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## INFORMATION NOTE

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**From:** General Secretariat of the Council  
**To:** Permanent Representatives Committee/Council

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**Subject:** Proposal for a Directive of the European Parliament and of the Council repealing Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food (Text with EEA relevance)  
- Outcome of the European Parliament's first reading (Strasbourg, 15 to 18 December 2014)

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## I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure <sup>1</sup>, a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for a second reading and conciliation.

In this context the Rapporteur, Mr Giovanni LA VIA (EPP - IT), presented, on behalf of the Committee on the Environment, Public Health and Food Safety, a report which proposed that the Parliament should adopt a position at first reading that would simply take over the Commission's proposal. This approach had been agreed during the informal contacts referred to above.

No amendments were tabled for the plenary.

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<sup>1</sup> OJ C 145, 30.6.2007, p.5

## **II. VOTE**

When it voted on 16 December 2014, the plenary adopted the Committee's report without debate and therefore adopted a first-reading position that takes over the Commission's proposal.

This result corresponds to the agreement previously reached by the institutions. The Council should therefore be able to approve the Parliament's position with the result that the act will be adopted in the wording which corresponds to the position of the Parliament.

The text of the Parliament's legislative resolution is set out in the Annex to this document.

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## **Scientific examination of questions relating to food \*\*\*I**

**European Parliament legislative resolution of 16 December 2014 on the proposal for a directive of the European Parliament and of the Council repealing Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food (COM(2014)0246 – C8-0005/2014 – 2014/0132(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0246),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0005/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 9 July 2014<sup>2</sup>,
  - having regard to the undertaking given by the Council representative by letter of 26 November 2014 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 and 50(1) of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A8-0059/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>2</sup> Not yet published in the Official Journal.

**Position of the European Parliament adopted at first reading on 16 December 2014 with a view to the adoption of Directive (EU) 2015/... of the European Parliament and of the Council repealing Council Directive 93/5/EEC on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure<sup>4</sup>,

Whereas:

- (1) In the framework of the Regulatory Fitness and Performance Programme (REFIT), the Commission is committed to achieving a simple, clear, stable and predictable regulatory framework for businesses, workers and citizens.
- (2) Council Directive 93/5/EEC<sup>5</sup> aims to ensure the smooth running of the Scientific Committee on Food by promoting the scientific support from the Member States to that Committee and by organising cooperation with the relevant national bodies on scientific issues regarding the safety of foodstuffs.

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<sup>3</sup> Opinion of 9 July 2014 (not yet published in the Official Journal).

<sup>4</sup> Position of the European Parliament of 16 December 2014.

<sup>5</sup> Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food (OJ L 52, 4.3.1993, p. 18).

- (3) Pursuant to Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>6</sup>, the tasks of the Scientific Committee on Food referred to in Directive 93/5/EEC have been transferred to the European Food Safety Authority (EFSA), and those tasks are currently provided for by Regulation (EC) No 178/2002.
- (4) Commission Decision 97/579/EC<sup>7</sup> which established the Scientific Committee on Food has been repealed by Commission Decision 2004/210/EC<sup>8</sup>.
- (5) Pursuant to Regulation (EC) No 178/2002, EFSA has also become the competent body to promote scientific cooperation with the Member States and relevant national bodies operating in the fields falling within EFSA's mission. In particular, Article 22 of Regulation (EC) No 178/2002 provides that EFSA is to act in close cooperation with the competent bodies in the Member States and that the Member States are to cooperate with EFSA to ensure the accomplishment of its mission.
- (6) Directive 93/5/EEC has therefore become obsolete and should be repealed,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 93/5/EEC is repealed.

#### Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...\*. They shall immediately inform the Commission thereof.

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<sup>6</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

<sup>7</sup> Commission Decision 97/579/EC of 23 July 1997 setting up Scientific Committees in the field of consumer health and food safety (OJ L 237, 28.8.1997, p. 18).

<sup>8</sup> Commission Decision 2004/210/EC of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment (OJ L 66, 4.3.2004, p. 45).

\* OJ: please insert date: last day of the 12<sup>th</sup> month following publication of this Directive in the *Official Journal of the European Union*.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

### Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

### Article 4

This Directive is addressed to the Member States.

Done at

*For the European Parliament*

*For the Council*

*The President*

*The President*