

**Question for written answer E-003934/2013
to the Commission**

Rule 117

Bendt Bendtsen (PPE)

Subject: Fundamental challenges for food supplements

The Danish food supplements industry, which is regulated by an extensive set of legislation¹, experiences deplorable administrative practices and unacceptable barriers to trade in connection with the import and sale of its products.

If a herb was marketed in the EU prior to May 1997, has undergone a safety assessment and is permitted in another EU Member State, Denmark cannot lawfully place barriers to trade in its way or use the precautionary principle to prohibit it. This is nevertheless happening to the food supplements industry all the time.

Even if it can be demonstrated that the herbs in question have been assessed as safe and are legally sold in other EU Member States, the Danish authorities do not recognise the legal status of these products, irrespective of documentation which the Danish importer can present from foreign producers, experts or authorities proving that they are legal. The products are not inherently dangerous, but the importers nevertheless get asked to destroy products that can freely be sold in other countries. They are not even allowed to send them back to the country from which they have imported them.

Can the Commission indicate the legal basis which allows for a requirement for Member States to order importers and processors to destroy their stock?

Denmark has prohibited certain herb products, despite the fact that these same products are approved in other EU Member States. What is the legal basis for placing barriers to trade in the way of such products, when doing so, in principle, contravenes EU legislation?

¹ For example the Food Supplements Directive, the Novel Food Regulation and the Regulation on nutrition and health claims made on foods.