



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.6.2001  
COM(2001) 324 final

2000/0068 (COD)

**OPINION OF THE COMMISSION**

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

**DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**amending Council Directive 95/53/EC fixing the principles governing the organisation of  
official inspections in the field of animal nutrition and Directives 70/524/EEC, 96/25/EC  
and 1999/29/EC on animal nutrition**

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

## **EXPLANATORY MEMORANDUM**

Article 251, paragraph 2, indent c, of the EC Treaty lays down that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at second reading.

The Commission sets out its opinion in point 3 on the five amendments proposed by the Parliament.

### **I. PROCEDURE**

- I.1 On 21 March 2000, the Commission submitted to the Council and to the European Parliament a proposal based on Article 152(4)(b) of the EC Treaty (COM (2000) 162 final - 2000/0068(COD)) for adoption by the co-decision procedure laid down in Article 251 of the EC Treaty, amending Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition<sup>1</sup> and Council Directive 1999/29/EC on undesirable substances and products in animal nutrition
- I.2 On 4 October 2000, the European Parliament delivered a first opinion on the Commission proposal and adopted a report and 26 amendments (A5-0256/2000). The Economic and Social Committee delivered its opinion on 20 September 2000<sup>2</sup>. At its plenary meeting in September 2000, the Committee of the Regions decided not to deliver an opinion.
- I.3 On 1 December 2000, having accepted the amendments proposed by the European Parliament, the Commission adopted a modified proposal in accordance with Article 250 of the EC Treaty.
- I.4 At its meeting on 12 February 2001, the Council adopted its common position in accordance with Article 251 of the EC Treaty.
- I.5 On 15 May 2001, the European Parliament adopted at second reading a European legislative resolution on the common position of the Council including five amendments to that common position.

### **II. PURPOSE OF THE DIRECTIVE**

Directive 95/53/EC fixes the principles governing official inspections in the field of animal nutrition. It covers both Community and third-country products. The Directive entered into force in May 1998.

Directive 1999/29/EC on undesirable products and substances in animal nutrition provides, *inter alia*, for a notification procedure on feed contamination.

The proposal, which was one of the feed safety measures announced in the Commission White Paper on food safety, aims to supplement existing legal provisions as follows:

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<sup>1</sup> OJ L 265, 08.11.1995 p.17

<sup>2</sup> OJC .....

Member States will be required to adopt adequate contingency plans to deal with serious feed risks.

In the event of serious risks to public health, animal health or the environment, the Commission will be able to take interim protective measures concerning feedingstuffs and products used in animal nutrition produced within the Community.

Under a harmonised procedure, Member States will be required to inform the Commission as soon as a serious contamination or risk is identified and has spread to the feed and food chain or is likely to spread to other countries.

In an emergency, information relating to animal nutrition products will be exchanged using the current rapid alert system for food.

### **III. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

#### **III.1. Amendments retained by the Commission**

##### **Amendment n°1**

The amendment changes the word "decontamination" to the "rendering the products harmless" of Article 13(1), second indent of Directive 1995/53/EC.

This change is accepted by the Commission because it extends the field of application to include undesirable substances which may be created for example as a result of faults and flaws the manufacturing process (eg where inappropriate manufacturing conditions cause adverse changes in the chemical composition of the feed). Such substances are not clearly covered by the notion of contamination, which could be interpreted as applying only to things added to the feed.

##### **Amendment n°2**

The amendment changes the word "decontamination" to the expression "rendering the products harmless" of Article 14, first subparagraph of Directive 1995/53/EC.

This change is accepted by the Commission for the same reasons as amendment 1 above.

##### **Amendment n°3**

The amendment changes the expression "contamination" to "undesirable substances", modifying Article 16b(1) of Directive 1995/53/EC.

This change is accepted by the Commission for the same reasons as amendment 1 above.

##### **Amendment n° 4**

The amendment changes the expression "contamination" to "undesirable substances" and "decontamination" to the expression "rendering the products harmless" modifying Article 16b(2) of Directive 1995/53/EC.

This change is accepted by the Commission for the same reasons as amendment 1 above.

**Amendment n° 6 as orally amended**

Article 17a of Directive 1995/53/EC is replaced with similar provisions which are consistent with the evolution of legislative provisions concerning Commission on-the-spot inspections in the field of Transmissible Spongiform Encephalopathies.

**III.2. Amendments not accepted by the Commission**

None.

**IV. CONCLUSIONS**

The Commission is in favour of all the amendments to the common position voted by the European Parliament.

Having regard to Article 250, paragraph 2 of the EC Treaty, the Commission modifies its proposal as indicated above.