiny. When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission will be able to apply the urgency procedure provided for in Decision 1999/468/EC for the adoption and amendment of a list of substances with specific nutritional purposes and of other substances intended to be added to foodstuffs intended for particular nutritional uses, together with the purity criteria applicable to them and, where appropriate, the conditions under which they should be used, as well as for adoption of amendments to this Directive or to specific Directives when it is established that a foodstuff intended for a particular nutritional use endangers human health although it complies with the relevant specific Directive.

The new elements introduced into this Directive concern only the committee procedures. They therefore do not need to be transposed by Member States.

ENTRY INTO FORCE: 09/06/2009.