



Notification Number: 1996/324/F

**Draft Decree amending Decree No. 73-138 of 12 February 1973 concerning application of the Law of 1 August 1905 on fraud and falsification in matters relating to the processes and products used for cleaning materials and objects intended to come into contact with foodstuffs, products and drinks for human and animal consumption.**

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Issue of comments by : Spain  
Issue of detailed opinion by : Commission

**Message**

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TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (96) D/51482/2  
DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC  
TRANSLATION OF TELEX 001  
NOTIFICATION 96/0324/F

- 3B1 : 9601482.EN

**1. Structured Information Line**

TLX 002 IND- 96 0324 F-- EN ----- 960821 --- ---

**2. Member State**

France

**3. Department Responsible**

Secretariat General du Comite Interministeriel pour les  
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**3. Originating Department**

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59, boulevard Vincent Auriol  
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**4. Notification Number**

96/324/F

**5. Title**

Draft Decree amending Decree No. 73-138 of 12 February 1973  
concerning application of the Law of 1 August 1905 on fraud  
and falsification in matters relating to the processes and  
products used for cleaning materials and objects intended to  
come into contact with foodstuffs, products and drinks for  
human and animal consumption.

**6. Products Concerned**

Products in question: products, including disinfectants, for  
cleaning materials which may come into contact with  
foodstuffs.



## 7. Notification Under Another Act

Notification within the framework of another Community text.

## 8. Main Content

Main contents: the draft Decree amends Decree No. 73-138 of 12 February 1973 as follows:

It sets out the scope of the provisions relating to the ban on possessing with intent to sell, selling or using, for the purpose of cleaning materials and objects intended to be brought into contact with foodstuffs, cleaning products containing constituents whose presence would create a health risk.

In the case of certain cleaning products which are only intended for industrial usage and which are rinsed after use, the requirement to use only constituents previously authorised by order is removed.

It contains a mutual recognition clause permitting cleaning products for materials and objects intended to be brought into contact with foodstuffs to be freely marketed in France where such comprise substances which, after assessment, have been authorised in one of the Member States of the European Union and have formed the subject of an official publication.

It emphasises that the instructions for use for products intended to be rinsed after use must indicate the general requirement that use of these products should be followed by rinsing with drinking water or steam.

## 9. Brief Statement of Grounds

The draft Decree enables account to be taken of the observations of the Commission requiring that a procedure be implemented recognising legislation valid in other Member States.

It also replaces certain provisions which had been implemented in 1973 to ensure consumer protection at a time when regulations on chemical products were far less developed than now. This draft takes account of the advice of the Supreme Council for Public Hygiene in France which considered that the current provisions, concerning the requirement that only those components which were subject to special assessment by an advisory scientific body should be used in cleaning products for materials coming into contact with foodstuffs, could be abandoned insofar as they concerned the components of products intended for domestic use and followed by after-use rinsing. Such is the case, for example, for certain washing up products.

## 10. Reference Documents - Basic Texts



Chapters III and V of the Consumer Code, in particular Article L.214-1 thereof.  
Amended Decree No. 73-138 of 12 February 1973 concerning application of the Law of 1 August 1905 on fraud and falsification in matters relating to processes and products used for cleaning materials and objects coming into contact with foodstuffs, products and drinks for human and animal consumption.

**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

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**13. Confidentiality**

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**14. Fiscal measures**

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D. WILLIAMSON  
COMEUR  
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