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Proposal for a

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

**repealing Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

The Commission presents a proposal for a Directive of the European Parliament and of the Council repealing Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food.

### **1. CONTEXT OF THE PROPOSAL**

In December 2012 the Commission launched the Regulatory Fitness and Performance Programme<sup>1</sup> (REFIT) to ensure a simple, clear, stable and predictable regulatory framework for businesses, workers and citizens.

In this context the Commission has committed to repealing rules which have become superfluous or obsolete.

The aim of Council Directive 93/5/EEC was to ensure the smooth running of the Scientific Committee for Food by promoting the scientific support from the Member States and by organising the cooperation with the relevant national bodies on scientific issues regarding the safety of foodstuffs. The Scientific Committee for Food was initially set up by Commission Decision 74/234/EEC<sup>2</sup> and subsequently replaced by the Scientific Committee for Food established by Commission Decision 95/273/EC<sup>3</sup> and finally replaced by the Scientific Committee on Food established by Commission Decision 97/579/EC<sup>4</sup>.

Following Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>5</sup>, the scientific tasks entrusted to the Scientific Committee on Food have been taken over by the Scientific Committee and Panels of the European Food Safety Authority (EFSA). Commission Decision 97/579/EC establishing the Scientific Committee on Food was subsequently repealed by Commission Decision 2004/210/EC<sup>6</sup>.

Pursuant to Regulation (EC) No 178/2002, EFSA has also become the competent body to promote scientific cooperation with the Member States and relevant national bodies operating in the fields falling within the Authority's mission.

Therefore, Council Directive 93/5/EEC has become obsolete and should be repealed.

The nature of the Council Directive does not require the explanatory documents foreseen in the Joint Political Declaration of Member States and the Commission of 28 September 2011<sup>7</sup>.

The Commission is invited to adopt this proposal and to transmit it forthwith to the European Parliament, the Council, the European Economic and Social Committee, as well as to the national parliaments.

### **2. BUDGETARY IMPLICATION**

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<sup>1</sup> COM(2012)746 final.

<sup>2</sup> Commission Decision 74/234/EEC of 16 April 1974 relating to the institution of a Scientific Committee for Food (OJ L 136, 20.5.1974, p. 1).

<sup>3</sup> Commission Decision 95/273/EC of 6 July 1995 relating to the institution of a Scientific Committee for Food (OJ L 167, 18.7.1995, p. 22).

<sup>4</sup> Commission Decision 97/579/EC of 23 July 1997 setting up Scientific Committees in the field of consumer health and food safety (OJ L 237, 28.8.1997, p. 18).

<sup>5</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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 (OJ L31, 1.2.2002, p. 1).

<sup>6</sup> Commission Decision 2004/210/EC of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment (OJ L 66, 4.3.2004, p. 45).

<sup>7</sup> OJ C 369, 17.12.2011, p. 14.

The proposal has no implication for the Union budget.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>8</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In the framework of the Regulatory Fitness and Performance Programme (REFIT) the Commission has committed to a simple, clear, stable and predictable regulatory framework for businesses, workers and citizens.
- (2) Council Directive 93/5/EEC<sup>9</sup> aimed at ensuring the smooth running of the Scientific Committee on Food by promoting the scientific support from the Member States to that Committee and by organising the cooperation with the relevant national bodies on scientific issues regarding the safety of foodstuffs.
- (3) Following Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>10</sup>, the tasks of the Scientific Committee on Food referred to in Directive 93/5/EEC have been transferred to the European Food Safety Authority (EFSA) and are currently provided by Regulation (EC) No 178/2002.
- (4) Commission Decision 97/579/EC<sup>11</sup> establishing the Scientific Committee on Food has been repealed by Commission Decision 2004/210/EC<sup>12</sup>.

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<sup>8</sup> OJ C [...], [...], p. [...].

<sup>9</sup> Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food (OJ L 52, 4.3.1993, p. 18).

<sup>10</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

<sup>11</sup> Commission Decision 97/579/EC of 23 July 1997 setting up Scientific Committees in the field of consumer health and food safety (OJ L 237, 28.8.1997, p. 18).

<sup>12</sup> Commission Decision 2004/210/EC of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment (OJ L 66, 4.3.2004, p. 45).

- (5) Pursuant to Regulation (EC) No 178/2002, EFSA has also become the competent body to promote scientific cooperation with the Member States and relevant national bodies operating in the fields falling within EFSA's mission. In particular, Article 22 of Regulation (EC) No 178/2002 provides that EFSA shall act in close cooperation with the competent bodies in the Member States and that the Member States shall cooperate with EFSA to ensure the accomplishment of its mission.
- (6) Council Directive 93/5/EEC has therefore become obsolete and should be repealed,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Council Directive 93/5/EEC is repealed.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*last day of the 12<sup>th</sup> month following publication of this Directive in the Official journal of the European Union*] at the latest. Member States shall forthwith communicate to the Commission the text of those provisions, which shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*