



Consumer Voice

Newsletter on food safety, health and consumer policy
from the European Commission's Health and Consumer Protection DG

August 2002, Edition 6/02



◀ David Byrne,
Commissioner for
Health and Consumer Protection

On the road to enlargement

The road to enlargement has been long and difficult. The pace will now accelerate to complete the process. The new Danish Presidency is focussed on enlargement and we all aim to have negotiations complete by December 2002.

There are two major hurdles to be overcome by the candidate countries. One is to finish the job of transposing EU laws into their national legal systems and the other to show they can implement them in practice. Although a great deal of this work has been accomplished, there is still much that remains to be done.

My services and I will continue to do all we can to assist our candidate country colleagues to achieve their ambitious commitments in the policy areas of food safety, health and consumer protection. Indeed, we are intensifying our input towards bringing the enlargement process to completion.

IN THIS EDITION

- Spotlight on enlargement during the Danish Presidency 1-3
- Spain achieved significant progress on a number of issues 3-4
- New rules agreed on distance marketing of financial services 4

Spotlight on enlargement during the Danish Presidency

When Denmark took over the EU Presidency from Spain at the beginning of July, Denmark's Prime Minister Anders Fogh Rasmussen was forthright about his government's determination to bring all enlargement negotiations to conclusion by the Copenhagen Summit in December 2002. The focus he said, "will be the three e's: enlargement, enlargement and enlargement."

These sentiments are completely in accord with the Commission's drive to help candidate countries to meet the necessary criteria for membership of the EU. Commissioner David Byrne spoke to Consumer Voice Newsletter about the huge amount of work that must be completed by the candidate countries in the policy areas of his responsibility, particularly in the area of food safety.

"EU enlargement is a massive project," he said. "The challenge is to bring standards in the candidate countries up to current EU standards – and not to accept any weakening of food safety levels within the enlarged internal market. Common standards of health and consumer protection must also apply in full."

Commissioner Byrne has visited a number of the countries and has made personal contact with their representatives. He is convinced a positive outcome is in sight. "We [the Commission] are aware there are problems and we will find solutions to them. We know there is still a great deal to be done to reach full compliance with



© Eureka Slide

CEE: XXN/14



▲ Commissioner David Byrne in Poland with Mr Gymrek, Deputy Minister for Veterinary Affairs.

■ The Copenhagen Criteria

Membership of the EU requires that a candidate country must achieve:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

and have created:

- the conditions for its integration through the adjustment of its administrative structures, so that European Community legislation [is] transposed into national legislation [and] implemented effectively through appropriate administrative and judicial systems.

EU standards on food safety, health and consumer protection. But we intend to accelerate our efforts to make sure our candidate country colleagues can achieve their ambitious commitments.”

Meeting the Copenhagen Criteria

Denmark last held the EU Presidency in 1993. That was when it was decided by the Member States that enlargement was no longer a question of “if” but “when”. Candidate countries could become members as soon as they could satisfy the economic and political conditions required. The conditions decided on at that meeting were dubbed the “Copenhagen Criteria” – criteria that must be met by the thirteen candidate countries who have applied to join the EU.

All candidate countries must be able to demonstrate that their legal systems are in compliance with the full body of EU law and that they can meet all conditions of the Copenhagen Criteria, before they can accede to the EU. How well they manage to complete such a huge and complex work programme, determines the actual date of accession for each one. The countries set their own pace and twelve candidate countries are well advanced in the negotiation process.

However, ten of the candidate countries: Cyprus, the Czech Republic, Estonia, Hungary, Poland, Slovenia, Latvia, Lithuania, Malta and Slovakia, are on the fast track with negotiations almost complete and they hope to become members of the EU in 2004.

The Commission has given, and will continue to give, technical assistance to help all of the countries achieve the necessary standards. In addition, candidate countries receive financial assistance through EU funding programmes to carry out the work. However, it is up to the candidate countries themselves to make it all come together.

Getting to grips with the work-load

The Commission’s role in the run-up to enlargement is to act as mentor, watching over the process of transposing the full body of EU law and ensuring it is fully and correctly established in national law. For the DG for Health and Consumer Protection, that means careful monitoring and checking of all work concerning EU measures that govern health, consumer protection, food safety and animal welfare.

Twenty consumer protection measures must be transposed into national law in the candidate countries. In addition, the consumer protection requirements must be properly enforced through effective structures. That will need careful management to ensure the capacity and resources to carry out enforcement. Strong consumer organisation input to this process is seen by the Commission as essential, to make sure consumers are aware of their rights so they can exercise them.

In the area of public health, the tobacco directives need to be transposed, but the main challenge in this policy area will be to strengthen the disease outbreak notification systems in the candidate countries.

EU food safety legislation presents the greatest challenge

It is the transposition of the great number of EU food safety legislative measures into national law that presents the greatest challenge. These address issues that

range from the safety of everyday food production to emergency measures to prevent the spread of food-borne disease. They include all the measures that have recently been introduced in the EU to deal with food crises such as BSE, Dioxin and foot and mouth disease.

All of the candidate countries recognise the risk of BSE and have agreed to fully comply with all EU legislation to do with BSE at the time of accession. This includes active BSE surveillance, removal of specified risk material from the food chain at slaughter, the effective implementation of feed bans and of systems for the identification of cattle and bovine products. Eight of the countries have already launched wide-scale BSE testing and the rest will do so before the end of 2002.

Food establishments such as slaughterhouses, food processing plants and laboratories in the candidate countries must all meet the high standards set out in EU legislation. In some cases this could mean having to adapt their premises and in most, additional staff training will be needed. Laboratories must be officially accredited according to EU norms of good laboratory practice.

FVO helps with push towards full compliance with EU food safety standards

The inspection services of the DG for Health and Consumer Protection – the Food and Veterinary Office (FVO) – have recently completed a series of missions to the candidate countries. The aim was to assess the exact situation on food safety controls and standards. Now that that part of the work is complete, the FVO is set to take on a greater and more active role in helping candidate countries in their push to reach full compliance with EU food safety standards. Specifically targeted efforts will focus on areas of particular importance such as BSE, Border Inspection Posts and the public health conditions in food establishments.

For more details on enlargement, go to: <http://europa.eu.int/comm/enlargement/index.htm>

Spain achieved significant progress on a number of issues

The Spanish Presidency ended in the last week of June on an upbeat note. Successful Health and Agriculture Councils dealt with a huge number of issues, adopted the Public Health Programme, a Directive on the Distance Marketing of Financial Services, the African Swine Fever Directive and a Common Position on the non-commercial movements of pets. Most welcome was the political agreement reached on food hygiene rules and the confirmation from Denmark that it would give a high priority to the Commission's zoonoses proposals during the Danish Presidency.

On the table for discussion at the Health Council, were a number of points on tobacco control. Commissioner David Byrne presented a Commission proposal for a Council Recommendation on the Prevention of Smoking and on Initiatives to Improve Tobacco Control. He described the proposal as part of his continuous efforts to curb tobacco smoking.

Byrne spoke of his deep personal commitment to protect children and adolescents against the temptations of the tobacco industry, urging strong counter measures to

EU food safety legislation

- **Food legislation** includes general rules for hygiene and control, general principles and requirements of food law, food labelling, food additives, food flavouring, food packaging, food for particular nutritional uses, food treated with ionised irradiation, mineral waters, contaminants, and novel food including genetically modified foods.
- **Phytosanitary legislation** covers plant health (pesticides, harmful organisms), seeds and propagating material, plant variety rights, plant hygiene, controls and conditions for import of plants and plant products.
- **Veterinary legislation** covers animal health, animal welfare, animal identification and registration. This legislative area includes internal market control systems, external border controls and conditions for import of live animals and animal products, veterinary public health requirements for establishments dealing with animal products, and transmissible spongiform encephalopathies (TSE) control and protection measures.
- **Animal feed legislation** covers the safety of feed materials and additives, labelling, contaminants in feed, controls and inspections.

■ Patient mobility and health care developments in the EU

Ministers at the Health Council agreed "Council Conclusions" on patient mobility and health care developments in the EU. The debate arises from the increased movements of citizens from country to country and their need to have access to a high quality of health services. The Council Conclusions welcomed the Commission's intention to carry the work forward.



■ New Public Health Programme to go ahead

Although adopted by Council in June, it was not until the beginning of July that the final rubber stamp was achieved on the new Public Health Programme. During the plenary session in Strasbourg in July, MEPs lost no time in giving their full approval to the package agreed in Conciliation, by a large majority.

■ Blood products Directive remains unresolved

One notable issue remains unresolved during the last Presidency. The proposal for a Directive setting high standards to safeguard blood and blood products will have to go to conciliation and it will fall to the Danish Presidency to bring the proposal to conclusion.

reduce availability and supply. Angered by the pressures on young people from hard-sell advertising and promotion techniques, he wants to see some movement on the Tobacco Advertising Directive. Voicing his concern over its delay in the European Parliament, he was also critical of those Member States who have opposed the strong tobacco control legislation at EU level, and who insist it should remain a national competence.

In addition, the Commissioner presented the new Commission proposal for a Directive on quality and safety standards for human tissues and cells. This received broad support from the Council. The proposal respects the requirements of subsidiarity and does not interfere in any way with decisions made by Member States concerning the use or non-use of any specific type of human cell. But it does cover all uses of all tissues and cells approved by the Member States, when it comes to their quality and safety.

New rules agreed on distance marketing of financial services

New rules adopted by Council and by the European Parliament will protect consumers from being forced to buy a service they did not ask for, will restrict unwelcome and unsolicited phone calls and e-mails and make sure consumers get all the information they need before a contract can be concluded. Consumers will also have the right, under the new EU rules, to have a "cooling off period" or time to change their mind about a contract they have signed. This will not apply in every case however. A particular example would be in the case of financial services where there is a risk of price fluctuations in the financial market.

This Directive fills a gap in existing legislation. It responds to consumer concerns about the exclusion of distance selling of financial services via phone, fax and internet from the scope of the 1997 Directive on distance contracts. It complements and strengthens the e-commerce Directive and makes it easier for businesses to operate with legal certainty.

The Directive is an essential part of the Commission's strategy to develop an Internal Market for retail financial services with the aim of creating a sound regulatory environment for the development of e-commerce in financial services. The strategy suggests a series of measures that will allow consumers to feel confident they are protected if they buy financial services over the internet.

Such measures include further harmonisation of national consumer and investor protection rules, the establishment of out-of-court settlement of disputes mechanisms. The strategy also proposes mechanisms to facilitate trustworthy methods of paying for internet services and better forms of co-operation between the Member States authorities that supervise cross-border trade in financial services.

For the full text, please go to: http://europa.eu.int/eur-lex/en/com/pdf/2002/com2002_0360en01.pdf