Answer given by Mrs Reding on behalf of the Commission

(17 February 2003)

The rights of minorities are part of the principles listed in the first paragraph of Article 6 of the Treaty on the European Union. These principles, which have been set out in various international conventions (1), have been solemnly reaffirmed by the Charter of Fundamental Rights of the European Union (2). Article 21(1) of this Charter refers to the prohibition of discrimination based, among others, on ethnic origin, language, religion or membership of a national minority, and Article 22 requires that the Union respect cultural, religious and linguistic diversity. It should be noted, however, that Article 51 of the Charter specifies that its provisions are addressed to the institutions and bodies of the Union with due regard to the principle of subsidiarity, and to the Member States only when they are implementing Community law.

These principles are enforced by means of the infringement proceedings provided for in Article 226 (former Article 169) of the EC Treaty and by the political procedure laid down in Article 7 of the Treaty on the European Union. Under the former, the Commission may bring the matter before the Court of Justice if the complaint comes within the scope of Community law: this is notably the case when the Member State does not transpose a Directive correctly. Under the latter, if there is a serious or persistent breach of the principles mentioned in Article 6 of the Treaty on the European Union, the Commission or one third of the Member States may refer the matter to the Council, meeting in the composition of the Heads of State or Government.

In the matter raised by the Honourable Member, it would not appear that Community law has been wrongly applied, nor does the Commission have, at this stage, information that would imply the existence of a serious and persistent breach within the meaning of Article 7 of the Treaty on the European Union.

(1) See, for example, the UN International Covenant on Civil and Political Rights, Article 27 of which protects the cultural life and languages of persons belonging to minorities. The Covenant has been ratified by all the Member States.

(2003/C 155 E/206) WRITTEN QUESTION E-3781/02

by Jan Mulder (ELDR) to the Commission

(6 January 2003)

Subject: Code of conduct for multinational undertakings which import foodstuffs

With regard to the production of foodstuffs, the European Union applies environmental, animal welfare and food safety standards which are different from those in other parts of the world. For example, the use of meat-and-bone meal in cattle feed is prohibited in the EU. Those measures generally put European farmers at a competitive disadvantage compared with farmers in other parts of the world.

Current WTO rules permit imports of foodstuffs, and not just raw materials, to be restricted in the event of their presenting a manifest risk to public or animal health.

One possible way of resolving the problem of competitive disadvantage would be to negotiate, with undertakings which import foodstuffs, a Code of Conduct whereby they would agree to import only those products manufactured in accordance with production methods with standards as high as those in the European Union.

1. What possibilities does the Commission see of such a Code of Conduct being drawn up?

2. What other possibilities does the Commission see of measures being taken in the near future, i.e. before the conclusion of the WTO negotiations, which will reduce the competitive disadvantage of European farmers?
Food and feed imported into the Community for placing on the market within the Community must comply with the relevant requirements of Community law or conditions recognised by the Community to be at least equivalent. Thus, there is already a considerable body of legislation and controls in place to ensure the safety of imported food and feed, particularly products of animal origin. This has been substantially updated and strengthened through the measures announced in the Commission White Paper on food safety (1) of January 2000.


This body of legislation includes important provisions aimed at ensuring that imports offer equivalent levels of safety to domestically produced products. Where the Commission is satisfied that these provisions are not respected, the appropriate measures are taken, including where necessary restrictions or bans of the relevant food or feed products. The Commission is not of the view, therefore, that food safety is lower in relation to imports than within the Community.

The legislation is also compatible with the Community's international obligations, including its obligations under the World Trade Organisation (WTO). This international framework ensures that the interests of the Community exporters of foodstuffs are protected from measures, which are disproportionate, discriminatory or unsupported by scientific evidence. However, in certain areas such as animal welfare, the provisions at international level including in the WTO are not very developed. The Commission continues to make the case for greater recognition of animal welfare as a legitimate concern. The recent communication (5) of the Commission to the Council and the Parliament on animal welfare in third countries and the Implications for the Community provides a full account of these efforts.

The Commission does not foresee the negotiation of a code of conduct with undertakings, which import foodstuffs. Provisions on food safety should be binding and enforceable. This would not be the case under a code of conduct that is not legally enforceable. However, the Commission encourages such codes agreed between the relevant parties as they can provide additional safeguards and information to both producers and consumers outside a legislative framework.

The competitive position of European farmers in relation to third countries must be viewed in the context of the Common Agriculture Policy reform and the long-term perspective for sustainable agriculture and the on-going discussions on the Doha Development Round. It is the objective in both cases to create a more competitive and sustainable system of European agriculture while providing the farming community with financial aid decoupled from the production as well as other support measures in line with WTO rules and ensuring comprehensive information to consumers.

(2) OJ L 31, 1.2.2002.