



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 October 2013**

**15448/13**

**DENLEG 122  
DELECT 68  
SAN 415  
AGRI 700**

**“I/A” ITEM NOTE**

---

from :	General Secretariat of the Council
to :	Permanent Representatives Committee (Part 1)/Council
No. Cion prop.:	13245/13 DENLEG 100 DELECT 44
Subject:	COMMISSION DELEGATED REGULATION (EU) No .../.. of 21.8.2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards information on the absence or reduced presence of gluten in food - <i>Intention not to raise objections to a delegated act</i>

---

1. On 21 August 2013, the Commission submitted the abovementioned delegated Regulation to the Council, in accordance with Article 290 of the Treaty on the Functioning of the European Union and Article 51 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers<sup>1</sup>.
2. In order to enable consumers, particularly those suffering from a food allergy or intolerance, to make informed choices which are safe for them, the provision of information on the presence of substances or products with a scientifically proven allergenic or intolerance effect is mandatory in accordance with point (c) of Article 9(1) of Regulation (EU) No 1169/2011. However, the provision of information on the absence or reduced presence of such substances or products remains voluntary.

---

<sup>1</sup> OJ L 304, 22.11.2011, p. 18.

3. Article 36(2) of Regulation (EU) No 1169/2011 sets out requirements for food information provided on a voluntary basis and Article 36(3) requires the Commission to adopt implementing acts on the application of those requirements to a number of specific cases. Article 36(4) empowers the Commission to supplement, by means of delegated acts, Article 36(3) with additional cases.
4. The abovementioned delegated Regulation<sup>2</sup> supplements Article 36(3) of Regulation (EU) No 1169/2011 with the addition of a new letter (d): 'information on the absence or reduced presence of gluten in food'.
5. According to Article 51(5) of Regulation (EU) No 1169/2011, the act shall enter into force if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of its notification. The period of two months may be extended by 2 months at the initiative of the European Parliament or of the Council.
6. By letter of 25 September 2013, the European Parliament informed the Council of the extension of the period for objection, but by a subsequent letter of 2 October 2013 the European Parliament informed the Council that it will no longer need that extension. The European Parliament neither objected to the above mentioned delegated Regulation by 22 October 2013<sup>3</sup>.
7. Since the extension originally requested by the European Parliament is by virtue of Article 51(5) of Regulation (EU) No 1169/2011 applicable also to the Council, the delegated Regulation may only enter into force on 22 December 2013, unless the Council informs the Commission before that date that it will not object.
8. On 6 September 2013, a silence procedure was launched to consult the Working Party on Foodstuffs. By 20 September 2013, when this procedure was closed, no delegation invoked any grounds to object to the delegated Regulation.

---

<sup>2</sup> Doc. 13245/13.

<sup>3</sup> [http://www.europarl.europa.eu/oecil/popups/printficheglobal.pdf?reference=2013/2789\(DEA\)&l=en](http://www.europarl.europa.eu/oecil/popups/printficheglobal.pdf?reference=2013/2789(DEA)&l=en)

9. It is therefore suggested that the Council confirms that it has no intention to object to that delegated Regulation and that the Commission and the European Parliament are to be informed thereof.

Such confirmation by the Council will imply that the delegated Regulation shall enter into force in accordance with Article 51(5) of Regulation (EU) No 1169/2011.

---