



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.04.2004
COM(2004) 340 final

2000/0178 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

On the hygiene of foodstuffs

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by European Parliament.

2. BACKGROUND

Date of adoption of the proposal by the Commission ¹	14.07.2000
Date of the opinion of the European Economic and Social Committee ²	28.03.2001
Date of the opinion of the European Parliament ³ , first reading:	15.05.2002
Date of adoption of the amended proposal	27.01.2003
Date of political agreement in Council	27.06.2002
Date of adoption of the common position ⁴	27.10.2003
Adoption by Parliament of the Recommendation for a second reading :	30.03.2004

3. PURPOSE OF THE PROPOSAL

First proposal of a package of five. Sets out the general hygiene rules applicable to all food.

¹ OJ C 365 E, 19.12.2000, p. 43.

² OJ C 155, 29.5.2001, p. 39.

³ OJ C 180 E, 31.7.2003, p. 267.

⁴ OJ C 48 E, 24.2.2004, p. 1.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

A compromise package of amendments was submitted to the European Parliament with the endorsement of the Council.

As the amendments approved by the European Parliament reflect the compromise agreement reached between the three institutions, the compromise is acceptable to the Commission.

The compromise package contains the following amendments:

- Amendment 7 is an editorial amendment resulting from the adoption of amendment 11.
- Amendment 10 introduces a definition of “primary production”. Useful addition to the Regulation.
- Amendment 11 is a rather editorial amendment that aims to clarify the responsibilities of the food business operators.
- Amendment 12 is an amendment to a recital and introduces a statement that encourages Member States to promote the implementation of the HACCP principles at the level of primary production. Since it does not impose an obligation, the amendment is acceptable.
- Amendment 13: is also an editorial amendment that describes the possibilities for the Commission to amend the annexes using the comitology procedure. The amendment is acceptable since it does not affect the powers of the Commission.
- Amendment 14: editorial amendment on the comitology procedure that allows to grant derogations to the Annexes of the Regulation. The amendment is acceptable since it does not affect the powers of the Commission.
- Amendment 15: editorial amendment on a technical requirement in the Annex. Does not affect the objectives of the Commission proposal.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.