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AGRILEG 74  
DENLEG 52  
SAN 201  
VETER 23  
DELECT 115

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
To: Delegations

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Subject: **COMMISSION DELEGATED REGULATION (EU) .../... of 4.3.2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption**

- *Exchange of views*

**COMMISSION DELEGATED REGULATION (EU) .../... of 14.3.2019 amending Delegated Regulation (EU) 2016/127 with regard to vitamin D requirements for infant formula and erucic acid requirements for infant formula and follow-on formula**

- *Exchange of views*

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On 4 April, the Working Party of **Counsellors/Attachés** Veterinary, Phytosanitary, EFSA, and Foodstuffs ('the Working Party') examined the above delegated regulations.

**1. COMMISSION DELEGATED REGULATION (EU) .../... of 4.3.2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption (ST 7238/19)**

On 4 March 2019, the Commission submitted the above delegated regulation to the Council. In accordance with Article 290 TFEU and with Article 126(1) of Regulation (EU) No 2017/625<sup>1</sup>, the Council may object to the delegated regulation within two months of submission.

During a silence consultation launched on 8 March 2019, the Austrian delegation informed the Presidency about its intention to object to the delegated regulation, in disagreement with the principle of exempting third country establishments for highly refined products from the obligation of listing as foreseen in point d) of Article 6 of the delegated regulation.

At the meeting on 4 April 2019, the French, Italian and Slovenian delegations also expressed their intention to object to the delegated regulation for the same reason. The Spanish, Latvia, and Luxembourg delegations, while expressing the same concerns, indicated their intention not to object to the delegated regulation. The Commission recalled the reasons for the exemption.

In conclusion of the meeting, the Presidency noted the absence of a qualified majority of Member States intending to object to the delegated regulation and informed the delegations that it will let time elapse until the end of the deadline for objections, when it will be understood that the Council has tacitly decided not to raise objections to the delegated regulation.

## **2 COMMISSION DELEGATED REGULATION (EU) .../... of 14.3.2019 amending Delegated Regulation (EU) 2016/127 with regard to vitamin D requirements for infant formula and erucic acid requirements for infant formula and follow-on formula (ST 7620/19 + ADD 1)**

On 14 March 2019, the Commission submitted the above delegated regulation to the Council. In accordance with Article 290 TFEU and with Article 11(2) of Regulation (EU) No 609/2013<sup>2</sup>, the Council may object to the delegated regulation within two months of submission.

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<sup>1</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1).

<sup>2</sup> Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes and total diet replacement for weight control (OJ L 181, 29.6.2013, p. 35).

During a silence consultation launched on 19 March 2019, the Belgian and Luxembourg delegations informed the Presidency about their intention to object to the delegated regulation on the basis of the following reasons: a) the maximum levels of erucic acid for infant formula and follow-on forum should preferably be established, and by consequence adapted, horizontally in Commission Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs, and b) the delegated Regulation should provide for a transitional period for application of the new limits for vitamin D.

At the meeting on 4 April 2019, the Hungarian and Portuguese delegations also expressed their intention to object to the delegated regulation for the same reasons. The Cyprus, German, French, Irish, Netherlands and United Kingdom delegations, while expressing the same concerns, indicated their intention not to object to the delegated regulation. The Commission recalled the scientific grounds that justify the urgent need to adapt the set limits for erucic acid.

Moreover, the Belgian, Luxembourg, Hungarian and Portuguese delegations expressed their intention to enter a statement into the minutes of the Council.

Thus, in conclusion of the meeting, the Presidency noted the absence of a qualified majority of Member States intending to object to the delegated regulation and informed that a I/A note will be submitted to the Coreper and to the Council to confirm the intention not to object to this delegated act.