



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 January 2007 (11.01)
(OR. fr)**

5207/07

**Interinstitutional File:
2006/0307 (COD)**

**AGRI 6
MI 8
ENV 11
DENLEG 2
CONSOM 2
SAN 3
CODEC 18**

PROPOSAL

from:	European Commission
dated:	22 December 2006
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

Encl.: COM(2006) 912 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2006
COM(2006) 912 final

2006/0307 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending

Regulation (EC) No 1829/2003

**on genetically modified food and feed, as regards the implementing powers conferred on
the Commission**

(presented by the Commission)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending
Regulation (EC) No 1829/2003
on genetically modified food and feed, as regards the implementing powers conferred on
the Commission**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, 95 and 152, paragraph 4 b) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴

Whereas:

- (1) Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁵ provides that certain measures are to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁶.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ ...

⁵ OJ L 268, 18.10.2003, p. 1.

⁶ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (3) In accordance with the joint statement of the European Parliament, the Council and the Commission⁷ on Decision 2006/512/EC, instruments which are already in force must be adjusted in accordance with the applicable procedures. The aforesaid statement indicates a list of instruments that should be adjusted as a matter of urgency, including Regulation (EC) No 1829/2003.
- (4) In particular power should be conferred on the Commission to define whether a particular food or feed falls within the scope of Regulation (EC) No 1829/2003 and to lower the thresholds for the labelling of adventitious and technically unavoidable presence of material which contains, consists of or is produced from genetically modified organisms, as well as for the adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk assessment in food and feed. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1829/2003, or supplement that Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) In order to guarantee economic operators a rapid decision-making process and take into account advances in science and technology, it should be possible to curtail the time-limits foreseen by the new procedure on grounds of efficiency. On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny should be curtailed for deciding whether a type of food or feed falls within the scope of Regulation (EC) No 1829/2003 and for establishing lower thresholds for the labelling of adventitious and technically unavoidable presence of material which contains, consists of or is produced from genetically modified organisms as well as for the adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk assessment in food and feed.
- (6) Regulation (EC) No 1829/2003 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1829/2003 is amended as follows:

- (1) In Article 3, paragraph 2 is replaced by the following:

"2. Where necessary, measures to determine whether a type of food falls within the scope of this Section which are designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(4)."
- (2) In Article 12, paragraph 4 is replaced by the following:

"4. Appropriate lower thresholds may be established in particular in respect of foods containing or consisting of GMOs or in order to take into account advances in

⁷ OJ C 255, 21.10.2006, p.1

science and technology. Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(4)."

(3) In Article 15, paragraph 2 is replaced by the following:

"2. Where necessary, measures to determine whether a type of food falls within the scope of this Section which are designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(4)."

(4) In Article 24, paragraph 4 is replaced by the following:

"2. Measures to establish appropriate lower thresholds in particular in respect of feed containing or consisting of GMOs, or in order to take into account advances in science and technology, which are designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(4)."

(5) In Article 32, the fifth paragraph is replaced by the following:

"Detailed rules for implementing this Article and the Annex may be adopted in accordance with the procedure referred to in Article 35(2).

Any measures to change the Annex designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(3)."

(6) In Article 35, paragraphs 3 and 4 are replaced by the following:

"3. Where reference is made to this paragraph, Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4. Where reference is made to this paragraph, Article 5a (1) to (4) and (5) (b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time limits laid down in Article 5a (3)(c) and (4)(b) and (4)(e) of Decision 1999/468/EC shall be two months, one month and two months respectively."

(7) In Article 47, paragraph 3 is replaced by the following:

"3. Measures to lower the thresholds referred to in paragraph 1 in particular for GMOs sold directly to the final consumer, which are designed to amend non-essential elements of this Regulation by supplementing it may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 35(4)."

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President