

WRITTEN QUESTION E-0635/10
by János Áder (PPE)
to the Commission

Subject: Marketing of food supplements on the basis of the Regulation on Mutual Recognition

Regulation (EC) No 764/2008 should ensure the free movement of goods in the internal market of the European Union by establishing the rules necessary for implementation of the principle of mutual recognition. According to this principle, 'a Member State may not prohibit the sale on its territory of products which are lawfully marketed in another Member State, even where those products were manufactured in accordance with technical rules different from those to which domestic products are subject'.

In the Commission's opinion, how is it possible, when applying this principle in practice, to ensure the lawful marketing of food supplements in another Member State if the Member States do not publish their own lists of lawfully marketed food supplements? (According to Directive 2002/46/EC on food supplements, launching such products on the market is conditional on no more than the provision of a declaration/notification in Member States, so that the authorities in a Member State receiving a notification do not assess the lawfulness of the product in question).

In the Commission's opinion, is it compulsory for the Product Contact Points in the Member States to provide clarification (certification) of the fact that a food supplement is being lawfully marketed, and can the product be marketed in another Member State on the strength of the information obtained in this way without the risk of being banned?