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Committee on the Environment, Public Health and Food Safety

2007/0030(COD)

22.11.2007

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

on the proposal for a European Parliament and Council decision on a common
framework for the marketing of products
(COM(2007)0053 – C6-0067/2007 – 2007/0030(COD))

Draftswoman: Karin Scheele

PA_Legrej

SHORT JUSTIFICATION

The proposal for a decision on a common framework should be rejected. It is not suitable for harmonising the requirements on the marketing of products in the internal market. The proposal aims to commit the Community institutions themselves, with a view to future legislation in the area of the 'old and new approach'. Yet in legal terms such a binding effect is not possible. The EU institutions may always issue provisions that deviate from this decision when revising existing internal market rules, or introducing new ones. For reasons of legal certainty, if the decision cannot have any binding effect on the Community legislator, it should avoid giving the impression that it does so. Otherwise, considerable implementation problems could occur.

In light of this, it is considered that the proposal for a decision does not offer any added value to the current legal situation. In terms of content, it cannot in fact go any further than making recommendations to the legislator to regulate internal market requirements in a certain way in the future. Such recommendations have, until now, been recorded in the 'Guide to the implementation of directives based on the new approach and the global approach' (European Commission, Brussels 2000).

It seems disproportionate to involve the legislators in a time-consuming codecision procedure for this draft decision. If the intention of the internal market package submitted on 14 February 2007 is to obtain horizontal harmonisation of all internal market relevant sectors that is as wide-ranging as possible, then a corresponding harmonisation of all relevant sectors should be immediately and directly implemented. Accordingly, in its internal draft of 6 September 2006 'A horizontal legislative approach to the harmonisation of legislation on industrial products' (N 560 - 1 EN), the Commission had planned only a legislative proposal directly affecting current law.

This proposal for a decision contradicts the efforts of all Community bodies to improve and simplify legislation. The initiative presented gives the impression that the legislators should deal with a proposal for a decision that is, in this form, unnecessary and also unclear. For example, the scope is unclear and the definitions of exceptions seem to have been prepared at random (Article 1).

For these reasons the draft decision should be rejected. Elements of the proposal for a decision should be incorporated into the 'Proposal for a regulation on setting out the requirements for accreditation and market surveillance relating to the marketing of products' (COM(2007)0037).

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to propose rejection of the Commission proposal.

PROCEDURE

Title	Proposal for a European Parliament and Council decision on a common framework for the marketing of products
References	COM(2007)0053 – C6-0067/2007 – 2007/0030(COD)
Committee responsible	IMCO
Opinion by Date announced in plenary	ENVI 13.3.2007
Draftswoman Date appointed	Karin Scheele 10.5.2007
Discussed in committee	26.6.2007 8.10.2007
Date adopted	22.11.2007
Result of final vote	+: 21 –: 15 0: 0
Members present for the final vote	Pilar Ayuso, Johannes Blokland, Frieda Brepoels, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jill Evans, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Marie-Noëlle Lienemann, Peter Liese, Alexandru-Ioan Morțun, Roberto Musacchio, Riitta Myller, Miroslav Ouzký, Frédérique Ries, Guido Sacconi, Karin Scheele, Carl Schlyter, Richard Seeber, Bogusław Sonik, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Glenis Willmott
Substitutes present for the final vote	Alfonso Andria, Kathalijne Maria Buitenweg, Duarte Freitas, Alojz Peterle