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2015/0086 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) of the EEA Agreement (Novel foods)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex II to the EEA Agreement in order to incorporate the following in the EEA Agreement, and more concretely:

- (1) Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients¹.
- (2) Commission Regulation (EC) No 1852/2001 of 20 September 2001 laying down detailed rules for making certain information available to the public and for the protection of information submitted pursuant to European Parliament and Council Regulation (EC) No 258/97².
- (3) Commission Recommendation 97/618/EC of 29 July 1997 concerning the scientific aspects and the presentation of information necessary to support applications for the placing on the market of novel foods and novel food ingredients and the preparation of initial assessment reports under Regulation (EC) No 258/97 of the European Parliament and of the Council³.
- (4) Article 38 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁴ amends Regulation (EC) No 258/97.

The EEA EFTA side is proposing notably an adaptation to Article 7 of Regulation (EC) No 258/97. The proposed text states that when the Commission takes authorization decisions under that Article, the EFTA States will simultaneously and within 30 days take corresponding decisions.

Annex II to the EEA agreement should therefore be amended accordingly.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

¹ OJ L 43, 14.2.1997, p. 1.

² OJ L 253, 21.9.2001, p. 17.

³ OJ L 253, 16.9.1997, p. 1.

⁴ OJ L 268, 18.10.2003, p. 1

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area⁵, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area⁶ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex II to the EEA Agreement.
- (3) Annex II to the EEA Agreement contains specific provisions and arrangements concerning technical regulations, standards, testing and certification.
- (4) Regulation (EC) No 258/97 of the European Parliament and of the Council⁷ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1852/2001 of 20 September 2001⁸ is to be incorporated into the Agreement.
- (6) Commission Recommendation 97/618/EC of 29 July 1997⁹ is to be incorporated into the Agreement.

⁵ OJ L 305, 30.11.1994, p. 6.

⁶ OJ L 1, 3.1.1994, p. 3.

⁷ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients, OJ L 43, 14.2.1997, p. 1.

⁸ Commission Regulation (EC) No 1852/2001 of 20 September 2001 laying down detailed rules for making certain information available to the public and for the protection of information submitted pursuant to European Parliament and Council Regulation (EC) No 258/97, OJ L 253, 21.9.2001, p. 17.

⁹ Commission Recommendation 97/618/EC of 29 July 1997 concerning the scientific aspects and the presentation of information necessary to support applications for the placing on the market of novel foods and novel food ingredients and the preparation of initial assessment reports under Regulation (EC) No 258/97 of the European Parliament and of the Council, OJ L 253, 16.9.1997, p. 1.

- (7) Article 38 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council¹⁰ amends Regulation (EC) No 258/97 and is to be incorporated into the Agreement.
- (8) Annex II to the EEA Agreement should therefore be amended accordingly.
- (9) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, within the EEA Joint Committee on the proposed amendment to Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*

¹⁰ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, OJ L 268, 18.10.2003, p. 1