

Tuesday 11 December 2001

## 18. European Food Authority \*\*\*II

A5-0416/2001

**European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation laying down the general principles and requirements of food law, establishing the European Food Authority and laying down procedures in matters of food safety (10880/1/2001 – C5-0414/2001 – 2000/0286(COD))**

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (10880/1/2001- C5-0414/2001),
  - having regard to its position at first reading<sup>(1)</sup> on the Commission proposal to Parliament and the Council (COM(2000) 716)<sup>(2)</sup>,
  - having regard to the amended Commission proposal (COM(2001) 475)<sup>(3)</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0416/2001),
1. Amends the common position as follows;
  2. Calls on the Council to apply the following criteria in its decision-making procedure on the location of the European Food Safety Authority:
    - it should be, and be seen physically to be, independent of the Commission and other institutions;
    - it should have a long-standing tradition in food safety in order to lend credibility to the Authority in the eyes of EU citizens;
    - it should enhance the Authority's independence and integrity;
    - it should provide good scientific infrastructure and facilities in the field of food safety;
    - it should be easily accessible in terms of communications and have good and rapid transport connections;
    - it should enable the Authority to work closely and efficiently with those Commission services which deal with public health and consumer protection issues;
    - it should be cost-effective and enable the Authority to start its work without delay;
  3. Instructs its President to forward its position to the Council and Commission.

<sup>(1)</sup> 'Texts Adopted', 12.6.2001, Item 1.

<sup>(2)</sup> OJ C 96 E, 27.3.2001, p. 247.

<sup>(3)</sup> OJ C 304 E, 30.10.2001, p. 273.

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## Amendment 1

## Title

Proposal for a regulation of the European Parliament and of the Council regulation laying down the general principles and requirements of food law, establishing the European Food Authority and laying down procedures in matters of food safety

Proposal for a European Parliament and Council regulation laying down the general principles and requirements of food law, establishing the European Food **Safety** Authority and laying down procedures in matters of food safety

## Amendment 29

## Recital 14a (new)

**(14a) Networking of laboratories of excellence, at regional and/or interregional level, with the aim of ensuring continuous monitoring of food safety, could play an important role in the prevention of potential health risks for citizens.**

## Amendment 38

## Recital 40

(40) To that effect the Management Board should be appointed in such a way as to secure the highest standard of competence, a broad range of relevant expertise and the broadest possible geographic distribution within the Union. **In order to ensure that a broad range of relevant expertise is available, it is necessary for the Council to have a wide choice of candidates on the basis of a list drawn up by the Commission in an open and transparent manner. In order to build a relationship of confidence and transparency with the general public it is appropriate for a quarter of the members to have their background in organisations representing consumers and other interests in the food chain.**

(40) To that effect the Management Board should be appointed in such a way as to secure the highest standard of competence, a broad range of relevant expertise, **for instance in management and in public administration**, and the broadest possible geographic distribution within the Union. **This should be facilitated by a rotation of the different countries of origin of the members of the Management Board without any post being reserved for nationals of any specific Member State.**

## Amendment 30

## Article 1, paragraph 1

1. This Regulation provides the basis for *the assurance* of a high level of protection of human **life and** health and consumers' *interest* in relation to food, whilst ensuring the effective functioning of the internal market. It establishes common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety.

1. This Regulation provides the basis for *ensuring* a high level of protection of human health and consumers' *interests* in relation to food, **taking into account in particular the diversity in the supply of food including traditional products**, whilst ensuring the effective functioning of the internal market. It establishes common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety.

## Amendment 32

## Article 6, paragraph 3

3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the Authority referred to in Article 22, other factors legitimate to the

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matter under consideration and the precautionary principle where the conditions laid down in Article 7(1) are relevant.

matter under consideration, and the precautionary principle where the conditions laid down in Article 7(1) are relevant, **in order to achieve the general objectives of food law established in Article 5.**

## Amendment 33

## Article 7, paragraph 1

1. In circumstances where, following an assessment of available information, the possibility of harmful effects on health **has been** identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community may be adopted, pending further scientific information for a more comprehensive risk assessment.

1. In **specific** circumstances where, following an assessment of available information, the possibility of harmful effects on health **is** identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community may be adopted, pending further scientific information for a more comprehensive risk assessment.

## Amendment 7

## Article 9

There shall be public consultation, directly or through representative bodies, **at an appropriate stage**, during the preparation of food law, except where the urgency of the matter does not allow it.

There shall be **open and transparent** public consultation, directly or through representative bodies, during the preparation, **evaluation and revision** of food law, except where the urgency of the matter does not allow it.

## Amendment 31

## Article 13, point (da) (new)

**(da) promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Community is not reduced.**

## Amendment 10

## Article 19, paragraph 1

1. If a food business operator considers or **suspects** that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, it shall immediately initiate procedures to withdraw the food in question from the market and inform the competent authorities thereof. Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from *consumers* products already supplied to *them* when other measures are not sufficient to achieve a high level of health protection.

1. If a food business operator considers or **has reason to believe** that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements **and the food has left the immediate control of that initial food business operator**, it shall immediately initiate procedures to withdraw the food in question from the market and inform the competent authorities thereof. Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from *them* products already supplied when other measures are not sufficient to achieve a high level of health protection.

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## Amendment 35

## Article 19, paragraph 3

3. A food business operator shall immediately inform the competent authorities if it considers or **suspects** that a food which it has placed on the market may be injurious to human health. Operators shall inform the competent authorities of the action taken to prevent risks to the final consumer.

3. A food business operator shall immediately inform the competent authorities if it considers or **has reason to believe** that a food which it has placed on the market may be injurious to human health. Operators shall inform the competent authorities of the action taken to prevent risks to the final consumer **and shall not prevent or discourage any person from cooperating, in accordance with national law and legal practice, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.**

## Amendment 34

## Article 20, paragraph 1

1. If a feed business operator considers or **suspects** that a feed which it has imported, produced, processed, manufactured or distributed does not satisfy the feed safety requirements, it shall immediately initiate procedures to withdraw the feed in question from the market and inform the competent authorities thereof. The operator shall effectively and accurately inform users of the feed of the reason for its withdrawal, and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.

1. If a feed business operator considers or **has reason to believe** that a feed which it has imported, produced, processed, manufactured or distributed does not satisfy the feed safety requirements, it shall immediately initiate procedures to withdraw the feed in question from the market and inform the competent authorities thereof. **In these circumstances or, in the case of Article 15(3), where the batch, lot or consignment does not satisfy the feed safety requirement, that feed shall be destroyed, unless the competent authority is satisfied otherwise.** The operator shall effectively and accurately inform users of the feed of the reason for its withdrawal, and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.

## Amendment 36

## Article 20, paragraph 3

3. A feed business operator shall immediately inform the competent authorities if it considers or **suspects** that a feed which it placed on the market may not satisfy the feed safety requirements. It shall inform the competent authorities of the action taken to prevent risk arising from the use of that feed.

3. A feed business operator shall immediately inform the competent authorities if it considers or **has reason to believe** that a feed which it placed on the market may not satisfy the feed safety requirements. It shall inform the competent authorities of the action taken to prevent risk arising from the use of that feed **and shall not prevent or discourage any person from cooperating, in accordance with national law and legal practice, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a feed.**

## Amendment 13

## Article 22, paragraph 8

8. The Authority, Commission and Member States shall cooperate to promote **the necessary** coherence between risk assessment, risk management and risk communication functions.

8. The Authority, Commission and Member States shall cooperate to promote **effective** coherence between risk assessment, risk management and risk communication functions.

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## Amendment 14

Article 23, point (c)

(c) to provide scientific and technical support to the Commission in the areas within its mission;

(c) to provide scientific and technical support to the Commission in the areas within its mission **and, when so requested, in the interpretation and consideration of risk assessment opinions;**

## Amendment 37

Article 25, paragraph 1

1. The Management Board shall be composed of **16 members** appointed by the Council in consultation with the European Parliament from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed, plus a representative of the Commission. **A quarter** of the members shall have their background in organisations representing consumers and other interests in the food chain.

1. The Management Board shall be composed of **14 members** appointed by the Council in consultation with the European Parliament from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed, plus a representative of the Commission. **Four** of the members shall have their background in organisations representing consumers and other interests in the food chain.

**The list drawn up by the Commission, accompanied by the relevant documentation, shall be forwarded to the European Parliament. As soon as possible and within three months of such communication, the European Parliament may make its views available for consideration by the Council, which will then appoint the Management Board.**

The members of the Board shall be appointed in such a way as to secure the highest standards of competence, a broad range of relevant expertise and the broadest possible geographic distribution within the Union.

The members of the Board shall be appointed in such a way as to secure the highest standard of competence, a broad range of relevant expertise and, **consistent with these**, the broadest possible geographic distribution within the Union.

## Amendment 16

Article 25, paragraph 2

2. Members' term of office shall be four years. However, for the first mandate, this period shall be six years for half of the members.

2. Members' term of office shall be four years, **and may be renewed once**. However, for the first mandate, this period shall be six years for half of the members.

**Members may be represented by alternates, appointed at the same time.**

## Amendment 39

Article 25, paragraph 10

10. The Executive Director shall take part in the meetings of the Management Board, without voting rights, and shall provide the Secretariat.

10. The Executive Director shall take part in the meetings of the Management Board, without voting rights, and shall provide the Secretariat. **The Management Board shall invite the Chair of the Scientific Committee to attend its meetings without voting rights.**

## Amendment 40

Article 26, paragraph 1

1. The Executive Director shall be appointed by the Management Board, on the basis of a list of candidates proposed by the Commission after an open competition, following pub-

1. The Executive Director shall be appointed by the Management Board, on the basis of a list of candidates proposed by the Commission after an open competition, following pub-

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lication in the Official Journal of the European Communities and elsewhere of a call for expressions of interest, for a period of five years which shall be renewable. The Executive Director may be removed from office by the Management Board.

lication in the Official Journal of the European Communities and elsewhere of a call for expressions of interest, for a period of five years which shall be renewable. **Before appointment the candidate nominated by the Management Board shall be invited without delay to make a statement before the European Parliament and answer questions put by members of that institution** The Executive Director may be removed from office by **a majority of** the Management Board.

## Amendment 19

## Article 27, paragraph 5

5. The Advisory Forum shall be chaired by the Executive Director, **who shall convene its meetings**. Its operational procedures shall be specified in the Authority's internal rules and shall be made public.

5. The Advisory Forum shall be chaired by the Executive Director. **It shall meet regularly, and not less than four times per year, at the invitation of the Chair or at the request of at least a third of its members**. Its operational procedures shall be specified in the Authority's internal rules and shall be made public.

## Amendment 41

## Article 38, paragraph 2

2. The Management Board, **acting on a proposal from the Executive Director, may decide to hold some of** its meetings in public and may authorise consumer representatives or other interested parties to observe the proceedings of some of the Authority's activities.

2. The Management Board **shall** hold its meetings in public **unless, acting on a proposal from the Executive Director, it decides otherwise for specific administrative points of its agenda**, and may authorise consumer representatives or other interested parties to observe the proceedings of some of the Authority's activities.

## Amendment 21

## Article 40, paragraph 3, subparagraph 1a (new)

**The Authority shall publish, in accordance with Article 38, all opinions issued by it.**

## Amendment 22

## Article 43, paragraph 1

1. The revenues of the Authority shall consist of a contribution from the Community and, **in addition, any fees received by the Authority in payment for the services it provides**.

1. The revenues of the Authority shall consist of a contribution from the Community and **from any State with which the Community has concluded the agreements referred to in Article 49, and fees charged for publications, conferences, training and any other similar activities provided by the Authority**.

## Amendment 23

## Article 43, paragraph 5

5. By 31 March each year at the latest, the Management Board shall adopt the draft estimates including the provisional list of posts accompanied by the preliminary work programme and forward it to the Commission, **which on that basis** shall enter the relevant estimates in the preliminary draft general budget of the European Union to be put before the Council pursuant to Article 272 of the Treaty.

5. By 31 March each year at the latest, the Management Board shall adopt the draft estimates including the provisional list of posts accompanied by the preliminary work programme and forward them to the Commission **and the States with which the Community has concluded the agreements referred to in Article 49. On the basis of that draft, the Commission** shall enter the relevant estimates in the preliminary draft general budget of the European Union to be put before the Council pursuant to Article 272 of the Treaty.

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## Amendment 24

## Article 45

Within three years following the date of entry into force of this Regulation and after consulting the Authority, the Member States and the interested parties, the Commission shall publish a report on the feasibility and advisability of **introducing fees payable by undertakings in connection with obtaining a Community authorisation and** for other services provided by the Authority.

Within three years from the date of entry into force of this Regulation, the Commission shall publish, after consulting the Authority, the Member States and the interested parties, a report on the feasibility and advisability of **presenting a legislative proposal under the codecision procedure and in accordance with the Treaty** for other services provided by the Authority.

## Amendment 43

## Article 50, paragraph 1

1. A rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed is hereby established as a network. It shall involve the Member States, the Commission and the Authority. The Member States, the Commission and the Authority shall each designate a contact point, which shall be a member of the network.

1. A rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed is hereby established as a network. It shall involve the Member States, the Commission and the Authority. The Member States, the Commission and the Authority shall each designate a contact point, which shall be a member of the network. **The Commission shall be responsible for managing the network.**

## Amendment 42

## Article 51

The measures for implementing Article 50 shall be adopted by the Commission, after **consulting** the Authority, in accordance with the procedure referred to in Article 58(2). These measures shall specify, in particular, the specific conditions and procedures applicable to the transmission of notifications and supplementary information.

The measures for implementing Article 50 shall be adopted by the Commission, after **discussion with** the Authority, in accordance with the procedure referred to in Article 58(2). These measures shall specify, in particular, the specific conditions and procedures applicable to the transmission of notifications and supplementary information.

## Amendment 26

## Article 53, paragraph 1, point (a), indent (i)

(i) suspension of the placing on the market of the food in question;

(i) suspension of the placing on the market **or use** of the food in question;

## Amendment 44

## Article 53, paragraph 2, subparagraph 2

As soon as possible, and *a* most within 10 working days, the measures taken shall be confirmed, amended, revoked or extended in accordance with the procedure referred to in Article 58(2).

As soon as possible, and *at* most within 10 working days, the measures taken shall be confirmed, amended, revoked or extended in accordance with the procedure referred to in Article 58(2), **and the reasons for the Commission's decision shall be made public without delay.**