

Written Question No. 1370/80

by Mr Glinne

to the Commission of the European Communities

Subject: Community imports of products declared unfit for consumption on the basis of US legislation

For a number of years various circles in America concerned with consumer protection have deplored the fact that each year thousands of tons of products worth more than \$1,000 million (insecticides, medicines, chemical products, etc.) and regarded as unfit for consumption on the domestic market on the basis of US legislation have been imported.

1. What is the Commission's opinion of the guidelines in this field repeatedly recommended in recent years by the 'Interagency Working Group on a Hazardous Substance Export Policy'?
2. Has the Commission cooperated in any way in the activities of this US Federal working party? What is the composition of the latter?
3. Has the Commission cooperated with American associations concerned with the protection of American and foreign consumers and in particular with the 'Council on Environmental Quality', 'Public Advocates' and the 'Consumers Products Safety Commission'?
4. Does the Commission share the view that the US Administration should ban the export, in particular to the Community, of food-stuffs declared unfit for consumption on the basis of American legislation? In the absence of an appropriate 'executive order', what other steps does the Commission recommend should be taken to protect the European consumer? Have the American authorities been approached on this matter?
5. By way of example: childrens' pyjamas treated with a substance called TRIS (which provokes renal cancer) were withdrawn from sale in the United States yet several millions of these suspect garments were sold abroad until the Consumer Product Safety Commission imposed an export ban. Have pyjamas of this kind been imported into the Community, and if so, over what period and in what quantities?
6. A further example: an insecticide called LEPTOHOS, sold under the name of PHOSVEL and produced in Chicago by a firm called Velsicol, is not approved in the USA but was nevertheless sold in large quantities abroad from 1971 to 1976. Was it imported into the Community? In what quantities, and over what period?
7. Is it true that the Community and its Member States also authorized the export of products considered unfit for domestic consumption?

What is the Commission's opinion on the problem outlined above?

REPLY GIVEN BY MR. NARJES ON BEHALF OF THE COMMISSION TO
WRITTEN QUESTION NO 1370/80 BY MR GLINNE

1.2.3. The Commission has no part in any of the activities of national bodies of non-member countries, the United States included. It has no information at its disposal which would enable it to comment on the composition of such bodies, nor on the results of their work.

4.7. The Commission feels that every country engaged in international trade must ensure that any products liable to be a direct hazard to users or consumers should not be exported.

It is for this reason that, in the field of food, the Commission has taken an active part, under the Joint FAO/WHO Programme on Food Standards (Codex Alimentarius), in the drafting of a Code of Ethics for the International Trade in Food. Article 4.2 of this Code, which was approved by the Codex Alimentarius Commission at its last meeting, in December 1979, provides, inter alia, that '... no food should be in international trade which:

(a) has in it or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health, or

(b) consists in whole or in part of any filthy, rotten, decomposed or diseased substance or foreign matter, or is otherwise unfit for human consumption...'. Under Article 7.1 of the Code, not only the authorities of the importing countries, but also those of the exporting countries, are required to ensure compliance with this prohibition.

According to the information available to the Commission, the definitive version of the Code is to be circulated to interested parties at the beginning of 1981. The Commission will not fail to examine the measures which will need to be taken at Community level in the light of this document.

The Commission is of the opinion that application of this Code will contribute to preventing the practices deplored by the Honourable Member.

5. The Commission has no precise statistical information at its disposal on imports of the garments in question. In this connection, the Honourable Member is referred to the replies given to Written Questions No 386/78 by Mr Jahn(1) and No 832/80 by Miss Quinn(2).

6. As far as the Commission is aware, the insecticide called 'Leptophos', which is primarily intended to treat growing cotton, has not been marketed in the Community.

(1) OJ C 251, 23.10.1978.
(2) OJ C 283, 3.11.1980.

