

Regulation (EC) No 298/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission

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amending Regulation (EC) No 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 95 and 152, paragraph 4, point (b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) Regulation (EC) No 1829/2003 of the European Parliament and of the Council⁽³⁾ provides that certain measures are to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁴⁾.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia*, by deleting some of those elements or by supplementing the instrument with new non-essential elements.
- (3) In accordance with the statement by the European Parliament, the Council and the Commission⁽⁵⁾ concerning Decision 2006/512/EC, for the regulatory procedure with scrutiny to be applicable to instruments adopted in accordance with the procedure referred to in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.
- (4) The Commission should be empowered to define whether a type of food or feed falls within the scope of Regulation (EC) No 1829/2003, to lower the thresholds for the labelling of the adventitious and technically unavoidable presence of material which contains, consists of or is produced from genetically modified organisms and for the adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk assessment in food and feed, and to

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adopt measures regarding certain labelling and information requirements incumbent on operators and mass caterers. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1829/2003, *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.

(5) Regulation (EC) No 1829/2003 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 298/2008 of the European Parliament and of the Council, Introductory Text. (See end of Document for details)

- (1) [OJ C 161, 13.7.2007, p. 45.](#)
- (2) Opinion of the European Parliament of 29 November 2007 (not yet published in the Official Journal) and Council Decision of 3 March 2008.
- (3) [OJ L 268, 18.10.2003, p. 1.](#) Regulation as amended by Commission Regulation (EC) No 1981/2006 ([OJ L 368, 23.12.2006, p. 99.](#))
- (4) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11.](#))
- (5) [OJ C 255, 21.10.2006, p. 1.](#)

Changes to legislation:

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