

**P6\_TA(2006)0546**

**Circulation of compound feedingstuffs \*\*\*I**

**European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council correcting Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (COM(2006)0340 – C6-0209/2006 – 2006/0117(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0340)<sup>1</sup>,
  - having regard to Article 251(2) and Article 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0209/2006),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A6-0411/2006),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

**Position of the European Parliament adopted at first reading on 12 December 2006 with a view to the adoption of Decision No ... /2006/EC of the European Parliament and of the Council correcting Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the *Commission*,

Having *consulted* the European Economic and Social *Committee*,

Having *consulted* the Committee of the *Regions*,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>2</sup>,

Whereas:

- (1) Article 1(1)(b) of Directive 2002/2/EC of the European Parliament and of the Council<sup>3</sup>, amended Council Directive 79/373/EEC on the circulation of compound feedingstuffs<sup>4</sup>. That provision added a point to Article 5(1) of Directive 79/373/EEC, requiring manufacturers of compound animal feedingstuffs to indicate, at the customer's request, the exact composition of a feedingstuff.
- (2) The Court of Justice of the European Communities, in its judgment of 6 December 2005 in Joined Cases C-453/03, C-11/04, C-12/04 and C-194/04<sup>5</sup>, declared Article 1(1)(b) of Directive 2002/2/EC invalid, in the light of the principle of proportionality.
- (3) Article 233 of the Treaty requires the institutions whose act has been declared void to

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<sup>2</sup> *Position of the European Parliament of 12 December 2006.*

<sup>3</sup> Directive 2002/2/EC of the European Parliament and of the Council of 28 January 2002 amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (OJ L 63, 6.3.2002, p. 23).

<sup>4</sup> OJ L 86, 6.4.1979, p. 30. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

<sup>5</sup> ABNA and Others ECR [2005] I-10423.

take the necessary measures to comply with the judgment of the Court of Justice.

- (4) *The objective of ensuring feed safety is being achieved, amongst others, through implementation of the provisions of Regulation (EC) No 178/2002<sup>6</sup> and Regulation (EC) No 183/2005<sup>7</sup>.*
- (5) *A number of court rulings in the Member States have led to Directive 2002/2/EC being implemented differently and unevenly and various cases relating to it are currently pending before the national courts.*
- (6) *The Council and the European Parliament are not at present making more far-reaching amendments to the basic legal act, as the Commission has promised, as part of the simplification programme, to draw up proposals by mid-2007 to overhaul feed legislation. They anticipate that the issue of the so-called 'open declaration' of ingredients will be fully reviewed in this connection, and expect new proposals from the Commission taking account both of the interest of farmers in being provided with precise, detailed information on the feed materials contained in feedingstuffs and the interest of the industry in ensuring that business secrets are adequately protected.*
- (7) *Article 1(5) of Directive 2002/2/EC, which added to Article 12 of Directive 79/373/EEC a new sub-paragraph, already provides for an obligation of manufacturers of compound feedingstuffs to make available to the authorities responsible for carrying out official inspections, on request, any document concerning the composition of feedingstuffs intended to be put into circulation which enables the accuracy of the information given by the labelling to be verified.*
- (8) Directive 2002/2/EC should therefore be corrected,

HAVE ADOPTED THIS DECISION:

#### Article 1

Directive 2002/2/EC is corrected as follows:

- (1) Article 1(1)(b) is deleted.
- (2) In Article 1(6), in the text of Article 15a of Directive 79/373/EEC, the words “Article

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<sup>6</sup> Règlement (CE) n° 178/2002 du Parlement européen et du Conseil du 28 janvier 2002 établissant les principes généraux et les prescriptions générales de la législation alimentaire, instituant l'Autorité européenne de sécurité des aliments et fixant des procédures relatives à la sécurité des denrées alimentaires (JO L 31 du 1.2.2002, p. 1). Règlement modifié en dernier lieu par le règlement (CE) n° 575/2006 de la Commission (JO L 100 du 8.4.2006, p. 3).

<sup>7</sup> Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down technical requirements for feed hygiene (OJ L 35, 8.2.2005, p. 1).

5(1)(j) and (l)” are replaced by the words “Article 5(1)(j)”.

#### "Article 15a

Au plus tard le 6 novembre 2006, la Commission, sur la base des informations reçues des États membres, présente un rapport au Parlement européen et au Conseil sur la mise en œuvre du régime institué par l'article 5, paragraphe 1, point j), par l'article 5, paragraphe 5, point d), par l'article 5 quater et par l'article 12, deuxième alinéa, notamment en ce qui concerne l'indication des quantités, sous forme de pourcentage en poids, de matières premières sur l'étiquetage des aliments composés, y compris la tolérance autorisée, accompagné d'éventuelles propositions visant à améliorer ces dispositions."

#### Article 2

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

#### Article 3

This Decision is addressed to the Member States.

Done at ,

For the European Parliament  
The President

For the Council  
The President