

European Communities

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Working Documents

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DOCUMENT 1-962/82

Report

drawn up on behalf of the Committee
on Development and Cooperation

on the International Code of marketing
of breastmilk substitutes

Rapporteur : Mrs L. CASTELLINA

At its sitting of 10 March 1982, the European Parliament referred the motion for a resolution tabled by Mr COLLINS and others (Doc. 1-1093/81) pursuant to Rule 47 of the Rules of Procedure to the Committee on Development and Cooperation.

At its meeting of 2 April 1982, the committee decided to draw up a report and on 30 April 1982 appointed Mrs CASTELLINA rapporteur.

The committee considered the draft report at its meetings of 23 and 30 November 1982. At the latter meeting it adopted the motion for a resolution as a whole by 14 votes to 6.

The following took part in the vote under the chairmanship of Mr PONIATOWSKI: Mr BERSANI and Mr KÜHN, vice-chairmen; Mrs CASTELLINA, rapporteur; Mr BAILLOT (deputizing for Mr DENIS), Mr COHEN, Mr de COURCY LING, Mrs CARETONI-ROMAGNOLI, Mrs DURY, Mr ENRIGHT, Mrs FOCKE, Mr LAGAKOS (deputizing for Mr FUCHS), Mr LEZZI, Mr IRMER, Mr JACKSON, Mr PEARCE, Mrs PRUVOT (deputizing for Mr SABLE), Mrs RABBETHGE, Mr SEEFELD (deputizing for Mr FELLERMAIER), Mr SHERLOCK and Mr VANKERKHOVEN (deputizing for Mr VERGEER).

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

MOTION FOR A RESOLUTION

on the International Code of marketing of breastmilk substitutes

The European Parliament,

- having regard to the motion for a resolution tabled by Mr COLLINS and others (Doc. 1-1093/81) on the International Code of marketing of breastmilk substitutes,
 - having regard to the report of the Committee on Development and Cooperation (Doc. 1-962/82),
- A. whereas on 15 October 1981 Parliament approved by a large majority the resolution on the Code of marketing of breastmilk substitutes adopted by the 34th World Health Assembly (PE 74.274/fin.),
 - B. whereas the Commission has given the European Parliament an undertaking to draw up a proposal for a directive to ensure uniform application of the WHO Code in the Member States,
 - C. whereas the two-year deadline by which the Commission should, in accordance with the undertaking given in Geneva, inform WHO of measures adopted at Community level is imminent (May 1983),
1. Urges the Commission to comply with the undertakings given and therefore :
 - to draw up without further delay a proposal for a directive on the application of the WHO Code;
 - to submit, as instructed, to Parliament an annual report, in the most appropriate form, on application of and compliance with the Code of marketing in the Community and by Community-based firms operating elsewhere in the world;
 2. Asks the Commission to make all reasonable efforts to ensure that companies based in Member States and operating in developing countries comply with the provisions of the WHO Code or local legislation and codes in developing countries;
 3. Calls on the Commission to adopt a more constructive attitude and to be more heedful of resolutions adopted by Parliament;
 4. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

1. The purpose of the motion for a resolution (Doc. 1-1093/81) tabled by Mr Collins and others was to draw attention to the fact that the Commission has not yet adopted the necessary measures for ensuring application of and compliance with the World Health Organization's Code of marketing of breastmilk substitutes, as requested in the resolution adopted by the European Parliament on 15 October 1981.
2. The resolution called on the Commission to submit urgently to the Council a proposal for a directive to ensure uniform application of the Code, including provisions for sanctions penalizing non-compliance, and to report annually to Parliament about application of, and respect for, the Code both within the Community and by Community-based firms operating in the rest of the world and also about the situation regarding breast-feeding and the use of breastmilk substitutes in the Member States.
3. Parliament's resolution did no more than ask the Commission to act on the undertaking given at the 34th WHO Assembly, when all the Member States voted in favour of the Code and the Commission representative fully endorsed the objectives contained in it.
4. The WHO Code, which some of the main industries in the babyfood sector helped to draft, was adopted in the form of a recommendation and is therefore not binding on the Member States. However, not only did the Community publicly undertake to implement the WHO Code but also representatives of the developing countries requested that appropriate measures be taken to make it operative. That is why Parliament's resolution of 15 October 1981 stressed the need for a directive.
5. Apart from the problem of substance, i.e., the urgent need to apply the Code as a minimum means of reducing the damage caused by the irresponsible selling and misleading advertising of breastmilk substitutes, there is also a question of principle: the Commission's failure to fulfil the undertakings it gave to Parliament.

6. As regards application by the Community of the WHO Marketing Code a distinction should be made between two aspects: the application of the Code's provisions governing sales in the Member States on the one hand and sales outside the Community on the other.

7. Since the importance of encouraging breast-feeding was unanimously recognized by experts and governments from all over the world in WHO, implementation of the Code at Community level is the least that can be done to ensure that babyfood producers in the Member States comply uniformly with the basic rules, thereby avoiding unfair competition.

8. As the Commission representative pointed out during the debate in Parliament's Committee on Development and Cooperation, although provisions do exist in the different Member States governing the qualitative and quantitative composition and labelling of baby foods, they are contained in more general regulations on foodstuffs and pharmaceutical products or in foodstuffs and dietary codes, so that separate rules are required. Nor is any guidance currently given as regards product advertising and promotion.

9. The problem is thus two-fold: the introduction of new rules and the harmonization of existing legislations. It is also a matter of urgency for European countries in which the principles contained in the WHO code are increasingly being violated, as attested by many non-governmental organizations.

10. The Committee on Development and Cooperation and consequently Parliament thus consider a Community directive based on the provisions of the WHO Code to be essential to regulate the situation in the Community as well as export, promotional and sales activities in developing countries in which Community-based firms operate.

11. Despite these clear statements by the Committee on Development and Cooperation and subsequently by Parliament as a whole, and despite the fact that the Commission representative, Mr Narjes, stated during the plenary debate that the Commission was in the process of drawing up a

directive and that Parliament would be consulted on the subject, subsequent statements by Commission officials during proceedings of the Committee on Development and Cooperation have called into question the very basis of the resolution adopted (PE 74.274/fin.) and thus the undertaking to draw up a directive.

12. There is no question at present of bringing up the substance of the subject again but simply of implementing the decisions taken.

13. There is therefore no justification for the doubts currently being expressed by the Commission about facts already known when Parliament took its decisions (for instance, that some provisions of the WHO Code were already contained in a 1979 directive on labelling). Moreover, the objections recently put forward by Commission officials to acting on a decision that is now more urgent than ever are not acceptable.

14. That is why we feel it is necessary to table this new resolution, not in order to re-open a discussion that was closed when Parliament adopted its resolution on 15 October 1981, but to remind the Commission of its duty to fulfil the obligations incumbent upon it in accordance with Parliament's vote.

MOTION FOR A RESOLUTION

ANNEX

DOCUMENT 1-1093/81

tabled by Mr COLLINS, Mr ENRIGHT, Mr ADAM, Mr GRIFFITHS, Mrs WIECZOREK-ZEUL, Mr VAN MINNEN, Mrs CASTLE, Mrs VAN DEN HEUVEL, Mrs KROUWEL-VLAM, Mr CABORN, Mr SEEFELD, Mrs VAN HEMELDONCK, Mrs BUCHAN, Mr WALTER, Mr GABERT, Mrs Kalliope NIKOLAOU, Mr GEORGIADIS, Mr VGENOPOULOS, Mr PONIRIDIS, Mr K. NIKOLAOU and Mrs CLWYD

pursuant to Rule 47 of the Rules of Procedure

on the International Code of marketing of breastmilk substitutes

The European Parliament,

- Aware that in October 1981 the Parliament approved by a large majority a resolution endorsing the International Code of Marketing of Breast Milk substitutes,
 - Aware that this Code has also received the support of the 34th World Health Assembly,
 - Concerned that recent research has shown that the Code is being widely violated,
 - Recognizing that there are significant health differences, even in industrialized countries, between breast and bottle fed infants,
1. Reaffirms its previous decision and calls upon the Commission to introduce, as a matter of urgency, a directive to ensure the strict application of the International Code within Member States.

