



To the College of EU Commissioners

Brussels, 31 January 2017

Subject: Forthcoming Comitology Reform and Innovation – College discussion of 1 February 2017

Dear President Juncker,
Dear First Vice-President Timmermans,
Dear Vice-Presidents and Commissioners,

As the world is looking to the EU to lead on fact-based decision-making, we would like to underline the high level of concern raised by the forthcoming College discussion on a modification of the EU Comitology Regulation¹.

The process for obtaining market authorisation of innovative products defines the degree of predictability, which business operators require when taking decisions in terms of investment, jobs and growth, in and for the EU. Any additional uncertainty puts Europe at a competitive disadvantage globally and is also of grave concern to all industries that are subject to product authorisations.

Whereas we acknowledge the political inconvenience caused by insufficient Member State support for science, we urge the Commission to guard its independence as prescribed by the EU Treaties² and to correctly implement the existing comitology system. This must be done in full respect of the fundamental principles of EU law³, such as non-discrimination, legal certainty and protection of legitimate expectations, the conferral of powers⁴, the right to good administration (c.f. Article 41 of the European Charter of Fundamental Rights), and the EU's international trade obligations.

In its present form, the comitology process that governs market authorisations is designed to approve products assessed as safe by Europe's independent safety assessment authorities. Changing this system would further reduce public trust in the European agencies assessing the safety of products, in the European approval system and in the products themselves. The Commission and its risk assessing agencies should instead strengthen risk communication to build trust - especially where unfounded concerns persist, and avoid fueling any unfounded concerns about new technologies.

¹ Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

² Article 17(3) Treaty on the EU: *In carrying out its responsibilities, the Commission shall be completely independent.*

³ Article 17 (1) Treaty on the EU: *The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union.*

⁴ The conferral of powers is a fundamental principle of EU law, laid down in Article 5 of the Treaty on the European Union. In accordance with this principle, the powers of the European Commission are conferred on it by the European Parliament and Council in accordance with Article 291 of the Treaty on the European Union and this conferral is withdrawable.

In light of these concerns, we urge the Commission to refrain from making the comitology system less science-based, in recognition that any such modification would further promote political campaigns around product authorisations and undermine respect for fair and science-based decision-making in accordance with existing law.

We are at your disposal for further information, and trust that you will take our concerns into account.

Yours sincerely,

Hubertus Cranz, Director General, AESGP

Jan Demyttenaere, Director Scientific and Regulatory Affairs, EFFA

Patrick Fox, Secretary General, AMFEP

Garlich Von Essen, Secretary General, ESA

Marco Mensink, Director General, CEFIC

Nathalie Moll, Secretary General, EuropaBio

Ulrich Adam, Secretary General, CEMA

Alexander Döring, Secretary General, FEFAC

Pascale Rouhier, Secretary General, CELCAA

Jacob Hansen, Director General, Fertilizers Europe

Teresa Babuscio, Secretary General, COCERAL

Mella Frewen, Director General, FoodDrink Europe

Pekka Pesonen, Secretary General, Copa Cogeca

Roxane Feller, Secretary General, IFAH-Europe

Jean-Philippe Azoulay, Director General, ECPA

AESGP The Association of the European Self- Medication Industry represents the manufacturers of food supplements, non-prescription medicines and self-care medical devices all over Europe.	
AMFEP The Association of Manufacturers and Formulators of Enzyme Products.	
CEFIC The European Chemical Industry Council is the forum and the voice of the chemical industry in Europe.	
CELCAA The European Liaison Committee for Agricultural and Agri-Food Trade, is the umbrella organisation representing at European level associations and companies active in the sector of agricultural and agri-food trading.	
CEMA The European association representing the agricultural machinery industry.	
COCERAL The European association representing the trade in cereals, rice, feedstuffs, oilseeds, olive oil, oils and fats and agrosupply. COCERAL is the voice of collectors, distributors, exporters, importers and agribulk storers of the above mentioned commodities.	
COPA-COGECA The united voice of farmers and their cooperatives in the European Union. COPA – representing over 23 million farmers and their families and COGECA – representing over 22.000 European agri-cooperatives speak with the same voice through a common Secretariat in Brussels.	
ECPA The European Crop Protection Association represents the crop protection industry in Europe.	

EFFA The European Flavour Association represents flavouring companies that manufacture or blend flavours within the countries of the European Economic Area, comprising national associations from across the European Union, the European Free Trade Association (EFTA) as well as those countries that have applied for EU-membership.	
ESA The European Seed Association is the voice of the European seed industry, representing those active in research, breeding, production and marketing of seeds.	
EuropaBio The European Association for Bio-industries represents the biotechnology industry in agriculture (seeds), pharmaceuticals and industrial biotech.	
FEFAC The European Feed Manufacturers' Federation is the voice of the European feed industry.	
Fertilizers Europe Fertilizers Europe represents the majority of fertilizer producers in Europe.	
FoodDrinkEurope It represents the European food and drink industry, the largest manufacturing sector in the EU in terms of turnover and employment.	
IFAH-Europe International Federation of Animal Health - Europe is the voice of manufacturers of veterinary medicines, vaccines and other animal health products in Europe.	