

ANNEX

8. HEALTH AND CONSUMER PROTECTION

8.3. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation⁽¹⁾

As regards Directive 1999/2/EC, the Commission should be empowered to implement rules relating to food irradiation. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/2/EC, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

On grounds of efficiency, the normal time limits for the regulatory procedure with scrutiny should be curtailed for the adoption of certain exceptions to rules relating to maximum radiation doses for foodstuffs and the use of irradiation treatment in combination with chemical treatment, as well as for the adoption of supplementary requirements for approval of irradiation facilities.

When, on imperative grounds of urgency, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to apply the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of amendments to Directive 1999/2/EC or to its implementing directive by means of prohibitions or restrictions as compared to the previous legal situation to the extent necessary to ensure the protection of public health.

Accordingly, Directive 1999/2/EC is hereby amended as follows:

1. Article 5(2) shall be replaced by the following:
2. Exceptions to paragraph 1 may be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(4).;
2. Article 7(2) shall be replaced by the following:
 2. Approval shall be granted only if the facility:
 - meets the requirements of the joint FAO/WHO Codex Alimentarius Commission Recommended International Code of Practice for the operation of irradiation facilities used for the treatment of foods (reference FAO/WHO/CAC, Vol. XV, edition 1), and any supplementary requirement which may be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(4),
 - designates a person responsible for compliance with all the conditions necessary for the application of the process.;
3. in Article 8(3), the words ‘Article 12’ shall be replaced by the words ‘Article 12(2)’;
4. in the first subparagraph of Article 9(2)(a), the words ‘Article 12’ shall be replaced by the words ‘Article 12(2)’;
5. Article 12 shall be replaced by the following:

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1137/2008 of the European Parliament and of the Council, Division 8.3.. (See end of Document for details)

Article 12

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health instituted by Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽²⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4 Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time limits provided for in Article 5a(3)(c) and (4)(b) and (e) of Decision 1999/468/EC shall be set at two months, one month and two months respectively.

5 Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

6. in Article 14(2), the words ‘Article 12’ shall be replaced by the words ‘Article 12(2)’;

7. Article 14(3) shall be replaced by the following:

3. Adaptations of this Directive or of its implementing directive may be made by the Commission only to the extent necessary to ensure the protection of public health and shall in any event be limited to prohibitions or restrictions as compared to the previous legal situation. Those measures, designed to amend non-essential elements of this Directive, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3). On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 12(5).

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1137/2008 of the European Parliament and of the Council, Division 8.3.. (See end of Document for details)

- (1) [OJ L 66, 13.3.1999, p. 16.](#)
- (2) [OJ L 31, 1.2.2002, p. 1.](#)';

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1137/2008 of the European Parliament and of the Council, Division 8.3..