

# Food Quality Schemes and EU rules – Internal Market implications.

Food Quality certification- Adding Value to Farm produce  
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# Food quality schemes may need to be assessed for IM compatibility.

- If the scheme is linked to underlying safety or health legislation or builds upon it .
- If it organises market behaviour in a manner that is implicitly encouraged by the Member State (e.g. rules imposed by sports federations ).

# Certification services are economic activities that fall within the remit of the EC Treaty.

- They should therefore benefit from the principle of free movement enshrined in Article 49 of the Treaty.
- «Legislative» cross-border restrictions to their provision must therefore be justified by a general interest objective , be non-discriminatory and proportionate to that interest.

# Services of retailers are also subject to Article 49 EC Treaty.

- They should therefore benefit from the principle of free movement enshrined in Article 49 of the Treaty.
- Note that since Article 49 applies to both the export and the import of services a user (farmer) of such services can contest a « legislative » restriction that dissuades him or her from having access to those services.

# Commission wishes to encourage IM compatible quality schemes that can be certified.

- For example, in the services sector, the recently adopted services directive encourages the establishment of such codes at European level.
- A similar provision is to be found in the e-commerce directive.
- We also contest regulatory restrictions to cross-border certification service provision in order to ensure that certification costs remain or become affordable.

# Commission wishes to encourage IM compatible quality schemes that can be certified.

- Where national schemes with established brand recognition exist in order to avoid any IM compatibility problems the following conditions should be met:
  - Non domestic EU suppliers should be able to benefit from these schemes on the same conditions as national suppliers.
  - Non domestic EU suppliers that have been certified to the same objective quality levels in their home Member State should benefit from the principle of mutual recognition and not be subject to a second round of certification.
  - Food products from one Member State and their « mark » should not be restrained from entering another Member State and compete with the local mark.

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