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REPORT

drawn up on behalf of the Committee on Development and  
Cooperation

on the proposal from the Commission of the European  
Communities to the Council (COM(84) 703 final -  
530/84) for a directive on the approximation of  
the laws of the Member States relating to infant formulae  
and follow-up milks

Rapporteur: Mrs Luciana CASTELLINA

WG(VS)/2690E

PE 100.339/fin/Corr.



By letter of 23 January 1985, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 100 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to infant formulae and follow-up milks.

On 10 May 1985, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection and to the Committee on Development and Cooperation as the committee responsible.

At its meeting on 22 May 1985, the Committee on Development and Cooperation appointed Mrs Castellina rapporteur.

Moreover, at its sitting of 10 July 1985, the European Parliament, pursuant to Rule 47 of the Rules of Procedure, referred the motion for a resolution by Mr Roelants du Vivier and others on the approximation of the laws of the Member States relating to baby foods (Doc. B 2-528/85) to the Committee on Development and Cooperation.

At its meeting on 19 September 1985 the committee decided to deal with the motion for a resolution in the framework of Mrs Castellina's report.

The committee considered the Commission's proposal and draft report at its meetings of 16 September, 14 October and 16 October 1985.

At the last meeting, the committee unanimously decided to recommend to Parliament that it approve the Commission's proposal without amendment.

The committee then adopted the motion as a whole unanimously.

The following took part in the vote: Mr Focke, chairman; Mr Wurtz, vice-chairman; Mrs Castellina, rapporteur; Mr Baget-Bozzo, Mr Beyer de Ryke, Mr Cohen, Mrs De Backer-van-Ocken, Mr Fellermaier, Mr Gatti (deputizing for Mr Pajetta), Mr Habsburg (deputizing for Mr Luster), Ms Heinrich, Mrs Lentz-Cornette (deputizing for Mrs Cassanmagnago Cerretti), Mrs Pantazi, Mr Pirkl, Mrs Rabbethge, Mr Schwalba-Hoth (deputizing for Mr Kuijpers), Dr Sherlock (deputizing for Mr de Courcy Ling), Mrs Simons, Mr Ulburghs (deputizing for Mr Pannella), Mr Verbeek, Mr Vergeer and Mr Wawrzik.

The report was tabled on 18 October 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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ANNEX: Motion for a resolution by Mr ROELANTS DU VIVIER  
and others (Doc. B 2-528/85)

The Committee on Development and Cooperation hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

A

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to infant formulae and follow-up milks

The European Parliament,

- having regard to the proposal from the Commission to the Council<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 2-1530/84),
  - having regard to the motion for a resolution by Mr Roelants du Vivier and others on the approximation of the laws of Member States relating to baby foods (Doc. B-528/85),
  - having regard to the report of the Committee on Development and Cooperation (Doc. A 2-127/85) and the report of the Committee on the Environment, Public Health and Consumer Protection,
  - having regard to the result of the vote on the Commission's proposal,
- A. bearing in mind the decisions of the 34th WHO Assembly, in May 1981, which adopted an International Code of Marketing of breast-milk substitutes and which was supported in this by the Member States of the European Community at the time, under the Council presidency of The Netherlands,

<sup>1</sup>OJ No. C 28, 30.1.1985, p. 3

- B. bearing in mind the resolutions adopted by the European Parliament on 15 October 1981 concerning an 'international code for the commercialization of mothers' milk substitutes adopted by the WHO (OJ C 287/75); and of 11 April 1983 on the same subject, which supported the need for a Council directive based on the internationally recognized WHO Code,
- C. whereas the draft directive proposed by the Commission does not include any references to the WHO Code,
1. Invites the Commission to revise its draft directive in line with the previous recommendations of the European Parliament, so that it conforms with the dispositions contained in the 'International Code of Marketing in Breast Milk Substitutes of the OMS;
  2. This directive, modified according to the WHO principles, shall be applied to manufacturers and producers based in the EEC and as regards their operations both in the EEC and in the countries to which their products are exported;
  3. Welcomes the Commission proposal for a Council resolution contained in Annex 4 of the proposed directive particularly as regards the offer of 'effective support to the competent authorities of these countries in their efforts to apply the international code in their territory' via the delegations in developing countries;
  4. Expressed its concern, however, as to the effectiveness of such provisions in Asia and Latin America where delegations are 'regional' and not 'national' and therefore are possibly ill-equipped to deal with such demands;
  5. Considers therefore that an additional budgetary line be created in order to effectively manage the above provisions;
  6. Requests that the Commission delegations act to inform and advise the governments and the authorities of the developing countries about the content and provisions of the proposed directive, following its modification and adoption, and assist them when requested in the drafting of legislation based on the text of the WHO Code;

7. Supports the call made by the United Nations for the creation of an international monitoring committee and requests the Commission to participate along with relevant NGOs, producers, consumer groups and representatives of developing countries;
8. Requests that, on a regular basis, the Commission publishes annual reports, in order to improve public awareness both within the Community and the developing countries as to the situation and that such reports be made available to the WHO, IDACE, UNICEF and other interested bodies;
9. Instructs its President to forward to the Council and Commission of the European Communities, to the ACP Committee of Ambassadors and to the World Health Organization, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

## MOTION FOR A RESOLUTION (Doc. B 2-528/85)

tabled by Mr ROELANTS du VIVIER, Mrs DURY  
and Mrs VAN HEMELDONCK

pursuant to Rule 47 of the Rules of Procedure

on the approximation of the laws of the Member  
States relating to baby foods

The European Parliament,

- A. whereas the European Parliament adopted a resolution in October 1981 in favour of the International Code of Marketing of Breastmilk Substitutes adopted by the World Health Assembly (OJ No. C 287, 9.11.1981, p.75),
  - B. stressing the importance of this code for babies' health and its world-wide relevance,
  - C. emphasizing the Commission's undertaking to Parliament to draw up a proposal for a directive to ensure uniform application of the WHO Code throughout the Member States,
  - D. having regard to the document COM(84) 703 final of 14 December 1984 setting out a proposal for a Council directive on the approximation of the laws of the Member States relating to infant formulae and follow-up milks,
  - E. approving the declared aim of helping to provide for healthy, adequate food for babies by protecting and encouraging breastfeeding and by making rational use, if necessary, of breastmilk substitutes on the basis of adequate information and an appropriate marketing and distribution system,
1. Calls on the Commission to review its proposed solution without delay so as to make it truly correspond to its declared objective and previous undertakings;
  2. Calls on the Commission to draft another directive that will incorporate all the WHO recommendations on the marketing of breastmilk substitutes;
  3. Calls on the Commission to take particular account of the problems caused by direct advertising and free samples and gifts for mothers and the staff of maternity hospitals;
  4. Calls on the Commission in this connection not to endorse the voluntary code drawn up by the baby food industry (IDACE), which can in no way be compared with the WHO Code or serve as a substitute for it;
  5. Calls on the Commission to act in accordance with the wishes of the delegations from all the EEC Member States present at the World Health Assembly in May 1981, at which the International Code was adopted;
  6. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States.



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