



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.11.2006
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2004/0270B (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(2004) 775 final – 2004/0270/COD):	6.12.2004
Date of the opinion of the European Economic and Social Committee:	9.03.2005
Date of the opinion of the European Parliament, first reading:	17.05.2006
Date of adoption of the common position:	23.11.2006

2. OBJECTIVE OF THE COMMISSION PROPOSAL

On 6 December 2004 the Commission proposed to the Council and the European Parliament to prolong the period of the transitional TSE measures to allow for an agreement to be reached at international level on the simplified categorisation system. At the same time, other amendments relating to issues such as rules for the production of products of animal origin, TSE monitoring, inspections in third countries and breeding programmes were introduced. The transitional measures in the TSE Regulation expired on 30th June 2005.

The proposal was split into two parts with the first part extending the current period of the transitional measures for two years until 1 July 2007, leaving the second part to be subject to further discussions at EP and Council level.

3. COMMENTS ON THE COMMON POSITION

3.1. GENERAL REMARKS

The common position adopted by the Council by qualified majority represents a balanced further elaboration of the Commission proposal, where various provisions requested by the Council were included, and in which several of the 1st Reading amendments of the European Parliament have been taken into account.

Following the adoption of the Council Decision 2006/512/EC it is necessary to introduce new provisions for the adoption of acts implementing Council and Parliament's legislation adopted via co-decision, the so-called "regulatory procedure with scrutiny", governed by the provisions laid down in the new Article 5a of Council Decision 1999/468/EC.

Awaiting the adoption of the co-decision proposal on TSEs, the Council made the necessary changes to include, where appropriate, the regulatory procedure with scrutiny in the Articles referred in the Commission proposal. This include Articles 6(1), 6 (1b), 7(3), 7(4), 7(4a), 8(1), 8(2), 8(5), 9(1) and 15(3).

The Commission agrees with the Council's position regarding the provisions to be subject to the regulatory procedure with scrutiny and thus should endorse the Common position.

3.2. AMENDMENTS MADE BY THE EUROPEAN PARLIAMENT AT FIRST READING

The Council has included in the common position several technical amendments following intensive consultation between the co-legislators which were adopted at first reading by the European Parliament and also accepted by the Commission.

4. CONCLUSION

For the above reason, the Commission supports the Common Position adopted by the Council.

5. COMMISSION AND COUNCIL DECLARATIONS

The following declaration by Commission:

Declaration by the Commission concerning authorisations referred to in Article 7.

This declaration is attached to this Communication.

ANNEX

COMMISSION AND COUNCIL DECLARATIONS

Concerning Article 7: Statement by the Commission

The Commission will only grant the authorisations referred to in Article 7 after examining the risks and at the same time will take into account the control tools in place to evaluate and ensure the proper implementation of these derogations. Related to the use of fish meal intended for young ruminants, certain restrictions could be envisaged linked to the production or type of those feedingstuffs. Concernant la dérogation pour les farines de poissons, la Commission se basera sur les performances de la méthode d'analyse microscopique qui permet d'ores et déjà de différencier les protéines de poissons de celles de mammifères, ainsi que sur les résultats du prochain "proficiency testing" organisé par le laboratoire communautaire de références.