WRITTEN QUESTION E-0614/00
by Bart Staes (Verts/ALE) to the Commission

(3 March 2000)

Subject: Language use in the provision of information to consumers

The Communication from the Commission concerning language use in the provision of information to consumers in the Community of 10 November 1993 indicates that no requirement to use the official languages of a country has been laid down in European law, except in the case of wine, medicinal products and tobacco. Foodstuffs labelling and nutrition labelling are required to be provided in a language ‘easily understood’ by buyers. There are also instances of Community provisions which do not take account of language use, for example in the areas of misleading advertising and consumer credit, or which give Member States the option of laying down requirements for language use, for example in the areas of toy safety and cosmetic products.

The Commission states, furthermore, that ‘certain provisions concerning language requirements may be considered as a barrier to the free movement of products or services’. This position is not consistent with another statement in the Commission’s Communication, namely that information which is difficult to read or understand may affect consumers’ health or safety. Moreover, the right of every consumer to be provided with information and instructions for use in at least the official languages of the relevant Member State is being infringed.

1. Is the requirement under European law to use the official languages of a country confined to wine, medicinal products and tobacco, as indicated in the Communication from the Commission of 10 November 1993? If not, what other products are required to carry information leaflets and/or instructions for use in the official languages of the relevant country?

2. Is the Commission willing to draw up a general directive on languages requiring at least the official languages of a country to be used in the provision of information to consumers in the fifteen Member States, given that a) information which is difficult to read or understand may affect consumers’ health or safety, and b) the right of every consumer to be fully informed is being infringed? If not, what are the Commission’s grounds for opposing a general directive with the purpose of fully informing consumers?

Answer given by Mr Byrne on behalf of the Commission

(15 June 2000)

In the communication on language use in the information of consumers mentioned to by the Honourable Member (1), the Commission noted that ‘… rules concerning languages naturally fall within the competence of the Member States, notably in application of the principle of subsidiarity’. The communication also stressed ‘… the need to assess, on a case by case basis, whether the balance between the various interests is respected, viz. the safeguarding of free movement as opposed to the protection of an imperative requirement such as health protection, consumer protection, and fair commercial practice’.

In the absence of specific legislation at the European level, the Member States are in principle entitled to enforce their own rules and regulations on language use, as long as they are consistent with the EC Treaty provisions — particularly as regards consumer protection and the free circulation of goods — and proportionate to the aim pursued by the national legislation.

The approach in question is in keeping with the case law of the Court of justice which has consistently held — lately in case C-33/97 (2) — that the Member States can adopt measures laying down that the labels of imported items be in the language of the region where the goods are to be sold or in any other language easily understandable by consumers of the area concerned. The measures in question have to be indistinctly applicable to domestic and imported goods, proportionate to the objective of protecting consumers and limited to indications that are compulsory under the national legislation. Ensuring
appropriate consumer information is to prevail over the principle of free circulation of goods provided in Article 28 (ex Article 30) of the EC Treaty.

Applying the above principles to the circumstances of practical cases is a prerogative of the national authorities and the courts of law, and can only be done on a case by case basis.

Concerning the specific language requirements that are currently in force at the European level — in addition to those concerning wine, medicines and tobacco — the following are particularly relevant to consumer information: Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (3) whose Article 14 provides that the Member States ensure that the sale of foodstuffs within their territory be prohibited if the particulars of the goods do not appear in a language easily understood by purchasers (the particulars may be indicated in various languages) and Commission Decision 93/13/EEC of 22 December 1992 laying down the procedures for veterinary checks at Community border inspection posts on products from third countries (4) which requires all certificates for products of animal origin from third countries entering the Community to be written in at least the language or in one of the languages of the border inspection post and in the language or in one of the languages of the country of destination.

The Honourable Member asked which products, other than wine, medicinal products and tobacco are required under Community legislation to carry information leaflets or instructions for use in the official language of the relevant Member State. The Commission will send the necessary information direct to the Honourable Member as soon as it is available.

As regards the possibility of introducing a general directive on language use, in its 1993 communication (1) the Commission did not consider it appropriate to envisage new Community legislation, but indicated instead a balanced strategy, based on five themes: the non-regulatory development of multilingual information, preservation of the Member States' freedom to mandate use of the language of the country of consumption, enhanced consistency of the Community legal instruments, improvement of information on the language rules applicable in the Member States, and assignment of responsibility for consumer information at the industry level.

A fresh assessment of the situation of language-related requirements in consumer information was conducted in 1998 within the scope of the Council Resolution on operating instructions (5), which took account of the views expressed by the Member States and the Commission. In this occasion, the Council invited the Member States and the economic operators ‘… to pursue the objective of making information available to consumers …’ taking into account several indications for good operating instructions for technical consumer goods, including, as far as the language of manuals is concerned, consumers’ ‘easy access to operating instructions at least in their own official Community language, in such a way that they are legible and easy for the consumer to understand’. The Resolution did not call for new European legislation nor did it suggest any alterations to the legal instruments in force.

In the light of the above, the Commission considers that the balanced approach suggested in the 1993 communication — which has been constantly upheld by the case law of the Court of justice — remains valid, notably as regards the allocation of responsibilities between the Community and the Member States, the opportunity that language requirements be introduced, where necessary, on a case-by-case basis, and the unsuitability of general European legislation to the objective of providing an appropriate response to the diverse interests involved in the issue of language use in consumer information.

(1) Communication from the Commission to the Council and the Parliament concerning language use in the information of consumers in the Community (COM(93) 456 final); Another Communication (OJ C 345/3, 23.12.1993) outlined the Commission approach in the area of foodstuffs, notably as regards the fundamental requirement for European policy to balance the needs of consumers and producers.

(2) Ruling of the Court of Justice of 3 June 1999 in case C-33/97 ‘Colim NV’.

(3) OJ L 33, 8.2.1979.
