

WRITTEN QUESTION E-1412/07
by Janelly Fourtou (ALDE)
to the Commission

Subject: Liability of distributors/retailers for the accuracy of compulsory information on labelling

The Court of Justice judgment of 23 November 2006 in case C-315/05 is to be interpreted in such a way that, where Community law does not specify who is liable for labelling, a Member State may impose a responsibility on retailers to verify the accuracy of all information which it is compulsory, under Community legislation, to provide on the labelling of products manufactured in other European Union countries.

This judgment could result in a considerable increase in the administrative burden on retailers in connection with the implementation of Community law. It could lead to the creation of barriers to trade, as it will encourage retailers to no longer sell products manufactured in other EU countries. It could lead overall to a reduction in compliance with the provisions designed to protect consumers. This liability placed on retailers seems neither necessary nor proportionate to the objectives of Community legislation.

Is the Commission aware of this problem and does it intend to remedy it quickly by specifying, in the various Community legislation, on whom the labelling obligations laid down in the provisions are intended to be imposed? Does the Commission intend, for example, to take the opportunity of the revision of Directive 2000/13/EC¹ in order to define more precisely 'who' is liable for the presence and accuracy of the information appearing on the labelling of a pre-packaged foodstuff?

¹ OJ L 109, 6.5.2000, p. 29.