



Notification Number: 1994/271/F

**Decree supplementing the Decree of 15 April 1912  
implementing the Law of 1 August 1905 on fraud and  
misrepresentation in respect of products or services  
concerning foods, in particular meat, prepared meat products,  
fruit, vegetables, fish and preserves.**

Date received : 05/09/1994  
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Issue of detailed opinion by : Commission

Message

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TELEX 002  
COMMUNICATION FROM THE COMMISSION - SG (94) D/51351/2  
DIRECTIVES 83/189/EEC AND 88/182/EEC  
TRANSLATION OF TELEX 001



NOTIFICATION 94/0271/F

- 3B1 : 9401351.EN

**1. Structured Information Line**

TLX 002 IND- 94 0271 F-- EN ----- 940905 --- ---

**2. Member State**

FRANCE

**3. Department Responsible**

Délégué interministériel aux normes  
22 rue Monge  
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**3. Originating Department**

Ministère de l'Economie  
Direction Générale de la Concurrence, de la  
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59 boulevard Vincent Auriol  
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**4. Notification Number**

94/0271/F

**5. Title**

Decree supplementing the Decree of 15 April 1912 implementing the Law of 1 August 1905 on fraud and misrepresentation in respect of products or services concerning foods, in particular meat, prepared meat products, fruit, vegetables, fish and preserves.

**6. Products Concerned**

Foods for babies and food supplements.

**7. Notification Under Another Act**

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**8. Main Content**

This draft Decree prohibits the use, in foods which have been made by industrial processes for babies and in food supplements, of certain cattle-derived tissues and liquids for which the possibility cannot currently be totally excluded that they may transmit bovine spongiform encephalopathy to humans. These are consumer protection measures.

**9. Brief Statement of Grounds**

Bovine spongiform encephalopathy is a new disease which appeared recently. The scientific and epidemiological data



on the ways the disease is transmitted amongst cattle and to other species are not yet adequate. At the moment the transmission of the disease to humans cannot be completely ruled out: the inter-species barrier has been crossed by the transmission, now well established, from sheep to cattle. There is justifiable concern about the cases of spongiform encephalopathy which have occurred in domestic cats. In view of the extreme seriousness of the disease which may be transmitted, the French authorities feel that additional precautionary measures should be taken. That is the purpose of this Decree which aims to prohibit the use of cattle-derived lymphatic and nervous tissues which are thought to present the greatest risk in baby food made by industrial processes, as provided for in the Annexe to Directive 89/398 on foodstuffs intended for special diets as well as in food supplements.

#### **10. Reference Documents - Basic Texts**

Decree of 15 April 1912 implementing the Law of 1 August 1905 on fraud and misrepresentation in respect of products or services concerning foodstuffs, and especially meat, prepared meat products, fruit, vegetables, fish and preserves.

#### **11. Invocation of the Emergency Procedure**

Yes.

#### **12. Grounds for the Emergency**

The notified draft Decree in fact renews measures which were adopted temporarily by an Order of 29 July 1993 which expired on 6 August 1994. The French authorities would like to stress the urgency of the need to ensure the continuity of the regulations by drawing the attention of the Commission to the following two points:

- these are not new measures, merely renewed existing measures.,
- the notification of this text has been postponed several times so as not to interfere with any Community provisions which may have been adopted in this matter as part of the re-evaluation of the current Community regulations concerning BSE.

D. WILLIAMSON  
COMEUR  
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