

Tuesday 12 June 2001

TEXTS ADOPTED

1. European Food Authority ***I

A5-0198/2001

Proposal for 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 (COM(2000) 716 – C5-0655/2000 – 2000/0286(COD))

The proposal was amended as follows:

TEXT PROPOSED BY THE COMMISSION (1)	AMENDMENTS BY PARLIAMENT
	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 209
	Recital 1
(1) <i>The free movement of</i> safe and wholesome food is <i>an essential aspect of the internal market and contributes significantly to</i> the health and well-being of citizens, and <i>to</i> their social and economic interests.	(1) Safe and wholesome food is the fundamental requirement for the health and well-being of citizens, and for their social and economic interests, and contributes significantly to the proper functioning of the internal market.
	Amendment 2
	Recital 3
(3) The free movement of food within the Community can be achieved only if food safety requirements do not differ significantly from Member State to Member State.	(3) The free movement of food within the Community can be achieved only if food safety requirements do not differ significantly from Member State to Member State. These requirements should also apply to food and feed products imported from third countries.
	Amendment 3
	Recital 6
(6) In this regard, water is ingested as other foods, thereby contributing to the overall exposure of a consumer to ingested substances, including chemical and microbiological contaminants. It should therefore be considered to be food, without prejudice to the requirements established in Council Directives 80/778/EEC and 98/83/EC on the quality of water intended for human consumption.	(6) In this regard, water is ingested directly or indirectly as other foods, thereby contributing to the overall exposure of a consumer to ingested substances, including chemical and microbiological contaminants. It should therefore be considered to be food, without prejudice to the requirements established in Council Directives 80/778/EEC and 98/83/EC on the quality of water intended for human consumption.

(1) OJ C 96 E, 27.03.2001, p. 247.

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TEXT PROPOSED
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BY PARLIAMENT

Amendment 4

Recital 9

(9) Experience has shown that it is necessary to adopt measures aimed at guaranteeing that only safe food is placed on the market and at ensuring that systems exist to identify and respond to food safety problems in order to ensure the proper functioning of the internal market **and to protect human health.**

(9) Experience has shown that it is necessary to adopt measures aimed at guaranteeing that only safe food is placed on the market and at ensuring that systems exist to identify and respond to food safety problems in order to ensure the **protection of human health and the** proper functioning of the internal market.

Amendment 5

Recital 11

(11) In order to ensure the safety of food, it is necessary to consider all aspects of the food production chain as a continuum because each element may have a potential impact on food safety.

(11) In order to ensure the safety of food, it is necessary to consider all aspects of the food production chain as a continuum, **from the inputs used in agriculture, through the feeding of animals to the sale of foodstuffs to individuals and the catering industry**, because each element may have a potential impact on food safety.

Amendment 6

Recital 12

(12) Experience has shown that for this reason it is necessary to consider the production, manufacture and distribution of feed given to food-producing animals, since the inadvertent or deliberate contamination of feed, and adulteration or fraudulent or other bad practices in relation to **it**, may give rise to a direct or indirect impact on food safety.

(12) Experience has shown that for this reason it is necessary to consider the production, manufacture, **transport** and distribution of feed **products** given to food-producing animals, since the inadvertent or deliberate contamination of feed **products**, and adulteration or fraudulent or other bad practices in relation to **them**, may give rise to a direct or indirect impact on food safety.

Amendment 7

Recital 17

(17) It is recognised that scientific risk assessment alone cannot, in some cases, provide all the information on which a risk-management decision should be based, and that other factors relevant to the matter under consideration should legitimately be taken into account including societal, economic, ethical and environmental factors and the feasibility of controls.

(17) It is recognised that scientific risk assessment alone cannot, in some cases, provide all the information on which a risk-management decision should be based, and that other factors relevant to the matter under consideration should legitimately be taken into account including societal, economic, **traditional**, ethical and environmental factors and the feasibility of controls.

Amendment 8

Recital 18

(18) The precautionary principle has been invoked to ensure health protection in the Community, thereby giving rise to barriers to the free movement of food. By adopting a uniform basis throughout the Community, the possibility of an improper use of this principle is diminished.

(18) The precautionary principle has been invoked to ensure health protection in the Community, thereby giving rise to barriers to the free movement of food. By adopting a uniform basis throughout the Community, the possibility of an improper use of this principle is diminished. **In the interests of consumer protection, the precautionary principle should also apply to food and feed products imported from third countries.**

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TEXT PROPOSED
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Amendment 10

Recital 22a (new)

(22a) In the light of recent food safety scandals, illegal practices which may endanger consumer safety should be reported. Employees and external inspectors should not be penalised for expressing any concerns they may have.

Amendment 202

Recital 29a (new)

(29a) It is necessary to recognise the role of SMEs in maintaining the cultural diversity of food throughout the EU and to underline the need for measures to help SMEs comply with new safety and hygiene rules; these measures should at the same time be designed to safeguard typical local and traditional products often involving specific production and preservation methods.

Amendment 12

Recital 32

(32) The Authority should take on the role of an independent scientific point of reference and in so doing should assist in ensuring the smooth functioning of the internal market. It may be called upon to give opinions on contentious scientific issues, thereby enabling Member States to take informed risk-management decisions necessary to ensure food safety whilst helping avoid the fragmentation of the internal market through the adoption of unjustified or unnecessary obstacles to the free movement of food.

(32) The Authority should take on the role of an independent scientific point of reference and in so doing should assist in ensuring the smooth functioning of the internal market. It may be called upon to give opinions on contentious scientific issues, thereby enabling Member States to take informed risk-management decisions necessary to ensure food safety **and food hygiene** whilst helping avoid the fragmentation of the internal market through the adoption of unjustified or unnecessary obstacles to the free movement of food.

Amendment 13

Recital 33

(33) The Authority's role as an independent scientific point of reference means that a scientific opinion may be requested not only by the Commission, but also by the European Parliament and the Member States or a competent national body. Steps should also be taken to help avoid **conflicting** scientific opinions and, in the event of **conflicting** scientific opinions between several scientific bodies, procedures should be in place to solve the conflict or provide the risk managers with a transparent basis of scientific information.

(33) The Authority's role as an independent scientific point of reference means that a scientific opinion may be requested not only by the Commission, but also by the European Parliament and the Member States or a competent national body, **both before and during the legislative process**. Steps should also be taken to help avoid **divergent** scientific opinions and, in the event of **divergent** scientific opinions between several scientific bodies, procedures should be in place to solve the conflict or provide the risk managers with a transparent basis of scientific information.

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TEXT PROPOSED
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Amendment 14

Recital 34

(34) The Authority should be an independent source of information and risk communication in order to improve consumer confidence.

(34) The Authority should be an independent source of information and risk communication in order to improve consumer confidence. **Therefore the link between risk assessment and risk management should be strengthened.**

Amendment 15

Recital 35

(35) A system for rapid alert already exists in the framework of Council Directive 92/59/EEC of 29 June 1992 on general product safety. The scope of the existing system includes food and industrial products but not feed. Recent food crises have demonstrated the need to set up an improved and broadened rapid alert system covering food and feed. This revised system should be operated by the Authority. The system should not cover the early exchange of information in the event of a radiological emergency established in Council Decision 87/600/Euratom.

(35) A system for rapid alert already exists in the framework of Council Directive 92/59/EEC of 29 June 1992 on general product safety. The scope of the existing system includes food and industrial products but not feed **products**. Recent food crises have demonstrated the need to set up an improved and broadened rapid alert system covering food and feed **products**. This revised system should be operated by the Authority, **with ultimate responsibility resting with the Commission**. The system should not cover the early exchange of information in the event of a radiological emergency established in Council Decision 87/600/Euratom.

Amendment 16

Recital 39a (new)

(39a) The Authority should contribute, on the basis of its opinions, to the Community's role in the development and establishment of international food safety standards and trade agreements with the objective of promoting free world trade in food products which meet internationally agreed and acceptable safety standards.

Amendment 17

Recital 41

(41) It is necessary to ensure that there is effective monitoring of the Authority by the various Community institutions involved, and for this purpose its Management Board should include four representatives appointed by the European Parliament, four by the Council, and four by the Commission. The Management Board should have the necessary powers to establish the budget, check its implementation, draw up internal rules, adopt financial regulations, appoint members of the Scientific Committee and Scientific Panels and appoint the Executive Director.

Deleted

Amendment 18

Recital 42

(42) It is necessary to build up a relationship of confidence and transparency with the general public, and therefore the Management Board should include **four representatives of consumers and industry**.

(42) It is necessary to build up a relationship of confidence and transparency with the general public, and therefore the Management Board should include **persons with experience of food and feed production, processing and retailing, as well as persons with experience of working for consumer organisations**.

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TEXT PROPOSED
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Amendment 19

Recital 49

(49) The establishment of the Authority should enable Member States to become more closely involved in scientific procedures; there should therefore be close cooperation between the Authority and the Member States for this purpose. In particular, the Authority should be able to assign certain tasks to organisations in the Member States.

(49) The establishment of the Authority should enable Member States to become more closely involved in scientific procedures; there should therefore be close cooperation between the Authority and the Member States for this purpose. In particular, the Authority should be able to assign certain tasks to **authorised competent** organisations in the Member States.

Amendment 20

Recital 50

(50) It is necessary to ensure that a balance is struck between the use of national organisations carrying out tasks for the Authority and the need to ensure for the purposes of overall consistency that such tasks are carried out in line with the criteria established for such tasks for the Authority. Existing procedures for the allocation of scientific tasks to the Member States, in particular with regard to the evaluation of dossiers presented by industry for the authorisation of certain substances, products or procedures, should be re-examined within a year to take into account the establishment of the Authority and the new facilities it offers.

(50) It is necessary to ensure that a balance is struck between the use of national **authorised competent** organisations carrying out tasks for the Authority and the need to ensure for the purposes of overall consistency that such tasks are carried out in line with the criteria established for such tasks for the Authority. Existing procedures for the allocation of scientific tasks to the Member States, in particular with regard to the evaluation of dossiers presented by industry for the authorisation of certain substances, products or procedures, should be re-examined within a year to take into account the establishment of the Authority and the new facilities it offers. **However, such scrutiny should remain at least as stringent as current procedures.**

Amendment 21

Recital 51

(51) The independence of the Authority and its role in informing the public mean that it should be able to communicate autonomously in the fields falling within its competence, its purpose being to provide objective, reliable and easily understandable information. **However, the Commission remains fully responsible for communicating risk management measures; the appropriate information should therefore be exchanged between the Authority and the Commission.**

(51) The independence of the Authority and its role in informing the public mean that it should be able to communicate autonomously in the fields falling within its competence, its purpose being to provide objective, reliable and easily understandable information, **including all recommendations to risk managers.**

Amendment 22

Recital 51a (new)

(51a) The Commission remains fully responsible for communicating risk management measures; the appropriate information should therefore be exchanged between the Authority and the Commission.

Amendment 23

Recital 54

(54) The Authority should be financed by the Community budget. **However, in the light of experience acquired, in particular with regard to the processing of authorisation dossiers presented by industry, the possibility of fees should be examined within three years after the entry into force of the Regu-**

(54) The Authority should be financed by the Community budget. The Community budgetary procedure remains applicable as far as any subsidies chargeable to the general budget of the Communities are concerned; moreover, the auditing of accounts should be undertaken by the Court of Auditors.

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lation. The Community budgetary procedure remains applicable as far as any subsidies chargeable to the general budget of the Communities are concerned; moreover, the auditing of accounts should be undertaken by the Court of Auditors.

Amendment 24

Recital 56

(56) Recent food safety incidents have demonstrated **the** need to establish appropriate measures in emergency situations ensuring that all foods, whatever their type and origin, should be subject to common measures in the event of a **serious** risk to human health. Such a comprehensive approach to emergency food safety measures should **allow** effective action **to be taken** and avoid artificial disparities in the treatment of food representing a **serious** risk to human health.

(56) Recent food safety incidents have demonstrated **that the Commission has been unable to react in an effective and expedient manner and that there is a clear** need to establish appropriate measures in emergency situations ensuring that all foods, whatever their type and origin, should be subject to common measures in the event of a risk to human health. Such a comprehensive approach to emergency food safety measures should **facilitate** effective action and avoid artificial disparities in the treatment of food representing a risk to human health.

Amendment 25

Recital 57

(57) Recent food crises have also shown the benefits to the Commission of having properly adapted, more rapid procedures for crises management. These organisational procedures should make it possible to improve coordination of effort and to determine the most effective measures on the basis of the best scientific information; therefore, revised procedures should take into account the Authority's responsibilities and should provide for its scientific and technical assistance in the event of a food crisis.

(57) Recent food crises have also shown the benefits to the Commission of having properly adapted, more rapid procedures for crises management. These organisational procedures should make it possible to improve coordination of effort and to determine the most effective measures on the basis of the best scientific information; therefore, revised procedures should take into account the Authority's responsibilities and should provide for its scientific and technical assistance **in the form of advice** in the event of a food crisis.

Amendment 26

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, definitions and responsibilities, a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food safety.

1. This Regulation provides the basis for the assurance of a high level of protection of human health and consumers' interest in relation to food, whilst ensuring the effective functioning of the internal market **geared towards quality and diversity in the supply of food, without therefore penalising typical or traditional products.** It establishes common principles, definitions and responsibilities, a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food safety **and food quality.**

Amendment 27

Article 1, paragraph 3

3. This Regulation shall apply to all stages of production and distribution of food and feed. It shall not apply to primary production for private domestic use or to the domestic pre-

3. This Regulation shall apply to all stages of production, **processing** and distribution of food and feed **products, whether produced within the EU or imported.** It shall not apply to pri-

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paration, handling or storage of food for domestic consumption.

mary production for private domestic use or to the domestic preparation, handling or storage of food for domestic consumption.

Amendment 28

Article 2, paragraph 2

It includes drink, chewing gum and any substance intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water, without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC.

It includes drink, chewing gum, **food supplements** and any substance intentionally incorporated into the food during its manufacture, preparation or treatment **and still present in it**. It includes water, without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC.

Amendment 29

Article 2, paragraph 3, point (d)

(d) medicinal products within the meaning of Council Directive 65/65/EEC

(d) **substances or products used only as** medicinal products within the meaning of Council Directive 65/65/EEC

Amendment 30

Article 3, point -1 (new)

(-1) 'final consumer' means the ultimate consumer of a foodstuff who does not use the food as part of any food business operation or activity;

Amendment 31

Article 3, point 1

1. 'food law' means the laws, regulations and administrative provisions governing food in general, and food safety in particular, **in the Community**; it covers all stages of production and distribution of food, and also feed, where feed may have an adverse effect on food safety;

1. 'food law' means the laws, regulations and administrative provisions governing food in general, and food safety in particular, **whether at Community or national level**; it covers all stages of production and distribution of food, and also feed **products** where feed **products** may have an adverse effect on food safety;

Amendment 32

Article 3, point 2

2. 'food business' means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to **the** stages of production and distribution of food;

2. 'food business' means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to **all** stages of production and distribution of food;

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Amendment 33

Article 3, point 2a (new)

2a. *'ingredient' means any substance, including additives, used in the manufacture or preparation of a food product which is still present, including in modified form, in the finished product.*

Amendment 34

Article 3, point 4

4. 'feed' or 'feedingstuff' means products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from industrial preparation thereof, **intended for oral feeding to food-producing animals**;

4. 'feed **product**' means products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from industrial preparation thereof, **for use in feeding animals**;

Amendment 35

Article 3, paragraph 5

5. 'feed business' means any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage **or** distribution of feed, including any agricultural producer producing, processing or storing feed for feeding to food animals on **his own** holding;

5. 'feed business' means any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, **transport and** distribution of feed **products** including any agricultural producer **or other producers of farm animals for feed products, including fish farmers**, producing, processing or storing feed **products** for feeding to food animals on **the holding of that undertaking**;

Amendment 36

Article 3, point 7

7. 'retail trade' means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes **mass catering operations, factory canteens, institutional catering, restaurants and other similar food service operations**, shops, supermarket distribution centres and wholesale outlets;

7. 'retail trade' means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes shops, supermarket distribution centres and wholesale outlets;

Amendment 37

Article 3, point 7a (new)

7a. *'food service' means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes mass catering operations, factory canteens, institutional catering, restaurants and other similar food service operations;*

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Amendment 38

Article 3, point 8

8. 'placing on the market' means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, to third parties, and the sale and other forms of transfer themselves;

8. 'placing on the market' means the **placing in circulation** or holding of food or feed **products** for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, to third parties, and the **distribution**, sale and other forms of transfer themselves;

Amendment 39

Article 3, point 9

9. 'official control' means any inspection, verification audit, sampling, laboratory examination or analysis or other means of performing controls by the competent authority of the Member States or their agents or by the services of the Commission with a view to ensuring compliance with food law and to protecting human health and consumer interests;

9. 'official control' means any inspection, verification audit, sampling, laboratory examination or analysis or other means of performing controls by the competent authority of the Member States or their agents or by the services of the Commission with a view to ensuring compliance with food law and to protecting human **and animal** health and consumer interests;

Amendment 40

Article 3, point 13

13. 'risk management' means the process, **distinct** from risk assessment, of weighing policy alternatives in consultation with interested parties, **considering risk assessment and other legitimate factors**, and, **if need be**, selecting appropriate prevention and control options;

13. 'risk management' means the process, **following on** from risk assessment, **and after considering the scientific conclusions drawn from the process of risk assessment**, of weighing policy alternatives in consultation with interested parties, and selecting appropriate prevention and control options;

Amendment 41

Article 3, point 16

16. 'traceability' means the ability to trace a food, feed, food-producing animal or ingredient, through all stages of production distribution;

16. 'traceability' means the ability to trace a food, feed **product**, food-producing animal or ingredient, through all stages of production distribution, **including retail sale, with the aim of ensuring food safety**;

Amendment 42

Article 3, point 17

17. 'all stages of production and distribution' means all stages from and including the primary production of a food, up to and including its sale or supply to the final consumer and, where relevant to food safety, the production, manufacture **and** distribution of feed;

17. 'all stages of production, **processing** and distribution' means all stages from and including the primary production of a food, up to and including its **storage, transport**, sale or supply to the final consumer and, where relevant to food safety, the production, manufacture, **storage, transport and** distribution of feed **products**;

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Amendment 43

Article 3, point 18

18. 'unfit for human consumption **or contaminated**' means that the food is unacceptable for human consumption **according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay;**

18. 'unfit for human consumption' means that the food is unacceptable for human consumption, **where putrefaction, deterioration or decay would cause harm to human health;**

Amendment 44

Article 3, point 18a (new)

18a. 'contaminated' means that the food is unacceptable for human consumption for reasons of contamination by extraneous matter above approved safety levels;

Amendment 45

Article 3, point 19

19. 'primary production' means the production, rearing or growing of primary products up to and including harvesting, milking and farmed animal production prior to slaughter. It also includes hunting and fishing.

19. 'primary production' means the production, rearing or growing of primary products up to and including harvesting, milking and farmed animal production prior to slaughter. It also includes hunting and fishing, **and the harvesting of wild products for commercial purposes.**

Amendment 46

Article 3, point 19a (new)

19a. 'marketing' means holding, displaying and offering for sale, selling, delivering or any other form of placing on the market in the Community.

Amendment 47

Article 4, paragraph 1

This Chapter shall relate to all stages of the production and distribution of food and to feed produced for, or fed to, food-producing animals.

This Chapter shall relate to all stages of the production, **processing** and distribution of food and to feed **products** produced for, or fed to, food-producing animals, **including the importation and exportation of foods and feed products.**

Amendment 48

Article 4, paragraph 2

The general principles laid down in Articles 5 to 8 shall form a general framework of a horizontal nature **to be followed when new measures are established.**

The general principles laid down in Articles 5 to 8 shall form a general framework of a horizontal nature **in respect of food law.**

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TEXT PROPOSED
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Amendment 49

Article 5, paragraph 1

1. Food law shall pursue one or more of the general objectives of the protection of human life, health or safety, the protection of consumers' interests, and other objectives, including, where appropriate, the protection of the environment, the protection of animal health, life and welfare and the protection of plant health **and life**.

1. Food law shall pursue one or more of the general objectives of the protection of human life, health or safety, the protection of consumers' interests, and other objectives, including, where appropriate, **measures to combat food fraud**, the protection of the environment, the protection of animal health, life and welfare and the protection of plant health.

Amendment 50

Article 5, paragraph 1a (new)

1a. Food law is one of the instruments available to the Community for developing the European food model on the basis of the principles of quality, diversity and safety.

Amendment 51

Article 5, paragraph 2a (new)

2a. Food law shall aim to ensure that the same regulations, in respect of chemical and antibiotic use, are applied to aquaculture products imported into the EU as are applied to Community-produced products.

Amendment 52

Article 5, paragraph 3

3. Where international standards exist or their completion is imminent, they shall be **taken into consideration** in the development or adaptation of food law, except **where such standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of food law or there is a scientific justification, or** where they would result in a **different** level of protection than the one determined as appropriate in the Community.

3. Where international standards exist or their completion is imminent, they shall be **complied with** in the development or adaptation of food law, except where they would result in a **lower** level of protection than the one determined as appropriate in the Community.

Amendment 53

Article 6, paragraph 1

1. Food law shall aim to achieve a high level of health protection, and shall be based on risk analysis except **where this is not appropriate to the circumstances or the nature of the measure**.

1. Food law shall aim to achieve a high level of health protection, and shall be based on risk analysis except in the case of **measures intended to correct misleading information and eliminate packaging which may be harmful to the consumer**.

Amendment 54

Article 6, paragraph 3

3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the European Food Authority established in Article 21, and other factors **as legitimate to the matter under consideration**.

3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the European Food Authority established in Article 21, and other **international legitimate** factors **relevant to the protection of human health**.

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TEXT PROPOSED
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Amendment 55

Article 7, paragraph 1

1. In those specific circumstances where, following an assessment of available pertinent information, a risk to 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.

1. In those specific circumstances where, following an assessment of available pertinent information, a risk **or potential risk** to health, **either from products from Member States or products imported from third countries**, is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community **shall** be adopted **by the appropriate public authorities**, pending further scientific information for a more comprehensive risk assessment.

Amendment 56

Article 7, paragraph 2

2. Measures adopted on the basis of paragraph 1 **shall be proportionate and no more restrictive of trade than is required to achieve the high level of health protection chosen in the Community, regard being had to technical and economic feasibility and other factors regarded as legitimate in the matter under consideration. The measures shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment.**

2. Measures adopted on the basis of paragraph 1:

- (a) **shall presuppose examination of the benefits and costs of action and lack of action;**
- (b) **shall be proportionate to the level of protection sought;**
- (c) **shall not, when they are implemented, cause discrimination;**
- (d) **shall be consistent with measures already adopted in similar situations or using similar approaches;**
- (e) **shall be reconsidered and, if necessary, modified on the basis of the results of scientific research and monitoring of their impact.**

Amendment 57

Article 8, paragraph 1, point (-a) (new)

(-a) the placing on the market of unsafe food, as defined in Article 12;

Amendment 58

Article 9, paragraph 1

1. The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be incorporated into a food or feed shall be established at all stages of production and distribution, where necessary under the conditions laid down pursuant to paragraph 5.

1. The traceability of food, feed **products**, food-producing animals, and any other substance intended to be, or expected to be incorporated into a food or feed **product** shall be established at all stages of production, **processing** and distribution, where necessary under the conditions laid down pursuant to paragraph 5.

Amendment 59

Article 9, paragraph 2, subparagraph 2a (new)

Farmers shall have at their disposal, in the form of clear and comprehensive labelling, full details of the products and additives to be found in animal feed products.

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Amendment 60

Article 9, paragraph 4

4. Food or feed which **is** placed on the market or **is** likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate **their** traceability, **in accordance with the relevant requirements of more specific provisions.**

4. Food or feed **products** which **are** placed on the market or **are** likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate **their** traceability, **through relevant documentation or information, so as to facilitate withdrawal and recall.**

Amendment 61

Article 10, paragraph 1

1. Food and feed business operators at all stages of production and distribution **within the businesses under their control shall ensure that foods or feeds satisfy the relevant requirements of food law** and shall put in place systems and procedures to verify and monitor that such requirements are met.

1. Food and feed **product** business operators at all stages of production and distribution **shall ensure that the businesses under their control apply, to any food or feed product, the requirements of food law relevant to their activities** and shall put in place systems and procedures to verify and monitor that such requirements are met. **Similarly, producers of feed products for consumption on their own holding shall comply with the appropriate legislation on feed.**

Amendment 62

Article 10, paragraph 2, subparagraph 1

2. Member States shall enforce food law, and monitor and verify that the relevant requirements of food law are fulfilled by food and feed business operators at all stages of production and distribution.

2. Member States shall enforce food law, and monitor and verify that the relevant requirements of food law are fulfilled by food and feed **product** business operators at all stages of production and distribution, **regardless of whether the food is intended for the Community market or for export to third countries.**

Amendment 63

Article 10, paragraph 2, subparagraph 2a (new)

Member States shall ensure confidentiality at all stages (during official controls and in particular during the monitoring process) of information obtained and conveyed in the development or enforcement of food law.

Amendment 64

Article 11

The provisions of this Chapter shall be without prejudice to Council Directive 85/374/EEC concerning liability for defective products.

The provisions of this Chapter shall be without prejudice to Council Directive 85/374/EEC concerning liability for defective products, **as last amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999** ⁽¹⁾.

⁽¹⁾ OJ L 141, 4.6.1999, p. 20.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 65

Article 12, paragraph 4, point (c)

(c) to the particular sensitivities of a specific category of consumers where the food is intended for that category of consumers.

(c) to the particular **health** sensitivities of a specific category of consumers where the food is intended for that category of consumers.

Amendment 66

Article 12, paragraph 7

7. Food that complies with specific Community provisions **of** food **law** shall be deemed to be safe insofar as the aspects covered by the specific Community provisions are concerned.

7. Food that complies with specific Community provisions **governing** food **safety** shall be deemed to be safe insofar as the aspects covered by the specific Community provisions are concerned.

Amendment 67

Article 12, paragraph 8

8. Where there are no specific Community provisions, food shall be deemed to be safe when it conforms to the specific provisions of national food law of the Member State in whose territory the food is in circulation, such provisions being drawn up and applied without prejudice to the Treaty, and in particular Articles 28 and 30 thereof.

8. Where there are no specific Community provisions, food shall be deemed to be safe when it conforms to the specific provisions of national food law of the Member State in whose territory the food is in circulation, **bearing in mind Europe's rich heritage of traditional local foods and methods of preparation**, such provisions being drawn up and applied without prejudice to the Treaty, and in particular Articles 28 and 30 thereof. **Where food proves to pose a risk despite compliance with Community and national provisions, the principle referred to in paragraph 1 shall apply.**

Amendment 68

Article 13, paragraph 3

3. Where a feed which has been identified as not satisfying the feed safety requirement is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment **is** so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

3. Where a feed **product** which has been identified as not satisfying the feed **product** safety requirement is part of a batch, lot or consignment of feed **products** of the same class or description, it shall be presumed that all of the feed **products** in that batch, lot or consignment **are** so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed **product** safety requirement. **That batch, lot or consignment shall systematically be destroyed.**

Amendment 69

Article 14, paragraph 1

1. Food business operators shall ensure **that all stages** of production **and** distribution **under their control are carried out in such a manner** that food complies with the relevant provisions of food law, and in particular, food safety.

1. Food business operators shall, **in so far as they are able**, ensure **at each stage** of production, **transport** or distribution that food **placed on the market** complies with the relevant provisions of food law, and in particular, food safety.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 70

Article 14, paragraph 2

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

2. A food business operator shall immediately inform the competent authorities if he considers or suspects that a food which it has placed on the market may be potentially injurious to human health. **Employees who become aware of possible risks concerning the safety of food shall not be penalised for informing the relevant authorities. Persons who, by virtue of their professional activities, consider or suspect that a food placed on the market may be potentially injurious to human health shall also provide such information without detriment to their employment.** The operators shall inform the competent authorities of the action taken to prevent risks to the final consumer.

Amendment 71

Article 14, paragraph 3

3. Food business operators shall collaborate with the competent authorities according to the requests of the latter, on action taken to avoid risks posed by a food which they supply or have supplied.

3. Food business operators shall collaborate with the competent authorities according to the requests of the latter, on action taken to avoid **or reduce** risks posed by a food which they supply or have supplied.

Amendment 72

Article 14, paragraph 4a (new)

4a. Food business operators, being at the very earliest stage of the food chain, shall ensure that all stages of production and distribution under their control are carried out in such a manner that their produce complies with the relevant provisions of food and agricultural law and, in particular, food safety.

A food business operator shall immediately inform the competent authorities if he considers or suspects that any of his produce which has been placed on the market has the potential to be injurious to public health. This is particularly important in the case of notifiable and other contagious animal diseases.

Food business operators shall collaborate with the competent authorities in order to ensure that public health is protected.

Amendment 73

Article 14, paragraph 5, subparagraph 1

5. A food business operator responsible for import, retail or distribution activities which do not affect the packaging, labelling, safety or integrity of the food shall **act with due care** to **help** ensure compliance with the food safety requirements.

5. A food business operator responsible for import, retail or distribution activities which do not affect the packaging, labelling, safety or integrity of the food shall **take the necessary precautions within its area of responsibility** to ensure compliance with the food safety requirements.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 74

Article 14, paragraph 5a (new)

5a. Subject to the extent of their respective activities, food business operators who have imported, produced, processed, transported, manufactured or distributed foodstuffs which do not comply with the relevant food law provisions, and thus endanger food safety, shall be held responsible for the direct short, medium and long-term consequences for human health.

Amendment 75

Article 15, paragraph 2, subparagraph 1

2. 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.

2. A feed **product** business operator shall immediately inform the competent authorities if it considers or suspects that a feed **product** which it placed on the market may not satisfy the feed **product** safety requirements. It shall inform the competent authorities of the action taken to prevent risk arising from the use of that feed **product**. *Employees who become aware of possible risks concerning the safety of feed products shall not be penalised for informing the relevant authorities. Persons who, by virtue of their professional activities, consider or suspect that a feed product placed on the market may be potentially injurious to human health shall also provide such information without detriment to their employment.*

Amendment 76

Article 15, paragraph 5, subparagraph 1

5. A feed business operator responsible for import, retail or distribution activities which do not affect the packaging, labelling, safety or integrity of the feed, shall **act with due care** to **help** ensure compliance with the feed safety requirements.

5. A feed **product** business operator responsible for import, retail or distribution activities which do not affect the packaging, labelling, safety or integrity of the feed **product**, shall **take the necessary precautions within its area of responsibility** to ensure compliance with the feed **product** safety requirements.

Amendment 77

Article 15, paragraph 5a (new)

5a. Subject to the extent of their respective activities, operators in the animal feed product sector who have imported, produced, processed, transported, manufactured or distributed feed products which do not comply with the requirements laid down concerning the safety of animal feed products and which thus endanger food safety shall be held responsible for the direct short, medium and long-term consequences for human and animal health.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 78

Article 16, paragraph 2

2. By way of derogation from paragraph 1, food which is not intended to be placed on the market in the Community by reason of its being in transit from one third country to another, or intended to be processed for immediate exportation, may be allowed on to the territory of the Community provided that such food or its derivatives **do not enter** the Community market.

2. By way of derogation from paragraph 1, food which is not intended to be placed on the market in the Community by reason of its being in transit from one third country to another, or intended to be processed for immediate exportation, may be allowed on to the territory of the Community provided that such food or its derivatives **are strictly excluded from** the Community market. **However, food derived from animals may be processed within the territory of the Community only if it complies with the requirements of Community hygiene legislation concerning food derived from animals.**

Amendment 79

Article 17, title

Food exported from the Community

Food **and feed products** exported from the Community

Amendment 80

Article 17, paragraph 1

1. Food exported from the Community shall comply with the relevant requirements of food law, unless otherwise requested by the authorities of the importing country or stated by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country.

1. Food **and feed products** exported from the Community shall comply with the relevant requirements of **Community** food law, unless otherwise requested by the authorities of the importing country or stated by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country. **These shall not, under any circumstances, allow the export of food or feed products which may pose a health risk to the population of the importing country.**

Amendment 81

Article 17, paragraph 3

3. Food exported from the Community shall not be unsafe, or labelled or presented in a manner that is false, misleading or deceptive.

3. Food **and feed products** exported from the Community shall **comply with the requirements of Community hygiene legislation and** shall not be unsafe, or labelled or presented in a manner that is false, misleading or deceptive.

Amendment 82

Article 17, paragraph 4

4. Food which **has** been found to be injurious to health, **or labelled or presented** in a manner that is false, misleading or deceptive in the Community, or **has** been otherwise denied

4. Food **and feed products** which **have** been found to be injurious to health **shall be neither exported nor re-exported from the Community.**

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

access to the Community market shall not be exported or re-exported from the Community, unless the competent authorities of the country of destination have expressly agreed, after having been fully informed of the reasons for which and the circumstances under which, the concerned food could not be placed on the market in the Community.

Food and feed products which are labelled or presented in a manner that is false, misleading or deceptive in the Community, or **have** been otherwise denied access to the Community market shall not be exported or re-exported from the Community, unless the competent authorities of the country of destination have expressly agreed, after having been fully informed of the reasons for which and the circumstances under which, the concerned food could not be placed on the market in the Community. **The export of such food and feed products shall not, under any circumstances, pose a health risk in the importing country.**

The agreement of the competent authorities of the country of destination shall not be required when the food or feed products are being exported from the Community to be returned to the supplier.

Amendment 83

Article 17, paragraph 5

5. *Paragraphs 1 to 4 shall apply similarly to feed.***Deleted**

Amendment 84

Article 18, point (-a) (new)

(-a) ensure that international standards and Community food legislation are consistent provided this would not result in a lowering of existing Community standards;

Amendment 207

Article 19

Wherever circumstances allow there shall be effective public consultation, directly or through representative bodies, at an appropriate stage, during the preparation of food law.

Except in an emergency, the public and other interested parties shall be consulted in an open and transparent and appropriate way in the preparation, drafting, implementation, evaluation and revision of food law.

Amendment 86

Article 21, paragraph 2, subparagraph 1

2. The mission of the Authority shall **be to** contribute to a high level of protection of human life and health, **protection** of animal health and welfare, **protection of plant life**, **protection of the environment and protection of the health of workers**, while **facilitating the functioning of the internal market**, by **setting up an integrated, coherent system of scientific and technical support for the Community's legislation and policies and by the provision of independent information and risk communication**.

2. The mission of the Authority shall contribute to a high level of protection of human life and health, **and in this respect take account** of animal health and welfare, **plant health and the environment, in the context of the operation of the internal market**.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

The Authority shall provide scientific advice and scientific and technical support for the Community's legislation and policies in all fields which have a direct or indirect impact on food and feed product safety. It shall provide independent information on all matters within these fields and communicate on risks.

Amendment 87

Article 21, paragraph 2, subparagraph 2

That mission shall cover:

- (a) all fields having a direct **or indirect** impact on the safety of the food;
- (b) animal health and welfare, plant health;
- (c) nutrition;
- (d) **any matter** relating to genetically modified organisms within the meaning of Directive 90/220/EEC.

That mission shall cover:

- (a) all fields having a direct impact on the safety of the food;
- (b) **other fields, when having an impact on food safety, such as:**
 - (i) animal health and welfare **and** plant health **in cases where food or feed products may become harmful;**
 - (ii) nutrition;
 - (iii) **all food safety matters** relating to genetically modified organisms within the meaning of Directive 90/220/EEC, **as last amended by Commission Directive 97/35/EC of 18 June 1997**⁽¹⁾;
 - (iv) **any matter relating to the labelling of food stuffs within the meaning of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs**⁽²⁾.

⁽¹⁾ OJ L 169, 27.6.1997, p. 72.⁽²⁾ OJ L 109, 6.5.2000, p. 29.

Amendment 88

Article 21, paragraph 2, subparagraph 3

As regards genetically modified organisms that are not food or feed, the mission of the Authority shall be limited to the provision of scientific opinions.

Deleted

Amendment 89

Article 21, paragraph 2, subparagraph 4

The mission of the Authority shall include the operation of the rapid alert system for food and feed.

The mission of the Authority shall include the operation of the rapid alert system for food and feed **products, under the responsibility of the Commission.**

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 90

Article 22, point (a)

(a) to provide the Community institutions and the Members States with the best possible scientific opinions in all cases provided for by Community legislation and on any question within its mission;

(a) to provide the Community institutions, **including the European Parliament**, and the Member States with the best possible scientific opinions in all cases provided for by Community legislation and on any question within its mission;

Amendment 91

Article 22, 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 and **Parliament** in the areas within its mission;

Amendment 92

Article 22, point (ca) (new)

(ca) to support and advise risk managers in their interpretation of risk assessment opinions and choice of risk management options;

Amendment 93

Article 22, point (f)

(f) **to undertake action** to identify and **characterise** emerging risks with a view to **reducing or preventing them**, in the fields within its mission;

(f) to identify and **evaluate** emerging risks with a view to **providing advice for the measures necessary to be taken concerning their prevention, elimination or reduction** in the fields within its mission;

Amendment 212

Article 22, point (fa) (new)

(fa) to commission independent inspections in the field of food and feed product safety;

Amendment 94

Article 22, point (h)

(h) to **be responsible for** the operation of the rapid alert system for food and feed established by this Regulation;

(h) to **take part in** the operation of the rapid alert system for food and feed **products** established by this Regulation, **under the responsibility of the Commission**.

Amendment 95

Article 22, point (j)

(j) to provide scientific and technical assistance, when requested to do so by the Commission, with a view to improving cooperation between the Community, *European Union applicant* countries, international organisations and third countries, in the fields within its mission;

(j) to provide scientific and technical assistance, when requested to do so by the Commission **or the European Parliament**, with a view to improving cooperation between the Community, *candidate* countries, international organisations and third countries, in the fields within its mission;

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 96

Article 22, point (k)

(k) to provide, when requested to do so by the Commission, assistance concerning communication on **health-policy related nutritional issues**;

(k) to provide, when requested to do so by the Commission, assistance concerning communication on **the nutritional implications of health and food safety, taking due account of the diversity of eating habits within the European Union**;

Amendment 97

Article 22, point (ka) (new)

(ka) to determine, for substances used in food preparations, monitoring thresholds to which there shall be no exceptions;

Amendment 98

Article 22, point (m)

(m) to express its own conclusions and orientations on matters within its mission;

(m) to express **independently** its own conclusions and guidelines on matters within its mission **and on this basis to make recommendations for the risk managers**;

Amendment 99

Article 22, point (ma) (new)

(ma) to promote, within the limits of its mandate, a consistent Community position in any relations with relevant international organisations in the food safety sector, including the Codex alimentarius, the WHO and the FAO;

Amendment 213

Article 24, paragraph 1

1. The Management Board shall be composed of **four** representatives **appointed** by the European Parliament, **four** representatives **appointed** by the Council, **four** representatives **appointed** by the Commission and **four** representatives of consumers and industry **designated** by the Commission.

1. The Management Board shall be composed of **twelve** representatives **proposed** by the Commission following a process of open application through the European institutions, including people with practical experience of agriculture, the food industry, small firms and consumer groups.

Amendment 102

Article 24, paragraph 2

2. **Representatives may be replaced by alternates, appointed at the same time.** Their term of office shall be four years, and may be renewed once.

2. **The term of office of representatives** shall be four years, and may be renewed once.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 103

Article 24, paragraph 7, subparagraph 1

7. Before 31 January each year, the Management Board shall adopt the Authority's programme of work for the coming year. It shall also adopt a revisable multi-annual programme. The Management Board shall ensure that these programmes are consistent with the **Commission's** legislative and policy priorities in the area of food safety.

7. Before 31 January each year, the Management Board shall adopt the Authority's programme of work for the coming year. It shall also adopt a revisable multi-annual programme. The Management Board shall ensure that these programmes are consistent with the **European Union's** legislative and policy priorities in the area of food safety.

Amendment 104

Article 24, paragraph 7, subparagraph 3

The Executive Director shall forward the programmes and report to the European Parliament, the Council, the Commission and the Member States, and shall have them published.

Deleted

Amendment 105

Article 24, paragraph 8

8. The Management Board shall adopt the Authority's internal rules on the basis of a proposal by the Executive Director.

8. The Management Board shall adopt the Authority's internal rules on the basis of a proposal by the Executive Director. ***These rules shall be made public.***

Amendment 106

Article 24, 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 Chairperson of the Scientific Committee shall participate in the meetings of the Management Board without voting rights.***

Amendments 107 and 220/rev.

Article 25, paragraph 1

1. The Executive Director **shall be appointed by the Management Board, on the basis of a proposal by the Commission**, for a period of five years **which** shall be renewable. He may be removed from office by the Management Board.

1. **For the appointment of the Executive Director an open and transparent selection process shall be used. The Management Board shall appoint the Executive Director, on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the Official Journal of the European Communities and elsewhere, and a hearing of the candidates in the European Parliament. His term of office shall be for a period of five years and shall be renewable. He may be removed from office by a majority of the Management Board.**

Amendment 108

Article 25, paragraph 2, point (b)

(b) for drawing up the Authority's work programmes **in agreement with the Commission;**

(b) for drawing up the Authority's work programmes **after having consulted the Commission, the Advisory Forum and the European Parliament;**

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 109

Article 25, paragraph 2, point (ga) (new)

(ga) for developing and maintaining contact with the European Parliament, and for ensuring a regular dialogue with its relevant committees.

Amendment 110

Article 25, paragraph 3, point (a)

(a) a draft report covering all the activities of the Authority in the previous year;

(a) a draft **general** report covering all the activities of the Authority in the previous year;

Amendment 111

Article 25, paragraph 3a (new)

3a. The Executive Director shall forward the programmes and general report to the European Parliament, the Council, the Commission and the Member States, and shall have them published. He shall present in person the programme of work, the revisable multiannual programme and the general report to the European Parliament.

Amendment 112

Article 26, paragraph 3

3. The Advisory Forum shall advise the Executive Director in the performance of his duties under this Regulation and shall ensure close cooperation between the Authority and the competent bodies in the Member States which undertake tasks similar to those of the Authority.

3. The Advisory Forum shall advise the Executive Director in the performance of his duties under this Regulation and shall ensure close cooperation between the Authority and the competent bodies in the Member States which undertake tasks similar to those of the Authority. **The Advisory Forum shall constitute a mechanism for an exchange of information on potential risks and the pooling of knowledge. Members of the Advisory Forum shall also act in the interests of food safety and the general principles of Community food law.**

Amendment 113

Article 26, paragraph 4

4. 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.

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

Amendment 114

Article 26, paragraph 6

6. Representatives of the Commission's departments shall be entitled to take part in the work of the Advisory Forum.

6. Representatives of the Commission's departments, **in particular the Food and Veterinary Office, and of the European Parliament**, shall be entitled to take part in the work of the Advisory Forum **without voting rights**.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 115

Article 27, paragraph 1

1. The Scientific Committee and permanent Scientific Panels shall be responsible for providing the scientific opinions of the Authority, each within their own spheres of competence.

1. The Scientific Committee and permanent Scientific Panels shall be responsible for providing the scientific opinions of the Authority, each within their own spheres of competence, *in line with the Authority's mission, and shall be able where necessary, to organise public hearings.*

Amendment 116

Article 27, paragraph 5

5. The members of the Scientific Committee that are not members of Scientific Panel and the members of the Scientific Panels shall be appointed by the Management Board, acting upon a proposal from the Executive Director, for a three-year term of office, which shall be renewable, following publication in the Official Journal of the European Communities of a call for expressions of interest.

5. The members of the Scientific Committee that are not members of Scientific Panels and the members of the Scientific Panels shall be appointed by the Management Board, acting upon a proposal from the Executive Director, for a three-year term of office, which shall be renewable, following publication in the Official Journal of the European Communities, *relevant leading scientific publications and the Authority's homepage* of a call for expressions of interest.

Amendment 117

Article 28, paragraph 3, subparagraph 1

3. The implementing rules for the application of this Article shall be established by the Commission *after consulting the Authority*, in accordance with the procedure referred to in Article 57(2). These rules shall specify:

3. The implementing rules for the application of this Article shall be established by the Commission in accordance with the procedure referred to in Article 57(2). *Before drawing up the draft implementing rules, however, the Commission shall consult the Authority. The Commission shall consider fully the Authority's opinion and explain how this opinion has been taken into account in the draft implementing rules submitted to the Committee pursuant to Article 57(2).* These rules shall specify:

Amendment 118

Article 28, paragraph 3, point (a)

(a) the procedure to be applied by the Authority to the requests referred to it, *laying down in particular the circumstances in which it may refuse or modify a request for an opinion;*

(a) the procedure to be applied by the Authority to the requests referred to it;

Amendment 119

Article 29, title

Conflicting scientific opinions**Divergent** scientific opinions

Amendment 120

Article 29, paragraph 1

1. The Authority shall exercise vigilance in order to identify at an early stage any potential source of **conflict** between its scientific opinions and the scientific opinions issued by other bodies carrying out similar tasks.

1. The Authority shall exercise vigilance in order to identify at an early stage any potential source of **divergence** between its scientific opinions and the scientific opinions issued by other bodies carrying out similar tasks. *To obtain maximum results and minimise the potential for divergent scientific opinions, the Authority shall cooperate effectively with and involve the relevant national scientific institutions and bodies.*

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 121

Article 29, paragraph 3

3. Where a substantive **conflict** over scientific issues **has been identified and the body in question is a Community agency or one of the Commission's Scientific Committees, the Authority and the body concerned shall be obliged to cooperate with a view to either resolving the conflict or presenting a joint document to the Commission clarifying the contentious scientific issues.**

3. Where a substantive **divergence** over scientific issues **remains after the procedure referred to in paragraph 2, the Authority shall indicate in its opinion the existence of these divergent opinions and shall give its opinion on them so that the Commission, Parliament and Council have comprehensive information available to them.**

Amendment 122

Article 29, paragraph 4

4. Where a substantive conflict over scientific issues has been identified and the body in question is a Member State body, the Authority and the national body shall be obliged to cooperate, in consultation with the Advisory Forum, with a view to either resolving the conflict or presenting a joint document clarifying the contentious scientific issues.

Deleted

Amendment 123

Article 29, paragraph 4a (new)

4a. Where a substantive divergence over scientific issues has been identified and could not be resolved through cooperation as described in paragraphs 2 and 3, the opinion of the Authority shall prevail.

Amendment 124

Article 31, paragraph 1

1. The Authority shall commission scientific studies necessary for the performance of its mission. The Authority shall seek to avoid duplication with Member State or Community research programmes and shall foster cooperation through appropriate coordination.

1. **Using the best independent scientific resources available**, the Authority shall commission scientific studies necessary for the performance of its mission. **Such studies shall be commissioned in an open and transparent fashion.** The Authority shall seek to avoid duplication with Member State or Community research programmes and shall foster cooperation through appropriate coordination.

Amendment 125

Article 32, paragraph 1, point (a)

(a) **food consumption and** the exposure of individuals to risks related to the consumption of food;

(a) the exposure of individuals to risks related to the consumption of food;

Amendment 126

Article 32, paragraph 1, point (b)

(b) incidence and prevalence of biological risk;

(b) incidence and prevalence of biological risk **related to the consumption of food;**

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 127

Article 32, paragraph 1, point (c)

(c) contaminants in food intended for human and animal consumption, **including residues**.

(c) contaminants in food intended for human and animal consumption;

Amendment 128

Article 32, paragraph 1, point (ca) (new)

(ca) **residues**.

Amendment 129

Article 33, paragraph 2

2. Where the Authority has information leading to the suspicion of a **serious** risk, it shall request additional information from the Member States, other Community agencies and the Commission. The Member States, the Community agencies concerned and the Commission shall reply as **quickly as possible** and forward any relevant information in their possession.

2. Where the Authority has information leading to the suspicion of a risk, it shall request additional information from the Member States, other Community agencies and the Commission. The Member States, the Community agencies concerned and the Commission shall reply as **a matter of urgency** and forward any relevant information in their possession.

Amendment 130

Article 33, paragraph 4

4. The Authority shall forward the information collected on emerging risks to the European Parliament, the Commission and the Member States.

4. The Authority shall forward the **evaluation of, and** information collected on, emerging risks to the European Parliament, the Commission and the Member States.

Amendment 131

Article 34

Deleted**Article 34****Rapid alert system**

1. **The Authority shall be responsible for the operation of the rapid alert system for food and feed established in Article 49.**

2. **The Authority, in consultation with the Member States and the Commission, shall set up the facilities necessary for the rapid transmission of information required for the operation of the rapid alert system.**

Amendment 132

Article 35, paragraph 1

1. The Authority shall promote the **European** networking of organisations operating in the fields within the Authority's mission. The aim of such networking is, in particular, to facilitate the coordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Authority's mission.

1. The Authority shall promote the networking of organisations operating in the fields within the Authority's mission, **including consumer organisations and other stakeholders**. The aim of such networking **shall be**, in particular, to facilitate the coordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Authority's mission.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 133

Article 35, paragraph 1a (new)

1a. Member States are recommended to activate and coordinate at the regional and/or interregional level a network of centres of research excellence aimed at the continuous monitoring of food safety.

Amendment 134

Article 35, paragraph 2

2. The Management Board, acting on a proposal from the Executive Director, shall draw up a list of competent and independent organisations **designated by the Member States** which may assist the Authority, either individually or in networks, with its mission. The Authority may entrust to these organisations certain tasks, in particular, preparatory work for scientific opinions, scientific and technical assistance, scientific studies, collection of data and identification of emerging risks. Some of these tasks may be eligible for financial support.

2. The Management Board, acting on a proposal from the Executive Director, shall draw up a list, **which shall be made public**, of competent and independent organisations which may assist the Authority, either individually or in networks, with its mission. The Authority may entrust to these organisations certain tasks, in particular, preparatory work for scientific opinions, scientific and technical assistance, scientific studies, collection of data and identification of emerging risks. Some of these tasks may be eligible for financial support. **The Management Board, acting on a proposal from the Executive Director, shall also devise a programme whereby competent and independent organisations in the field of food safety in the EEA, EFTA countries and the candidate countries may cooperate and network with the Authority. Such bodies and organisations may be entrusted from time to time with certain scientific and technical tasks as the Authority sees fit.**

Amendment 135

Article 36, paragraph 1, subparagraph 1

1. The members of the Management Board **and** the members of the Advisory Forum shall undertake to act independently in the public interest.

1. The members of the Management Board, the members of the Advisory Forum **and the Executive Director** shall undertake to act independently in the public interest.

Amendment 136

Article 36, paragraph 3

3. The members of the Management Board, the members of the Advisory Forum, the members of the Scientific Committee and the Scientific Panels, as well as external experts participating in their working groups shall declare at each meeting any special interests which might be considered prejudicial to their independence in relation to the items on the agenda.

3. The members of the Management Board, **the Executive Director**, the members of the Advisory Forum, the members of the Scientific Committee and the Scientific Panels, as well as external experts participating in their working groups shall declare at each meeting any special interests which might be considered prejudicial to their independence in relation to the items on the agenda.

Amendment 137

Article 37, paragraph 1, introduction

1. The Authority shall ensure that it carries out its activities with a high level of transparency. It shall make public:

1. The Authority shall ensure that it carries out its activities with a high level of transparency. It shall make public **without delay**:

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 138

Article 37, paragraph 1, point (-a) (new)

(-a) agendas and minutes of the Scientific Committee and the Scientific Panels;

Amendment 139

Article 37, paragraph 1, point (a)

(a) the opinions of the Scientific Committee and the Scientific Panels *as soon as possible* after adoption, minority opinions always being included;(a) the opinions of the Scientific Committee and the Scientific Panels *immediately* after adoption, minority opinions always being included;

Amendment 140

Article 37, paragraph 1, point (b)

(b) the annual declarations of interest made by members of the Management Board, members of the Advisory Forum and members of the Scientific Committee and Scientific Panels, as well as the declarations of interest made in relation to items on the agendas of meetings;

(b) the annual declarations of interest made by members of the Management Board, *the Executive Director*, members of the Advisory Forum and members of the Scientific Committee and Scientific Panels, as well as the declarations of interest made in relation to items on the agendas of meetings;

Amendment 141

Article 37, paragraph 1, point (ba) (new)

(ba) without prejudice to Articles 38 and 40, the information on which its opinions are based;

Amendment 142

Article 37, paragraph 1, point (da) (new)

(da) the annual programme of work and the multiannual programme.

Amendment 143

Article 37, 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 and may authorize consumer representatives or other interested parties to observe the proceedings of some of the Authority's activities.

Amendment 144

Article 37, paragraph 2a (new)

2a. Specific provisions shall be adopted by the Management Board for the inclusion of lay observers at meetings of the Scientific Committee.

Amendment 145

Article 38, paragraph 3

3. *The conclusions of the scientific opinions delivered by the Authority in relation with foreseeable health effects shall not on any account be kept confidential.**Deleted*

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 146

Article 39, paragraph 2

2. The Authority shall ensure that the public and any interested parties are rapidly given objective, reliable and easily understandable information, in particular with regard to the results of its work. To facilitate the public's understanding of its work, it shall develop and disseminate information material for the general public.

2. The Authority shall **carry out its risk communication function in a responsible way. It shall** ensure that the public and any interested parties are rapidly given objective, reliable and easily understandable information, in particular with regard to the results of its work. To facilitate the public's understanding of its work, it shall develop and disseminate information material for the general public.

Amendment 147

Article 39, paragraph 2a (new)

2a. The Authority, as represented by the Executive Director and members of the different Scientific Panels, shall meet with the Commission and Council on a regular basis to discuss the basis of risk analysis, so that these institutions can make more informed risk-management decisions.

Amendment 148

Article 39, paragraph 2b (new)

2b. The Authority shall have a brief to explain its scientific risk assessments to the European Parliament, consumers, food businesses and the academic community to enhance its role and to ensure its risk- analysis procedures are operated transparently and independently.

Amendment 149

Article 39, paragraph 2c (new)

2c. The conclusions of the scientific opinions delivered by the Authority on foreseeable health and safety effects shall be made public immediately after they have been adopted and transmitted to the Commission.

Amendment 150

Article 39, paragraph 3

3. The Commission and the Authority shall ensure appropriate exchange of information on matters relating to their respective competence in the field of risk communication.

3. The Commission and the Authority shall ensure appropriate exchange of information on matters relating to their respective competence in the field of risk communication. **The Authority shall publish all opinions, including recommendations to risk managers that were either rejected or not followed up in practice.**

Amendment 152

Article 41

Consumers and other interested parties

The Authority shall develop **appropriate** contacts with consumer representatives and any other interested parties.

Consumers, **producers** and other interested parties

The Authority shall develop **effective** contacts with consumer representatives, **producer representatives, processors** and any other interested parties.

Tuesday 12 June 2001

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 153

Article 42, 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 Authority shall be entirely funded from the general budget of the European Communities.*

Amendment 154

Article 42, paragraphs 5 and 6

5. The Management Board shall, by 31 March at the latest, adopt the draft **budget** and forward it to the Commission which on that basis shall enter the relevant estimates in the preliminary draft general budget of the European Communities, which it shall put before the Council pursuant to Article 272 of the Treaty.

6. The Management Board shall adopt the Authority's budget, adjusting **it** where necessary to the Community's contribution.

5. The Management Board shall, by 31 March at the latest, adopt the draft *estimates including the provisional establishment plan 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 Communities, which it shall put before the Council pursuant to Article 272 of the Treaty.

6. *After the adoption of the general budget by the budgetary authority, the Management Board shall adopt the Authority's final budget and the work programme, adjusting them where necessary to the Community contribution. It shall forward them without delay to the Commission and the budgetary authority.*

6a. *Any modification to the budget, including the establishment plan, shall follow the procedure referred to in paragraph 5.*

6b. *The establishment plan of the Authority is authorised by the general budget of the European Communities.*

Amendment 155

Article 43, paragraph 4

4. The European Parliament, acting on a recommendation from the **Management Board**, shall give discharge to the Authority's **Executive Director** in respect of the implementation of the budget.

4. The European Parliament, acting on a recommendation from the **Council**, shall give discharge to the Authority's **Management Board** in respect of the implementation of the budget.

Amendment 156

Article 43a (new)

Article 43a

Combating fraud

1. *In order to combat fraud, corruption and other unlawful activities the provisions of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (1) shall apply without restriction.*

2. *The Authority shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) (2) and shall issue, without delay, the appropriate provisions applicable to all the employees of the Authority.*

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

3. *The decisions concerning funding and the implementing agreements, and instruments resulting from them, shall explicitly stipulate that the Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks of the recipients of the authority's funding and the agents responsible for allocating it.*

(¹) OJ L 136, 31.5.1999, p. 1.

(²) OJ L 136, 31.5.1999, p. 15.

Amendment 157

Article 44

*Deleted***Article 44****Fees received 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 introducing fees payable by undertakings for obtaining a Community authorisation and for other services provided by the Authority.

Amendment 158

Article 49, paragraph -1a (new)

-1a. *The Authority shall be responsible to the Commission for the operation of the rapid alert system for food and feed products.*

Amendment 159

Article 49, paragraph -1b (new)

-1b. *The Authority, in consultation with the Member States and the Commission, shall set up the facilities necessary for the rapid transmission of information required for the operation of the rapid alert system.*

Amendment 160

Article 49, paragraph 1

1. A rapid alert system for food and feed shall be established as a network. It shall involve the Member States, the Commission and the Authority, **which is responsible for its operation**. The Member States, the Commission and the Authority shall each designate a contact point, which shall be a member of the network.

1. **The** rapid alert system for food and feed **products** shall be 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.

Amendment 161

Article 49, paragraph 2, subparagraph 1

2. Where a member of the network has any information relating to the existence of a **serious** direct or indirect risk to human health deriving from food or feed, this information shall be immediately notified to the Authority under the rapid alert system.

2. Where a member of the network has any information relating to the existence of a direct or indirect risk to human health deriving from food or feed **products**, this information shall be immediately notified to the Authority **and to the Commission** under the rapid alert system.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 162

Article 49, paragraph 2, subparagraph 2

The Authority **shall establish whether**, on the basis of the notification, the product in question presents a serious risk to human health, **necessitating** rapid action. **If this is the case**, it shall transmit this information immediately **via the rapid alert system**. It may supplement the notification with any scientific or technical information, which will facilitate rapid, appropriate action by the Member States.

If the Authority **considers that**, on the basis of the notification, the product in question presents a risk to human health **and necessitates** rapid action, it shall **determine the nature and the extent of the action and** transmit this information immediately **to the Commission. The latter shall decide whether or not the Member States should be notified. If it decides that such notification is required the Authority shall immediately forward the information to the Member States.** It may **also** supplement the notification with any scientific or technical information, which will facilitate rapid, appropriate action by the Member States.

Amendment 163

Article 49, paragraph 3

3. Where a national competent authority is notified by a food business operator pursuant to Article 14(2) or by a feed business operator pursuant to Article 15(2), it shall, after verification, inform the **Authority** via the rapid alert system. The Authority shall thereafter act as laid down in paragraph 2.

3. Where a national competent authority is notified by a food business operator pursuant to Article 14(2) or by a feed **product** business operator pursuant to Article 15(2), it shall, after **urgent** verification, inform the **Commission** via the rapid alert system. The Authority shall thereafter act as laid down in paragraph 2.

Amendment 164

Article 49, paragraph 4, subparagraph 1, introductory part

4. Without prejudice to other Community legislation, the Member States shall immediately notify the **Authority** under the rapid alert system of:

4. Without prejudice to other Community legislation, the Member States shall immediately notify the **Commission** under the rapid alert system of:

Amendment 166

Article 49, paragraph 4, subparagraph 3

The **Authority** shall immediately transmit to members of the network the notification and supplementary information received under the first and second subparagraphs.

The **Commission** shall immediately transmit to members of the network the notification and supplementary information received under the first and second subparagraphs.

Amendment 169

Article 50

The measures for implementing Article 49 shall be adopted by the Commission, after **consulting** the Authority, in accordance with the procedure referred to in Article 57(2). These measures shall specify, in particular, the specific conditions and procedures applicable to the transmission of notifications and supplementary information and the specific rules applicable to information transmitted by business operators.

The measures for implementing Article 49 shall be adopted by the Commission, after **discussion with** the Authority, in accordance with the procedure referred to in Article 57(2). These measures shall specify, in particular, the specific conditions and procedures applicable to the transmission of notifications and supplementary information and the specific rules applicable to information transmitted by business operators. **Ultimate responsibility shall rest with the Commission.**

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 170

Article 51, paragraph 1, subparagraph 1

1. Information available to the members of the network relating to risk to human health posed by food and feed shall **in general** be available to the public. **In general** the public shall have access to information on product identification, the nature of the risk and the measure taken.

1. Information available to the members of the network relating to risk to human health posed by food and feed **products** shall be available to the public **in accordance with the requirements of transparency**. The public shall have access to information on product identification, the nature of the risk and the measure taken.

Amendment 172

Article 52, paragraph 1

1. The Commission shall draw up, in close cooperation with the Authority and **where appropriate with** the Member States, a general plan for crisis management in the field of the safety of food and feed (hereinafter referred to as 'the general plan').

1. The Commission shall draw up, in close cooperation with the Authority, **the European Parliament** and the Member States, a general plan for crisis management in the field of the safety of food and feed **products** (hereinafter referred to as 'the general plan').

Amendment 173

Article 53, paragraph 1

1. Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a **serious** direct or indirect risk to human health deriving from food and feed, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 55 and 56, it shall immediately notify the Member States and the Authority.

1. Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a direct or indirect risk to human health deriving from food and feed **products**, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 55 and 56, it shall immediately notify the Member States, **the European Parliament** and the Authority.

Amendment 174

Article 53, paragraph 2

2. The Commission shall set up a crisis unit immediately, in which the Authority shall be involved **and provide scientific and technical assistance if necessary**.

2. The Commission shall set up a **permanent** crisis unit immediately, in which the Authority shall be involved. **The Authority shall provide scientific and technical assistance on the various management options available to the unit in the particular food crises concerned. Food and Veterinary Office officials shall also be involved in such crisis units.**

Amendments 175 and 182

Article 53, paragraph 2a (new)

2a. The Commission shall prepare a draft document laying down the measures to be taken within 30 days of receiving the Authority's opinion and shall send this document to Member States.

Amendment 176

Article 54, paragraph 3

3. The crisis unit shall **take any measures necessary** to **inform the public**.

3. The crisis unit shall **keep the public informed of the risks involved and the measures taken**.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
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Amendment 177

Article 55, title

Emergency measures for food of Community origin or imported from a third country

Emergency measures for food **and feed products** of Community origin or imported from a third country

Amendment 178

Article 55, paragraph 1, point (a), point (ia) (new)

(ia) suspension of the export of food and food aid in question;

Amendment 179

Article 55, paragraph 1, subparagraph 2

Within 10 working days, the measures taken shall be confirmed, amended, revoked or extended in accordance with the procedure referred to in Article 57(2).

Within 10 working days, the measures taken shall be confirmed, amended, revoked or extended in accordance with the procedure referred to in Article 57(2) **and the reasons for the Commission's decision shall be made public immediately.**

Amendment 180

Article 55, paragraph 1, subparagraph 2a (new)

For such time as the measures adopted by the Commission have not been replaced by another legal act, they shall continue to apply.

Amendment 181

Article 56

Where it is evident that food originating in the Community or imported from a third country is likely to constitute a **serious** risk to human health and the Commission does not consider it appropriate to adopt an emergency measure pursuant to Article 55, the Commission may examine the situation as soon as possible within the Committee set up in Article 57 and adopt the necessary measures in accordance with the procedure referred to in Article 57(2). It shall follow the development of the situation and, if necessary, it shall amend or revoke, in accordance with the procedure referred to in Article 57(2), the measures taken.

Where it is evident that food originating in the Community or imported from a third country is likely to constitute a risk to human health and the Commission does not consider it appropriate to adopt an emergency measure pursuant to Article 55, the Commission may examine the situation as soon as possible within the Committee set up in Article 57 and adopt the necessary measures in accordance with the procedure referred to in Article 57(2). It shall follow the development of the situation and, if necessary, it shall amend or revoke, in accordance with the procedure referred to in Article 57(2), the measures taken **and shall without delay make public the reasons for its decisions, in particular where the Commission's measures diverge from the Committee's conclusions and recommendations.**

Amendment 183

Article 60, paragraph 1, subparagraph 1

Within three years of the date established in Article 65, the Authority, **in collaboration with the Commission**, shall **carry out** an independent evaluation **of its achievements on the basis of the terms of reference issued by the Management Board in agreement with the Commission**. The evaluation will assess the working practices **of the Authority and the impact of the Authority, acting as such**.

1. Within three years of the date established in Article 65, **and every five years thereafter**, the Authority shall **commission** an independent **external** evaluation **on the implementation of this Regulation**.
2. The evaluation shall assess the **impact of this Regulation, the Authority and its working practices on food safety**. The evaluation shall take into account the views of stakeholders, both at European and national level.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 205

Article 60, paragraph 1, subparagraph 2

The Management Board of the Authority shall examine the conclusions of the evaluation and issue to the Commission **such recommendations as may be necessary**, regarding changes **in** the Authority and its working practices. The evaluation and the recommendations shall be made public.

3. The Management Board of the Authority shall examine the conclusions of the evaluation and issue **recommendations** to the Commission regarding changes **to this Regulation**, the Authority and its working practices. **The Commission shall forward these to the European Parliament and the Council. An action plan with a timetable shall be included, if appropriate.** The evaluation and the recommendations shall be made public. **The Authority shall, however, retain the right to modify its internal working practices whenever it deems appropriate to do so and, in such cases, shall inform the Commission accordingly.**

Amendment 185

Article 60, paragraph 2

2. Within three years from the date established in Article 65, the Commission shall **publish** a report on the **experience acquired from implementing Sections 1 and 2 of Chapter IV**.

2. Within three years from the date established in Article 65, the Commission shall **forward to the European Parliament and Council** a report on the **application of the principles laid down in this Regulation to Community legislation**.

Amendment 187

Article 61, paragraph 1

1. **Every** reference in Community legislation to the Scientific Committee on Food, the Scientific Committee on Animal Nutrition, the Scientific Veterinary Committee, the Scientific Committee on Pesticides, the Scientific Committee on Plants and the Scientific Steering Committee shall be replaced by a reference to the European Food Authority.

1. Reference in Community legislation to the Scientific Committee on Food, the Scientific Committee on Animal Nutrition, the Scientific Veterinary Committee, the Scientific Committee on Pesticides, the Scientific Committee on Plants and the Scientific Steering Committee shall be replaced by a reference, **where appropriate**, to the European Food Authority.

Amendment 188

Article 63

The seat of the Authority shall be decided by the **competent authorities, on the basis of a proposal of** the Commission.

The seat of the Authority shall be decided by the **Council, after consulting** the Commission **and the European Parliament. It shall be, and be seen physically to be, independent of the Commission and other institutions. The location of the Authority shall:**

- **have a long-standing tradition in food safety in order to lend credibility to the Authority in the eyes of the citizens of the European Union;**
- **enhance the Authority's independence and integrity;**
- **provide good scientific infrastructure and facilities in the field of food safety;**
- **be easily accessible in terms of communications, centrally located, and have good and rapid transport connections;**

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- *enable the Authority to work closely and efficiently with those Commission services which deal with public health and consumer protection;*
- *be cost-effective and enable the Authority to start its work immediately;*
- *provide for the necessary social infrastructure for the staff of the Authority.*

Amendment 189

Article 64

Existing food law shall *continue to apply until* amended to ensure conformity with the provisions laid down in Chapters I and II.

To the extent necessary, existing food law shall *be* amended to ensure conformity with the provisions laid down in Chapters I and II.

European Parliament legislative resolution on the proposal for 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 (COM(2000) 716 – C5-0655/2000 – 2000/0286(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council and the amendments to the proposal (COM(2000) 716⁽¹⁾),
- having regard to Articles 251(2), 37, 95, 133 and 152(4) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0655/2000),
- having regard to Rule 67 of its Rules of Procedure,
- having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinions of the Committee on Budgets, the Committee on Budgetary Control, the Committee on Legal Affairs and the Internal Market, the Committee on Industry, External Trade, Research and Energy, the Committee on Agriculture and Rural Development and the Committee on Fisheries (A5-0198/2001),

1. Approves the Commission proposal as amended but considers that the financing for the Authority should only be transferred from the reserve once a satisfactory solution for both its location and effective operation has been agreed;

2. Notes that this is a new action for which financing is not foreseen in the current budget; considers that the financial statement of the proposal for a regulation put forward by the Commission is not compatible with the ceilings of heading 3 of the current Financial Perspective without a revision or a reduction of other policies;

3. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;

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

⁽¹⁾ OJ C 96 E, 27.3.2001, p. 247.