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A6-0179/2008

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***II
RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings
(16673/2/2007 – C6-0138/2008 – 2006/0143(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Åsa Westlund

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics*.** In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings
(16673/2/2007 – C6-0138/2008 – 2006/0143(COD))

(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (16673/2/2007 – C6-0138/2008),

– having regard to its position at first reading[1] on the Commission proposal to Parliament and the Council (COM(2006)0423),

– having regard to the amended proposal (COM(2007)0672),

– having regard to Article 251(2) of the EC Treaty,

– having regard to Rule 62 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0179/2008),

1. Approves the common position as amended;

2. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Council common position
Recital 2

Council common position	*Amendment*
(2) A high level of protection of human life and health should be assured in the pursuit of Community policies.	(2) A high level of protection of human life and health***, and of the environment,*** should be assured in the pursuit of Community policies.

Justification

Reinstatement of amendment 1 EP first reading.

[1] Texts adopted, P6_TA(2007)0320.

Amendment 2

Council common position
Recital 5 a (new)

Council common position	*Amendment*
	(5a) Transparency in the production and handling of food is absolutely crucial to achieving consumer credibility.

Justification

Reinstatement of amendment 3 EP first reading.

Amendment 3

Council common position
Recital 11

Council common position	*Amendment*
(11) In accordance with the framework for risk assessment in matters of food safety established by Regulation (EC) No 178/2002, the authorisation to place substances on the market must be preceded by ***a*** scientific assessment, of the highest possible standard, of the risks that they pose to human health. This assessment, which must be carried out under the responsibility of the Authority, must be followed by a risk management decision taken by the Commission under a regulatory procedure that ensures close cooperation between the Commission and the Member States.	(11) In accordance with the framework for risk assessment in matters of food safety established by Regulation (EC) No 178/2002, the authorisation to place substances on the market must be preceded by ***an independent*** scientific assessment, of the highest possible standard, of the risk they pose to human health. This assessment, which must be carried out under the responsibility of the Authority, must be followed buy a risk management decision taken by the Commission under a regulatory procedure that ensures close cooperation between the Commission and the Member States.

Justification

Reinstatement of amendment 5 EP first reading.

Amendment 4

Council common position
Recital 11 a (new)

Council common position	*Amendment*
	(11a) The criteria laid down for authorisation under Regulations (EC) No XXX/2006, (EC) No YYY/2006 and (EC) No ZZZ/2006 should also be fulfilled for authorisation pursuant to this Regulation.

Amendment 5

Council common position
Article 1 – paragraph 1

Council common position	*Amendment*
1. This Regulation lays down a common ***assessment and*** authorisation procedure (hereinafter referred to as the "common procedure") for food additives, food enzymes, food flavourings and source materials of food flavourings and *of* food ingredients with flavouring properties used or intended for use in or on foodstuffs (hereinafter referred to as the "substances"), which ***facilitates*** the free movement of these substances within the Community. This Regulation shall not apply to smoke flavourings falling within the scope of Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods.	1. This Regulation lays down a common authorisation procedure (hereinafter referred to as the "common procedure") for food additives, food enzymes, food flavourings and source materials of food flavourings and food ingredients with flavouring properties used or intended to be used in or on foodstuffs (hereinafter referred to as the "substances"), which ***contributes to improved consumer protection and public health and*** the free movement of these substances within the Community. This Regulation shall not apply to smoke flavourings falling within the scope of Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings use or intended for use in or on foods.

Justification

Reinstatement of amendment 11 EP first reading.

Amendment 6

Council common position
Article 2 – paragraph 1

Council common position	*Amendment*
1. Under each sectoral food law, substances that have been authorised to be placed on the Community market shall be included on a list the content of which is determined by the said law (hereinafter referred to as the "Community list"). The Community list shall be updated by the Commission. It shall be published in the Official Journal of the European Union.	1. Under each sectoral food law, substances that have been authorised to be placed on the Community market shall be included on a list the content of which is determined by the said law (hereinafter referred to as the "Community list"). The Community list shall be updated by the Commission. It shall be published in the Official Journal of the European Union. ***Substances included on the Community list may be used by all food business operators subject to the conditions applicable to them, provided their use is not restricted under Article 12(6a).***

Justification

Reinstatement of amendment 14 from EP first reading.

Amendment 7

Council common position
Article 4 – paragraph 1 – subparagraph 1 point b

Council common position	*Amendment*
(b) ***where applicable***, shall ***as soon as possible*** notify the Authority of the application and request its opinion in accordance with Article 3(2).	(b) shall notify the Authority of the application and request its opinion in accordance with Article 3(2).

Amendment 8

Council common position
Article 5 – paragraph 1

Council common position	*Amendment*
1. The Authority shall give its opinion within ***six months*** of receipt of a valid application.	1. The Authority shall give its opinion within ***nine months*** of receipt of a valid application.

Justification

Reinstatement of amendment 22 EP first reading.

Amendment 9

Council common position
Article 5 – paragraph 2

Council common position	*Amendment*
2. The Authority shall forward its opinion to the Commission, the Member States and, where applicable, the applicant.	2. The Authority shall forward its opinion to the Commission, the Member States and, where applicable, the applicant. ***The opinion shall also be made public, subject to the provisions of Article 12.***

Justification

Reinstatement of amendment 23 EP first reading.

Amendment 10

Council common position
Article 7 – paragraph 1 a (new)

Council common position	*Amendment*
	1a. The Commission shall justify its draft regulation and explain the considerations on which it is based.

Justification

Reinstatement of amendment 37 EP first reading.

Amendment 11

Council common position
Article 7 – paragraph 2

Council common position	*Amendment*
2. Where the draft regulation is not in accordance with the opinion of the Authority, the Commission shall ***provide***	2. Where the draft regulation is not in accordance with the opinion of the Authority, the Commission shall ***explain***

an explanation of the reasons for ***the differences***.	the reasons for ***its decision***.

Justification

Reinstatement of amendment 37 EP first reading.

EP first reading.

Amendment 12

Council common position
Article 12 – paragraph 6 a (new)

Council common position	*Amendment*
	6a. Scientific data and other information provided by applicants may not be used for the benefit of a subsequent applicant for a period of five years from the date of authorisation, unless the subsequent applicant has agreed with the prior applicant that such data and information may be used and costs are shared accordingly, where:
	(a) the scientific data and other information were designated as proprietary by the prior applicant at the time the prior application was made;
	(b) the prior applicant had exclusive rights of reference to the proprietary data at the time the prior application was made; and
	(c) the substance could not have been authorised without the submission of the proprietary data by the prior applicant.

Justification

Reinstatement of amendment 33 from EP first reading.

EXPLANATORY STATEMENT

The draft regulation on a Common Authorisation Procedure for food additives, food enzymes and food flavourings is part of the Food Improvement Agents Package (FIA), which was proposed by the Commission in July 2006. The package comprises this proposal for a Common Authorisation Procedure, a regulation on food additives, a regulation on food enzymes and a regulation on food flavourings. The aim is to harmonise, clarify and update current rules in this area.

The European Parliament adopted its first reading during the plenary session on 10 July 2007. The Council's common position was adopted on 10 March 2008.

The Parliament adopted 29 amendments in its first reading to the Commission proposal. Less than half of those were taken on board in the Council common position.

The main aim of the rapporteur in the first reading was to increase transparency in the authorisation procedure to be applied, and thereby increasing consumer protection.

Parliament supported her in this aim. The Council has not put the same emphasis on increasing transparency in the Common Position, as the rapporteur had wished for.

The amendments tabled for second reading therefore seek to reinstate this idea.

The Parliament in it's first reading also supported the rapporteur in including environmental dimensions in the legislation. The Council took some of this on board, but the rapporteur would like to see the proposal strengthened in this respect.

PROCEDURE

Title	Common authorisation procedure for food additives, food enzymes and food flavourings
References	16673/2/2007 – C6-0138/2008 – 2006/0143(COD)
Date of Parliament's first reading – P number	10.7.2007 T6-0320/2007
Commission proposal	COM(2006)0423 - C6-0258/2006
Amended Commission proposal	COM(2007)0672
Date receipt of common position announced in plenary	13.3.2008
Committee responsible Date announced in plenary	ENVI 13.3.2008
Rapporteur(s) Date appointed	Åsa Westlund 14.9.2006
Discussed in committee	3.4.2008
Date adopted	6.5.2008
Result of final vote	+: 47 –: 0 0: 0
Members present for the final vote	Georgs Andrejevs, Irena Belohorská, John Bowis, Frieda Brepoels, Hiltrud Breyer, Dorette Corbey, Magor Imre Csibi, Chris Davies, Avril Doyle, Mojca Drčar Murko, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Satu Hassi, Jens Holm, Caroline Jackson, Christa Klaß, Eija-Riitta Korhola, Urszula Krupa, Aldis Kušķis, Jules Maaten, Linda McAvan, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Åsa Westlund, Anders Wijkman, Glenis Willmott
Substitute(s) present for the final vote	Anne Laperrouze, Kartika Tamara Liotard, Miroslav Mikolášik, Alojz Peterle, Lambert van Nistelrooij