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European Union

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#### NOTE

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

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and sustainability of the EU risk assessment in the food chain amending Regulation (EC) No 178/2002 [on general food law], Directive 2001/18/EC [on the deliberate release into the environment of GMOs], Regulation (EC) No 1829/2003 [on GM food and feed], Regulation (EC) No 1831/2003 [on feed additives], Regulation (EC) No 2065/2003 [on smoke flavourings], Regulation (EC) No 1935/2004 [on food contact materials], Regulation (EC) No 1331/2008 [on the common authorisation procedure for food additives, food enzymes and food flavourings], Regulation (EC) No 1107/2009 [on plant protection products] and Regulation (EU) No 2015/2283 [on novel foods]  
*- Analysis of the final compromise text with a view to agreement*

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1. On 12 April 2018, the Commission transmitted to the European Parliament and to the Council a proposal for a Regulation of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain<sup>1</sup> amending several Directives and Regulations, in particular Regulation (EC) No 178/2002 on general food law (GFL), which *inter alia* establishes the European Food Safety Authority (EFSA).

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<sup>1</sup> 8518/18.

2. The proposed Regulation is based on Articles 43(2), 114 and 168(4)(b) of the Treaty on the Functioning of the European Union (ordinary legislative procedure).
3. The Economic and Social Committee delivered its opinion on 19 September 2018<sup>2</sup> and the Committee of the Regions delivered its opinion on 10 October 2018<sup>3</sup>.
4. On 11 December 2018 the European Parliament (EP) plenary voted a number of amendments on the proposal<sup>4</sup>, but not its legislative resolution, thereby leaving open the possibility to reach an agreement at first-reading between the two institutions.
5. On 17 December 2018, the Council adopted a general approach<sup>5</sup> on the proposed Regulation, reflecting the outcome of its technical examination by the preparatory bodies.
6. On the basis of the general approach, a preliminary trilogue took place in Strasbourg on 14 January 2019.
7. On 16 January 2019, the Permanent Representatives Committee (Part 1) agreed to give a mandate<sup>6</sup> to the Presidency to start negotiations with the EP on the basis of the analysis of the amendments voted by the latter.
8. On 24 January 2019, the second trilogue took place in Brussels, where co-legislators confirmed their willingness to try to reach a tentative agreement at the third trilogue.

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<sup>2</sup> [NAT/732-EESC-2018-02522](#).

<sup>3</sup> [CDR 2837/2018](#).

<sup>4</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0489+0+DOC+PDF+V0//EN>

<sup>5</sup> 15559/18 + ADD1

<sup>6</sup> 5150/19 + ADD1

9. On 6 February 2019, the Permanent Representatives Committee (Part 1) approved the revised mandate for negotiations with the EP and agreed to give some additional flexibility to the Presidency for the case it would be needed to reach a final agreement<sup>7</sup>.
10. At the trilogue on 11 February 2019 in Strasbourg, a tentative agreement was reached between co-legislators on the compromise text as set out in the Addendum 1 to this note.
11. In the light of the above, the Permanent Representatives Committee (Part 1) is invited to:
- confirm its agreement on the compromise text as set out in the Addendum 1 to this note;
  - authorise the Presidency to send a letter to the Chair of the European Parliament's Committee on Environment, Public health and Food Safety (ENVI), confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) of the Treaty, in the form set out in the Addendum 1 to this note (subject to revision by the lawyer-linguists of both institutions), the Council would, in accordance with Article 294(4) of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.
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<sup>7</sup> 5855/19 + ADD1