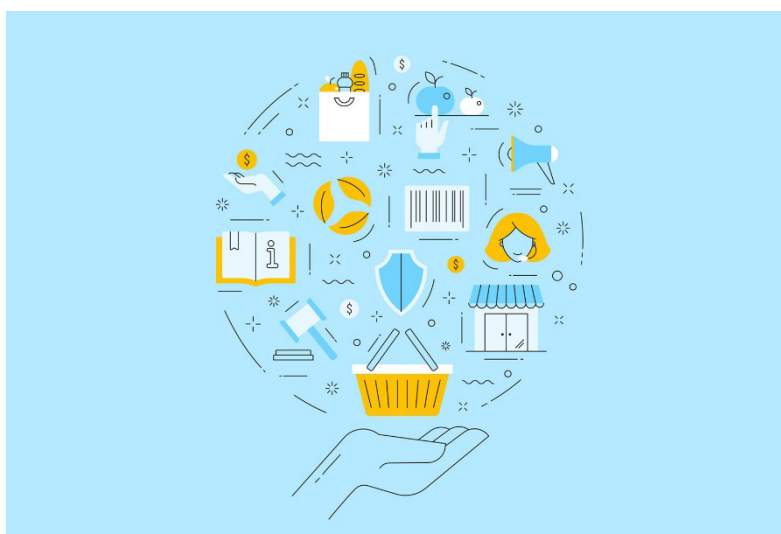




The European Parliament and the Origins of Consumer Policy



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Guest authors: Liesbeth van de Grift and Koen van Zon
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The European Parliament and the Origins of Consumer Policy

Drawing on a wide array of sources and literature, this study examines the role of the European Parliament in the establishment of the European Community's consumer policy. It argues that Parliament played a key role in placing this nascent policy issue on the agenda. It influenced the definition of what the policy should include, what it should focus on, and which instruments should be used to address the problems facing European consumers. In this process, Parliament filtered ideas, issues and political objectives from national and international debates into the European Community.

AUTHORS

This study has been written by Liesbeth van de Grift of Utrecht University and Koen van Zon of Studio Europa Maastricht, Maastricht University at the request of the European Parliament History Service, within the Directorate-General for Parliamentary Research Services (EPRS) of the Secretariat of the European Parliament.

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To contact the publisher, please e-mail eprs@ep.europa.eu

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Overview

This study explores the European Parliament's role in the development of the European Community's consumer policy in the 'long 1970s'.¹ It demonstrates how Parliament became the epicentre of debates on consumer affairs, which largely revolved around the tension between innovation and precaution. The Committee for the Environment, Public Health and Consumer Protection and (often female) MEPs from the political left wanted to give priority to precaution. However, the technical nature of many directives and the lack of public attention made it difficult for them to influence Community policy.

Parliament at times also put the brakes on Commission initiatives. Those on the political centre and right, who supported greater emphasis on technological innovation and defended a business-friendly climate, adhered to the economic logic that consumers would automatically reap the benefits of market integration. They occasionally sought to water down consumer protection, as they saw it as a threat to the competitiveness of European industry.

Drawing on a wide array of archival sources and available literature, the study explores the role of the European Parliament by looking at food safety and cosmetics regulation in Chapter 2 and the product liability directive in Chapter 3. Chapter 4 then discusses general patterns of Parliament politics and policymaking in the field of consumer policy. In conclusion, the study argues that, from the 1970s onwards, the European Community went from being a global laggard in the regulation of health, safety, and environmental risks to having a stricter regime than the United States. The European Union's current precautionary and integrated approach in the field of food safety in fact stems from Parliament's strong activism in the 'long 1970s'.

An [executive summary](#) of the study is published separately.

¹ The 'long 1970s', in socio-economic terms, lasted from the new social movements in the late 1960s and the 1973 oil crisis through to the reforms and transformation in the 1980s. Institutionally, it began with the 1969 summit in The Hague and extended beyond the 1979 direct elections to the European Parliament, which were far from a 'zero hour' for Parliament, let alone the European Community.

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Abbreviations

BEUC	Bureau Européen des Unions de Consommateurs
BSE	Bovine spongiform encephalopathy
CAP	Common Agricultural Policy
CIAA	Commission des Industries Agricoles et Alimentaires
CoE	Council of Europe
CCC	Consumers Consultative Committee
CD Group	Christian democratic group
DEP	Debates of the European Parliament
DG	Directorate-General
EC	European Community
ECHA	European Commission Historical Archives
ECPS	Environment and Consumer Protection Service
EEC	European Economic Community
EP	European Parliament
FAO	Food and Agriculture Organization
HAEP	Historical Archives of the European Parliament
HAC	Historical Archive of the Council of Europe
MEP	Member of the European Parliament
OECD	Organization for Economic Cooperation and Security
TV	television
UN	United Nations
UNICE	Union of Industrial and Employers' Confederations in Europe
WHO	World Health Organization

1. Introduction

In 1981, the European Parliament (EP) adopted a resolution by an overwhelming majority calling for a common market ban on growth hormones in beef, responding to a food scandal in Italy in 1977. The controversy had originated at the school of the Sisters of the Sacred Heart of Jesus in Milan, where numerous schoolchildren showed signs of premature onset of puberty. Two years later, an article in the medical journal *The Lancet*, investigating the case, suggested that the culprit was the hormone oestrogen, probably served to the children through meat in the school cafeteria. Consumer organisations initiated a boycott of hormone-treated meat in the European Community (EC), causing the consumption of veal to plummet.² The EP, eager to show its responsiveness to citizens' concerns, took up the issue of growth hormones. Members of the EP (MEPs) used the transnational boycott in member states to reinforce calls for higher standards of food safety. Such direct action, they argued, expressed 'the will of the European consumer'.³

Whose interests does the common market serve? As the project of market integration took shape, this question surfaced repeatedly. The objective of improving 'the living and working conditions' of European citizens was already embedded in the European Economic Community (EEC) treaty. Yet, what exactly the consumer interest was remained a point of contention throughout the period, with the EP at the heart of this debate. Whereas the common market was all about economic growth, offering more choice to consumers at affordable prices, the quality and safety of products also had to be guaranteed. After all, the European Commission's first Consumer Programme of 1975 affirmed the safeguarding of the economic interests of consumers. This began with those goods that Europeans consumed or used on a daily basis – food, drink, pharmaceuticals and cosmetics.

It is therefore no wonder that, from the beginning, the EP recognised the importance of harmonising these goods for European citizens. It was an opportunity for MEPs to show that they had the interests of their constituents at heart. At the same time, it was difficult to generate public attention for the highly specialised and technical business of harmonisation. MEPs themselves realised that debating the often highly technical and seemingly trivial proposals for harmonisation lacked political salience. As Alain Poher, the French chair of the Christian democratic group (CD group), stated in a 1964 debate, the proposals appeared 'a bit ridiculous'. Poher listed topics such as 'the European label for hatching eggs, the endless deliberation on the various processes for the preparation of chocolate. I am also concerned', he added sarcastically, 'with the future of a document that interests me greatly as an engineer, which has very technical illustrations concerning stud guns'.⁴ Scandals around food and product safety, such as the Italian controversy around hormone-treated beef, proved an exception: MEPs could use these unique yet rare occasions to highlight the deeply political nature of what seemed mere technical issues.

The harmonisation of standards was a form of sectoral integration, which concerned product groups rather than a comprehensive policy aimed at securing consumers' interests. This changed in the 'long 1970s', when member states and Community institutions pushed for consumer protection as a policy field in its own right. Meeting in Paris in 1972 in preparation for the EC accession of the

² David Vogel (1995) *Trading Up: Consumer and Environmental Regulation in a Global Economy*, Cambridge, MA: Harvard University Press, 154-174; PhD project Alessandra Schimmel, *A Europe of Consumers*, Utrecht University.

³ Lieselotte Seibel-Emmerling (19 November 1980), Intervention, [Decisions on requests for an early vote and urgent procedure, Aids for the private storage of veal containing hormones](#), Debates of the European Parliament (DEP), Historical Archives of the European Parliament (HAEP), PE1.AP.DE.1980//DE19801119-01/9900, 103-104.

⁴ Alain Poher (21 October 1964), Intervention, [Démocratisation de la Communauté européenne](#), DEP, HAEP, PE0.AP.DE.1964//DE19641021-02/9900, 117.

United Kingdom, Ireland and Denmark, the heads of government and the French president called upon the European Commission to strengthen and coordinate consumer protection. In the following years, the Commission worked out a 'Preliminary Programme of the European Economic Community for a Consumer Protection and Information Policy', which the Council adopted in 1975. These dual origins – technical harmonisation on the one hand and the attempt to create a delineated consumer policy on the other – explain the fragmented nature that characterises European consumer policy to this day.

How did the EP navigate the tension between the politics of consumer protection and the technicalities of market integration in regulating those products that were most essential to Europeans in the 'long 1970s'? Between the structural process of the creation of a European market for foodstuffs, cosmetics and pharmaceuticals, and the incidental occurrence of safety scandals and crises, the EP sought to make its mark on the EC's regulation of consumables. The 1970s were a crucial decade in this regard. The EC went from being a global laggard in the regulation of health, safety, and environmental risks, to having a stricter regime than the United States.⁵ This raises the question of the role the EP played in the rise of the EC as a self-proclaimed champion of consumers' health and safety.

As prosperity grew, the post-war years witnessed dramatic changes in consumption patterns. Europeans started eating more meat, processed food, and products from abroad, facilitated by the common market and international trade liberalisation. Rather than growing vegetables or making their own dishes, women, who were overwhelmingly responsible for feeding their families, had come to rely on supermarkets for their groceries, which, thanks to refrigerators, they could store for longer.⁶ Regulations were supposed to keep in check a market that was in constant flux.

The unprecedented post-war boom in consumption created tensions, which surfaced in the 1970s. As a decade of crises and mounting inflation, the 1970s saw food prices rise again after years of steady decline. At the same time, European agriculture, spurred on by the Common Agricultural Policy (CAP), started producing massive surpluses by the end of the decade, while other parts of the world faced shortages and dumping from subsidised European exports.⁷ Production chains became so long that it became increasingly difficult for consumers to know where their groceries came from, who produced consumer goods and how. Technological advances made food and industrial production increasingly complicated, with chemicals becoming pervasive in the growing of crops and the rearing of animals, and the addition of substances to foods to make them last longer, taste better and look more appealing. In that respect, consumers became increasingly dependent on authorities to guarantee the safety of the goods they consumed and used on a daily basis.

During the 1970s, the adverse effects of industrial production and mass consumption on communities and the environment became more and more evident, and were increasingly reported in the media. Concerns arose about product safety and environmental hazards, while the role of multinational corporations in the global capitalist economy and the lack of international regulation became topics of international scrutiny. Critics, including American biologist Rachel Carson, warned

⁵ David Vogel (2003) *The Hare and the Tortoise Revisited: The New Politics of Consumer and Environmental Regulation in Europe*, *British Journal of Political Science*, 33 (4), 557-580.

⁶ Frank Trentmann (2016) *Empire of Things: How We Became a World of Consumers, from the Fifteenth Century to the Twenty-First*, New York: Harper Collins.

⁷ Ann-Christina L. Knudsen (2009) *Farmers on Welfare: The Making of Europe's Common Agricultural Policy*, Ithaca: Cornell University Press; Schimmel, *A Europe of Consumers*.

against the pervasiveness of toxic substances, such as pesticides, in food.⁸ The United Nations (UN) in particular became an arena where the 'Global South' and civil society actors called for stricter regulation of multinational corporations.⁹ For the EEC, the making of the common market hinged on the trust that consumers had in its regulations and operation. The EP, especially, became very attentive to potential public health hazards and scandals concerning unsafe products.

This study builds upon recent scholarship, which has begun to address the actors and factors shaping consumer protection in the context of the common market. These include the role of European institutions, societal actors like the consumer umbrella organisation Bureau Européen des Unions de Consommateurs (BEUC) and consumer lawyers, and member states with long traditions of consumer activism, such as Denmark and the United Kingdom.¹⁰ Before that, legal scholars as well as lawyers, officials, and activists who themselves played a part in developing European consumer law and policy had already produced insightful accounts with a predominant focus on the legal and policy aspects of the topic.¹¹ This study shifts the focus to the EP, both as an arena of consumer politics and as an actor in its own right.

Following the introduction, chapters 2 and 3 reflect and discuss the fragmented nature of consumer policy as it developed within the EEC. Chapter 2 addresses the harmonisation of quality and safety standards, with a special focus on foodstuffs and cosmetics. Together, these examples of sectoral integration show, first, how the EP struggled to fulfil its political role when confronted with such highly specialised and technical directives; and second, how it used public health crises to politicise the harmonisation of consumer goods. Chapter 3 discusses the product liability directive, one of the key components of the comprehensive First Consumer Programme. Consumer advocates considered its fate *the* litmus test of the Community's willingness to protect European consumers, while industrial producers feared losing their competitive edge. In the face of such political differences, the EP's difficulties in developing a clear position are perhaps not surprising. Chapter 4 then zooms out to discuss overarching questions regarding the strategies that individual MEPs and the EP collectively used to influence the emerging policy field, through their entrepreneurial leadership, interaction with other organisations and working with the media. The conclusion reflects on the EP's impact on the nature and course of European consumer policy.

⁸ Rachel Carson (1962) *Silent Spring*, Boston: Houghton Mifflin Company; Günther Schwab (1958) *Tanz mit dem Teufel, ein abenteuerliches Interview*, Hannover: Adolf Sponholtz; C.J. Briejèr (1967) *Zilveren sluiers en verborgen gevaren. Chemische preparaten die het leven bedreigen*, Leiden: Sijthoff.

⁹ Matthew Hilton (2009) *Prosperity for All: Consumer Activism in an Era of Globalization*, Ithaca: Cornell University Press; Tehila Sasson (2016) Milking the Third World? Humanitarianism, Capitalism, and the Moral Economy of the Nestlé Boycott, *The American Historical Review* 121 (4), 1196-1224.

¹⁰ Brigitte Leucht (2022), Beyond 1973: UK Accession and the Origins of EC Consumer Policy, *Global Policy* 13, 20-29; Koen van Zon (2020), A Consumers' Europe? Common Market Governance between Consumers and Commerce, 1960s to 1990s, *Journal of European Integration History*, 26 (2), 203-227; Liesbeth van de Grift (2018) Representing European Society: The Rise of New Representative Claims in 1970s European Politics, *Archiv für Sozialgeschichte* 58, 263-278; Koen van Zon, Liesbeth van de Grift and Alessandra Schimmel (forthcoming) Vom Marktbürger bis Konsumbürger. Konsumpolitik und Verbrauchervertretung in der EWG in den 1960er und 1970er Jahren in: Morten Reitmayer and Stefan Weispfennig (eds.) *Konsum und Politik nach dem Boom*, Göttingen: Van den Hoeck & Ruprecht.

¹¹ Stephen Weatherill (2014) *EU Consumer Law and Policy*, Cheltenham: Edward Elgar (2nd edition); Dorota Lezcykiewicz and Stephen Weatherill (2016), The Images of the Consumer in EU Law, in: Lezcykiewicz and Weatherill (eds.) *The Images of the Consumer in EU Law: Legislation, Free Movement and Competition Law*, Oxford: Hart, 1-19; Hans-Wolfgang Micklitz and Stephen Weatherill (1993) Consumer Policy in the European Community: Before and After Maastricht, *Journal of Consumer Policy* 16, 285-321; Hans-Wolfgang Micklitz et al. (eds.) (2019), *The Fathers and Mothers of Consumer Law and Policy in Europe: The Foundational Years 1950-1980*, Florence: European University Institute.

2. Food and cosmetics: the politics of health and safety

Harmonisation was the bread and butter of European integration. For the common market to function, the EC had to harmonise product standards across the member states. This was often a painstaking process, in which the EP had to find a role for itself. Its members saw themselves as politicians rather than technocrats, and so they had to find a way to make a very technical subject political. The emerging field of consumer protection presented an opportunity in this regard. By advocating high standards of health, safety and quality, the EP could demonstrate that it represented the citizens of the Community, and consumers in the common market, rather than the interests of businesses. Though very comparable in the sense that consumers ingested or applied them to their body, the harmonisation patterns for foodstuffs and cosmetics were very different – in part because of the role that the EP played.

2.1. The added value of food additives: the EP as a public health advocate

Foodstuffs were a crucial element in the making of the common market. The vast majority of the EC's budget went to food production, through the CAP's system of agricultural subsidies. The rationale behind the CAP, when it was set up between 1962 and 1966, was to improve agricultural productivity, thus providing both a safe and affordable supply of food to European consumers, and a guaranteed steady income for farmers. The CAP had a sectoral structure, reflecting the great differences between agricultural sectors like poultry, cereals, and horticulture.¹² In creating a European market for agricultural produce, the European Commission followed the same sectoral logic: harmonising rules according to product group. In addition, the Commission started regulating processed foodstuffs by developing a market authorisation system for food additives, still known today as the E-numbers system. From the perspective of MEPs, this meant that, from the 1960s onward, they were inundated with dozens of directives for food harmonisation.

This torrent of technical and sometimes seemingly trivial directives sparked debate in the EP over how best to serve the interests of consumers. The Commission represented the prevailing view in the Community, namely that sector-by-sector harmonisation was gradually creating a European market for foodstuffs where competition across borders would provide consumers with new products, more alternatives, and lower prices. Advocates for consumer protection, on the other hand, were more concerned with the degree to which these directives guaranteed the absolute safety of foodstuffs. Given the sectoral nature of harmonisation and the continuous introduction of new products and substances requiring regulation, this debate remained a point of contention throughout the 'long 1970s'. In essence, it revolved around the added value of food additives. As much as they could make food taste better, look more appealing or last longer, they could also have unintended or unknown effects on human health. In other words: should European food law prioritise innovation or precaution – the industry's ability to introduce new substances or the protection of public health?

Articles 43 and 100 of the EEC treaty generally served as the legal basis for directives on foodstuffs. Both articles required consultation of the EP and unanimous approval by the Council. As a result, the Council was often very slow to adopt these directives. After all, member states were wary of the impact that harmonisation could have on their domestic market and employment, especially in the period of economic crisis following the 1973 oil shock. The problem of a slow Council process

¹² Knudsen, *Farmers on Welfare*.

became evident in 1963, when the Commission tested the waters for food harmonisation with a directive on cacao and chocolate, inspired by similar legislation in the Benelux countries.¹³ The Council took 10 years to adopt this directive, which turned out to be no exception. These severe delays compelled the Commission to proceed prudently with the making of a common market for foodstuffs. As a result, food safety was not its first priority.

The best-known efforts of harmonisation in the food sector were (and still are) those on additives, due to the E-numbers ascribed to them. In separate series, the Commission established so-called 'positive lists' that prescribed the additives allowed in foodstuffs, effectively banning those that were not on the lists. Each series was attributed an E-number, from colourants (100s) in 1962 to conservatives (200s) in 1964, anti-oxidants (300s) in 1970 and emulsifiers, stabilisers, thickeners and gelling agents (400s) in 1974, and so on. While these directives established European safety norms for food production, their primary objective was to create a European market for processed foods.

The EC was not alone in this approach. In fact, an international community of toxicologists had, in the 1950s, pioneered the principle of compiling positive lists for food additives. The Codex Alimentarius Committee, an international organisation for food standardisation, established in 1961 under the auspices of the UN's Food and Agriculture Organization (FAO) and World Health Organization (WHO), was the first to put it into practice.¹⁴ However, these two international organisations experienced strong tensions in their relations. The FAO was most committed to standardisation, as were international associations of the food and agrochemical industries. The WHO's primary interest in the Codex Alimentarius was the promotion of international public health standards.¹⁵ In contrast, this strain between market-making and public health protection also came to characterise the EC, with the marked difference that its standards were binding for member states.

The EP was quick to recognise the consumer protection dimension of these directives. As early as 1961, the German social democrat MEP Käte Strobel signalled that the first directive on colourants marked the beginning of EC food law, and that the procedure the Commission was following therefore set an important, if disconcerting precedent. Strobel had found out that the Commission had consulted agricultural groups, the food industry, and the chemical industry, but not consumer groups. Strobel, who chaired the Socialist group in the EP from 1964 to 1967 and became Germany's health minister from 1966 to 1972, had been a consumer advocate since the 1950s. Particularly on food law, she acquired a reputation in Germany as the 'guardian angel of housewives'.¹⁶ The

¹³ Commissie van de Europese Economische Gemeenschap, Voorstel voor een richtlijn van de Raad betreffende de onderlinge aanpassing van de wettelijke voorschriften van de lidstaten inzake cacao en chocolade, 18 July 1963, COM (63) 219. European Commission Historical Archives (ECHA).

¹⁴ Nathalie Jas (2013) *Adapting to 'Reality': The Emergence of an International Expertise on Food Additives and Contaminants in the 1950s and Early 1960s*, in: Nathalie Jas and Soraya Boudia, *Toxicants, Health and Regulation since 1945*, London: Routledge, 47-70.

¹⁵ Brigit Lee Naida Ramsingh (2011) *The History of International Food Safety Standards and the Codex Alimentarius (1955-1995)*, PhD thesis, Toronto: University of Toronto; Corinne Pernet and Amalia Ribi Forclaz (2019) *Revisiting the Food and Agriculture Organization (FAO): International Histories of Agriculture, Nutrition, and Development*, *The International History Review*, 41 (2), 345-350.

¹⁶ Kevin Rick (2018) *Verbraucherpolitik in der Bundesrepublik Deutschland eine Geschichte des Westdeutschen Konsumtionsregimes, 1945-1975*, Baden-Baden: Nomos, 101, 263-271, Heiko Stoff (2014) *Oestrogens and Butter Yellow. Gendered Policies of Contamination in Germany, 1940-1970*, in: Teresa Ortiz-Gómez and Maria Jesús Santemases (eds.), *Gendered Drugs and Medicine. Historical and Socio-Cultural Perspectives*, Farnham: Ashgate, 23-41.

Commission responded to Strobel's concern that it was in the process of bringing together European consumer groups – the organisation that was to become BEUC.¹⁷

When the Commission submitted its first draft directive on additives to the EP in 1961, the Agriculture Committee was designated to author the EP report, reflecting the priority that the EP gave to the creation of the CAP at the time. However, the committee selected Strobel as rapporteur, indicating that it also recognised the directive's potential for advancing consumer interests. Strobel was the only female rapporteur to author one of the 78 reports the EP produced in 1961, and it is no coincidence that she authored precisely this report. Male MEPs considered women to be authorities on consumer protection, and food in particular, given their experience in the household. Indeed, women subsequently authored many landmark EP reports on consumer protection.

In her report, Strobel argued that the directive on colourants had to go far beyond mere market integration. Putting consumer protection first, she laid down three principles that the EP continued to reiterate for years to come. The first was the best possible protection of public health; the second the protection of consumers against misleading marketing practices; and the third that the directive should prioritise the protection of public health over economic concerns. Strobel also repeated her call to consult consumer organisations during the drafting of all directives.¹⁸ The EP subsequently stuck to these priorities. The ensuing reports on food additives were authored by the Committee for Health Protection, which hitherto had only been in charge of authoring reports on safety and hygiene at work. The EP fused this committee with the Committee for Social Affairs in 1966.

The EP, and especially its newly merged Committee for Social Affairs and Public Health, welcomed the successive harmonisation directives as the progressive making of a European food law. The committee consistently reiterated that this law should prioritise public health. In that sense, it took more of a horizontal approach on European food law than the Commission. It sought to lay down food safety principles to be applied across *different* sectors and substances. This advocacy resonated with the preferences of BEUC, which argued consistently throughout the 1970s and 1980s that the EC should pursue an integrated food policy, regulating the food value chain from farm to fork, instead of distinguishing between the CAP and food policy.¹⁹

The EP repeatedly criticised the Commission for the fragmented nature of its sector- and substance-based approach to food harmonisation. In 1968, for example, the Italian Christian democrat MEP Giulio Bergmann asked the Commission to come up with a proposal for labelling foodstuffs which communicated to consumers what E-numbers had been added to their products. The Commission responded that its ambition was to do so before the end of the third transition period in 1969.²⁰ After continued pressure by the EP,²¹ the Commission finally submitted its proposal as late as 1976. The Council then took another two years to adopt it. While welcoming the proposal for food labelling, the Committee on the Environment, Public Health and Consumer Protection (henceforth: Environment Committee), as it was then called, criticised the proposal's limited scope, arguing that

¹⁷ Käte Strobel (1961) Question écrite No 49 (10 octobre 1961) [Objet: Harmonisation des législations sur les denrées alimentaires](#), Journal officiel des Communautés européennes (JO) (76, 25 novembre 1961), 1465-1466.

¹⁸ Käte Strobel (1962) [Rapport fait au nom de la commission de l'agriculture sur la proposition de la Commission de la Communauté économique européenne au Conseil \(document 89\) au sujet d'une directive relative au rapprochement des réglementations des États membres concernant les matières colorantes pouvant être employées dans les denrées destinées à l'alimentation humaine](#), HAEP, PEO.AP.AGRI.1958.RP//A0-0124/61/0060.

¹⁹ Schimmel, *A Europe of Consumers*.

²⁰ Giulio Bergmann (1968) Question écrite No 204/68 (8 octobre 1968) [Objet: Etiquetage des denrées alimentaires](#), JO (134, 10 décembre 1968), 5-6.

²¹ Hans-Edgar Jahn (1975) Written Question No 612/75 (4 December 1975) [Subject: Commission proposal for a Directive on labelling and packaging of foodstuffs](#), Official Journal (OJ) (C37, 18 February 1976), 10-11.

food labels should also mention potentially harmful substances such as pesticide residues.²² Their criticism followed the committee's overarching perception of the food system and reflected MEPs' horizontal approach to consumer safety. The following plenary endorsed the committee's criticism of the idea that regulation of pesticide residues in food, and food labelling, were two entirely separate matters.

With a first generation of food harmonisation directives implemented by the turn of the 1970s, MEPs, who advocated consumer interests, found themselves in a difficult position. These ostensibly inconsequential directives had passed under the radar of the public, and so had the EP's advocacy role. Revisions of the directives on additives were even less salient, which added or struck E-numbers from the positive lists or restricted their usage. The Commission amended the directive on conservatives no fewer than 14 times between 1965 and 1980, for example. Moreover, with each new amendment the EP's chances for substantial reform diminished. Some MEPs, like the German Christian democrat Hans-Edgar Jahn, who was also very active on environmental issues, nonetheless kept insisting that the Commission and Council should consult the EP at each turn.²³

Thus, by the mid-1970s, the EP found its agenda-setting role impaired when it came to demanding more ambitious food safety policies from the Commission. The Commission had other concerns and priorities, such as facilitating the inclusion of the UK, Ireland and Denmark into the common market, and ensuring that consumers would see the benefits of market integration in the form of lower spending on basic necessities in times of high inflation. With several proposals from the 1960s still awaiting adoption, the Commission's primary concern was to guide these through the Council. As a result, advocates of stricter consumer protection in the EP not only found themselves up against a Commission preoccupied with other agendas, but against some of their own colleagues as well.

The directive on fruit jams, jellies and marmalades and chestnut purée illustrates this dynamic. The Agriculture Committee was tasked with authoring the report on the proposal from 1966. The committee proposed only a handful of amendments, explaining that it had been principally guided by 'economic considerations'. The Committee for Social Affairs and Public Health, prioritising consumer protection, fundamentally disagreed with this approach, and submitted no fewer than 30 amendments to the proposed resolution. It started from the notion that many housewives still made their own jams and marmalades, and that the directive thus had to guarantee a level of quality that was at least equal to homemade produce. This meant that consumers always had to have the option to buy a product that did not contain any colourants or preservatives.²⁴ Given the discrepancy between the two committees, the plenary referred the report back to them. In a heated negotiation between the two, the Committee for Social Affairs and Public Health had to backtrack on its rather

²² Karl-Heinz Walkhoff (1976) Rapport sur la proposition de la Commission des Communautés européennes au Conseil (doc. 52/76) concernant une directive relative au rapprochement des législations des Etats membres concernant l'étiquetage et la présentation des denrées alimentaires destinées au consommateur final ainsi que la publicité faite à leur égard - Commission de l'environnement, de la santé publique et de la protection des consommateurs, HAEP, PEO.AP.ENVI.1976.RP//A0-0211/76.

²³ Hans-Edgar Jahn (1973) [Written question No 622/72 \(15 February 1973\)](#), Subject: Continued authorization of the use of certain preservatives in foodstuffs, OJ (C57, 15 February 1973) 8-9; Ibid. (1973) Written question No 623/72 Subject: Failure to consult the European Parliament on Proposals to amend the Directive on preservatives, OJ(C57, 15 February 1973) 9-10; Ibid. (1973) [Written question No 624/72, OJ \(C64, 15 February 1973\)](#) 2-3.

²⁴ Joseph Herr (1966) [Rapport fait au nom de la commission de l'agriculture sur la proposition de la Commission de la C.E.E. au Conseil \(doc. 30\) concernant une directive relative aux confitures, marmelades, gelées de fruits et à la crème de marrons](#), HAEP, PEO.AP.AGRI.1958.RP//A0-0104/66.

categorical rejection of additives. Nevertheless, the overall outcome was a report much more geared towards consumer safety,²⁵ and in this sense, its uncompromising position was successful.

Nine years later, the EP's lengthy deliberations on the directive seemed to have been in vain, as the Council had yet to take action. To reinvigorate the process of harmonisation, the Commission decided to submit new proposals for directives that the Council had effectively shelved, including that on jams and marmalades. The EP's Bureau, mindful of the Commission's eagerness to advance economic integration, referred a number of these proposals to the Economic Committee. This committee, guided by an interest in fast market creation, desired their swift adoption, and reviewed proposals on taximeters and lifts as well as fruit jams, jellies and marmalades and chestnut purée in a single report.

For all the effectiveness of the resulting report, the Environment Committee felt, nonetheless, that the Commission and the Economic Committee had once again ignored the question of consumer safety. Consequently, the Environment Committee submitted 16 amendments, the majority of which again called into question the health effects and technical necessity of a number of additives.²⁶ The Italian Christian democrat rapporteur from the Economic Committee, Karl Mitterdorfer from the South Tyrolean People's Party, was annoyed by these amendments and discredited them as an attempt 'from within our own ranks to initiate highly technical discussions'.²⁷

The dispute reveals a fundamental disagreement within the EP over the benefits of market integration to consumers. To Mitterdorfer, whose party had close links to farmers, market integration automatically benefited consumers. He discredited any contestation of this political logic as overly technical. From the perspective of the Environment Committee, however, it was the opposite. Market integration, by its very nature, was a highly technical process, which required a critical political perspective on its benefits and inherent dangers – not just from an economic, but also from a health and safety point of view.

The Environment Committee's uncompromising position led to the plenary tasking it with drafting a new report on jams and marmalades. This new report met with disinterest and derision during the next plenary, however. Few members were present for the debate, which did not come as a surprise to the British Labour MEP Tam Dalyell: 'Anybody looking at the agenda of the European Parliament might be forgiven for wondering why a bunch of politicians should spend their time discussing this subject'.²⁸ Still, the EP did not manage to settle the matter, because the Commission official who commented on the amendments recommended their outright rejection, a position that differed from what the Commission had previously communicated to the Environment Committee. The plenary therefore referred the report back to the committee once again.²⁹ This time, after detailed

²⁵ [Résolution portant avis du Parlement européen sur la proposition de la Commission de la C.E.E. au Conseil concernant une directive relative aux confitures, marmelades, gelées de fruits et à la crème de marron](#), 16 March 1967, HAEP, PE0.AP.DE.1967//DE19670316-08/0010, 185-191.

²⁶ Karl Mitterdorfer (1975) Report drawn up on behalf of the Committee on Economic and Monetary Affairs on the proposals from the Commission of the European Communities to the Council for the elimination of technical barriers to trade in goods – in particular the proposals for directives on the approximation of the laws of the Member States relating to taximeters (Doc. 198/75), lifting and mechanical handling appliances and electrically operated lifts (Doc. 214/75) and fruit jams, jellies and marmalades, and chestnut purée (Doc. 235/75), HAEP, HAEU/PE0.AP.ECON.1973.RP//A0-0343/75/0010.

²⁷ Karl Mitterdorfer, (18 December 1975), Intervention, [Directives on the elimination of technical barriers to trade](#), DEP, HAEP, PE0.AP.DE.1975//DE19751218-05, 205.

²⁸ Tam Dalyell (14 May 1976), Intervention, Consumer and public-health aspects of the manufacture of jams, DEP, HAEP, HAEU/PE0.AP.DE.1976//DE19760514-04/9900, 219.

²⁹ *Ibid.*, 221.

negotiations with the Commission, the Environment Committee largely came round to the Commission's position, except for its scepticism about additives. It continued to doubt 'whether there is any technological need at all for the use of these additives', and insisted that, where they were used, they should be mentioned on the label.³⁰ Eventually, the EP adopted the resolution without debate.³¹

In 1979, 13 years after the first Commission proposal, the Council finally adopted the directive. The Environment Committee had remained sceptical towards additives throughout the period, but ultimately failed to influence the directive in that regard. As the arduous drafting process of the EP's resolution shows, it was rather isolated with its viewpoint that the harmonisation of foodstuffs presented an opportunity for the Community to introduce a common regime with high standards for food safety rather than a mere removal of technical barriers to trade. Given the Council's mounting backlog of directives awaiting adoption, however, pressure mounted on the EP to rubberstamp all Commission proposals for harmonisation. The Environment Committee stubbornly resisted this pressure, sticking to its strong conviction that consumer safety was not a technical exercise, but a political priority. However, despite its principled stance, the committee was ultimately unable to politicise the question of consumer protection. Indeed, food harmonisation was too fragmented in nature and the question of additives apparently too technical and trivial – to judge by some MEPs' disdainful comments – to arouse political passions.

The technicality of consumer health and safety was an issue within the Environment Committee itself as well. Of the 31 members before the 1979 direct elections, only four had an educational background in medicine or chemistry. The Dutch social democrat Jan Lamberts was the most qualified public health expert among them, with a doctorate in medicine and a background as a public health advocate in the Netherlands. Moreover, after the 1979 elections neither he nor his other specialist colleagues returned to the EP.

When it came to determining which substances were safe and in which quantities, the EP consistently emphasised its reliance on scientific knowledge. As one MEP put it in a debate on food additives in cattle feed: 'We depend on the verdict of people of science and have to accept their help in taking decisions. Our room for political decisions lies elsewhere.'³² To acquire expertise, the Environment Committee occasionally organised hearings with experts, or it relied on scientific expertise that consumer organisations provided with their opinions. However, organisations like the BEUC did not have the same in-house expertise as the food industry to assess the safety of additives.

Indeed, the food industry had a definite advantage when it came to influencing the course of additives regulation. For one thing, the high level of technicality and lack of public and political attention paid to EC additives legislation made it a subject on which lobbyists could exercise considerable influence behind the scenes.³³ The European food industry lobby, the Commission des Industries Agricoles et Alimentaires (CIAA), brought together organisations that were well connected in the member states, although there is no evidence that the CIAA actively lobbied the

³⁰ Marcel Brégégère (1976) Second report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the consumer and public health aspects of the manufacture and sale of fruit jams, jellies and marmalades and chestnut purée, HAEP, HAEU/PE0.AP.ENVI.1976.RP//A0-0074/76/0010.

³¹ EP (1976) Debate on Manufacture and sale of jams, 19 November 1976, HAEP, HAEU/PE0.AP.DE.1976//DE19761119-04/9900, 234-236.

³² Tiemen Brouwer (28 November 1968) Intervention, Directive concernant les additifs dans l'alimentation des animaux, DEP, HAEP, HAEU/PE0.AP.DE.1968//DE19681128-05/9900, 147.

³³ Pepper Culpepper (2010) *Quiet Politics and Business Power: Corporate Control in Europe and Japan*, Cambridge: CUP.

EP.³⁴ Even without lobbying, though, the fact that the industry continuously introduced new products, substances and production methods put continuous pressure on regulators. As the Commissioner for Consumer Affairs in the Thorn Commission from 1977 to 1981, the Irishman Richard Burke asked rhetorically in a 1978 address to the CIAA: '[T]o what extent has the industry itself created an apparent requirement for the use of these additives by promoting products on the basis of characteristics which result from that use?'³⁵

From 1974 onwards, Community institutions could also rely on the reports of the Scientific Committee on Foodstuffs. Set up by the Commission, it pooled toxicological expertise from across the member states in a supranational agency and based its findings on a review of existing research, not just a single study. The EP recognised its expertise, but did not always acknowledge its findings as the final word on the matter. After all, consumer protection advocates in the EP put forward a consistent view of how to deal with scientific evidence. In the spirit of the principle that public health should be prioritised over economic gains, consecutive rapporteurs argued from the 1960s onwards that substances could only be authorised for the common market if all consulted experts agreed that they posed no harm to human health. In the absence of a scientific consensus, the consumer would effectively be the subject of a mass trial. The 1962 Strobel report had already managed to amend the Commission proposal by adding the principle that new additives could only be introduced once they were proven harmless, as well as economically and technologically necessary.

Strobel's principle of consensus on proven harmlessness became a principle across the directives for additives. At the same time, it put the burden of proof on the regulator – in this case, the Commission and its Scientific Committee on Foodstuffs. It was a concept that marked an important step in the direction of the precautionary principle. First formulated in German environmental law in 1971, the precautionary principle eventually found its way into the 1992 Maastricht Treaty, where it shifted the burden of proof from the Commission to the producer, stipulating that substances should not be allowed onto the market without a consensus on their harmlessness.³⁶

With this requirement established as a principle, the EP became an advocate of forms of precaution that went beyond the strict scientific norms that the Scientific Committee on Foodstuffs followed. Several rapporteurs pointed out, for example, that toxicologists tended to base their assessments on average consumers, but that the substances under review needed to be perfectly safe for those with a weaker constitution as well.³⁷ The EP not only advocated for consumer protection; it also redirected the Commission's attention towards the differences between consumers, prioritising the interests of the more vulnerable over a model consumer such as the one presumed in a concept like accepted daily intake.³⁸

One form of precaution advocated by the EP concerned the logic behind harmonisation. Whereas the Commission's objective seemed to be expanding its positive lists, the EP repeatedly argued that

³⁴ Sylvain Laurens (2017) *Lobbyists and Bureaucrats in Brussels: Capitalism's Brokers*, London: Routledge, 23-25, Heiko Stoff (2009) *Hexa-Sabbat. Fremdstoffe und Vitalstoffe, Experten und der kritische Verbraucher in der BRD der 1950er und 1960er Jahre*, in: *NTM Zeitschrift für Geschichte der Wissenschaften, Technik und Medizin*, 17 (1), 55-83.

³⁵ *Consumer Policy and the Food Industry. Address by Mr. Richard Burke to CIAA Meeting. Europa Hotel, Brussels, June 6, 1978*, <http://aei.pitt.edu> (accessed 12 October 2023).

³⁶ Timothy O'Riordan and James Cameron (eds.) (1994) *Interpreting the Precautionary Principle*, London: Routledge.

³⁷ Giovanni Maria Angioy (1964) *Rapport fait au nom de la commission de la protection sanitaire sur la proposition de la Commission de la C.E.E. au Conseil (doc. 73-II) concernant une directive relative au rapprochement des législations des États membres concernant les agents antioxygènes pouvant être employés dans les denrées destinées à l'alimentation humaine*, HAEP, HAEU/PE0.AP.SANI.1961.RP//A0-0109/64/0010, par. 7.

³⁸ Heiko Stoff (2014) *Zur Kritik der Chemisierung und Technisierung der Umwelt. Risiko- und Präventionspolitik von Lebensmittelzusatzstoffen in den 1950er Jahren*, in: *Technikgeschichte*, 81 (3) 229-250.

the objective had to be reducing the number of authorised food additives, based on the lack of proof of either their harmlessness or their technological necessity.³⁹ The Commission's expansionist logic showed, according to the EP's consumer protection advocates, that the executive institution still prioritised economic interests over public health in the harmonisation of additives.

This tension between public health and economic interests remained a sore point – even within the EP. When yet another amendment to the colourants directive was up for EP review in 1980, the Dutch Christian democrat rapporteur, Hanja Maij-Weggen, was highly critical of what she called 'the increasing "chemicalisation" of our food', once again calling for restriction of colouring agents.⁴⁰ Her more confrontational language reflected the fact that the EP was now a directly elected body. Furthermore, the EP was in the grips of the food safety scandal over hormone-raised veal and beef. While the BEUC and its member organisations initiated boycotts against veal, food safety benefited from unprecedented saliency in the EP.⁴¹

The debate revolved around the colourant Brilliant Blue (E 133) and its possible carcinogenic effects. It had already proved controversial within the Environment Committee, where some MEPs were not fully satisfied with the scientific evidence, but Maij-Weggen nonetheless managed to construct a majority for her report.⁴² The fact that the debate was unresolved after clearing the Environment Committee became apparent during the plenary session. Fellow Environment Committee member Alexander Sherlock, a British Conservative and trained medical doctor, attacked Maij-Weggen for not following the advice of the Scientific Committee on Foodstuffs that Brilliant Blue was safe. Maij-Weggen based her position on research from the early 1960s, however, cited in a report by the WHO's International Agency for Cancer Research. Known for his blunt debating style, Sherlock accused Maij-Weggen of 'scaremongering of the very worst type' and advocating a 'ban everything attitude'.⁴³ According to him, the findings of carcinogenic effects that Maij-Weggen cited were outdated and based on experiments with injections under the skin rather than oral ingestion. Maij-Weggen, Sherlock argued, had based her report almost exclusively on 'a fund of very dubious research'.⁴⁴

The plenary nonetheless rejected Sherlock's amendment sanctioning the usage of Brilliant Blue – if not for reasonable doubt about the safety of Brilliant Blue, then for questioning the necessity of continuing to add new colouring agents to food whose safety was not beyond doubt. As directly elected representatives, MEPs were now even more keen to articulate public concerns and to channel them into the policymaking process. In some member states, such as Belgium and

³⁹ Kees van der Ploeg (1967) Rapport fait au nom de la commission de la protection sanitaire sur la proposition de la Commission de la C.E.E. au Conseil (doc. 152/66) concernant une directive portant modification de la directive du Conseil relative au rapprochement des réglementations des États membres concernant les matières colorantes pouvant être employées dans les denrées destinées à l'alimentation humaine, HAEP, HAEU/PE0.AP.SANI.1961.RP//A0-0025/67/0010.

⁴⁰ Hanja Maij-Weggen (1980) Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the proposal from the Commission of the European Communities to the Council (Doc. 1-273/79) for a directive amending for the seventh time the Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption, HAEP, HAEU/PE1.AP.ENVI.1979.RP//A1-0834/79/0010, 295.

⁴¹ Schimmel, *A Europe of Consumers*.

⁴² Commission de l'environnement, de la santé publique et de la protection des consommateurs (1980) Procès-verbal, 24-25 January 1980, HAEP, HAEU/PE1.AP.ENVI.1979.PV//ENVI-19800124/0010; *Ibid.*, 28 February 1980, HAEU/PE1.AP.ENVI.1979.PV//ENVI-19800228/0010.

⁴³ Don Black (1999) Obituary: Dr Alexander Sherlock, in: *The Independent*, 9 March 1999.

⁴⁴ Alexander Sherlock (23 May 1980) Intervention, Colouring matters in foodstuffs, DEP, HAEP, HAEU/PE1.AP.DE.1980//DE19800523-09/9900, 296-298.

Denmark, public sentiment was ill disposed towards food additives.⁴⁵ Bodil Boserup from the Danish Socialist People's Party, which was associated with the Communist and Allies Group, stated for example that the 'Danish consumer movement, together with environmental groups, is fighting a war of attrition against colouring matters in foodstuffs'. She pronounced her support for this war, stating that 'the innocent consumer is not also to be used as a guinea-pig'.⁴⁶

The case of Brilliant Blue illustrates that the EP, especially after its first direct election, was vigilant on the safety of food additives. It consistently advocated that precaution should prevail in case of reasonable scientific doubt, because public health concerns should count for more than the interests of producers. The Commission proved sensitive to this activism. It struck Brilliant Blue off the positive list, only to reintroduce it two revisions later, in 1994.⁴⁷ In that respect, the nature of EC food additive regulation meant that the EP's role remained limited to discussing the safety of individual substances, against the Commission's continuous expansion of the list of authorised E-numbers. As in the case of Brilliant Blue, the Commission countered the EP view by arguing that both institutions were equally committed to consumer safety, and that they differed more on 'details' than on 'principle'.⁴⁸ This statement was, however, a misrepresentation of the Environment Committee's fundamental points: whose interests did the EC serve by authorising yet another colouring agent if its safety was not beyond all doubt?

In seeking to politicise the regulation of food additives, the Environment Committee thus continuously ran into difficulties. The fragmented and technical way in which the Commission approached the matter made the Environment Committee and the EP collectively vulnerable to two criticisms. First, the issue of the safety of an isolated additive could easily be discredited as overly technical or trivial – even if this limited focus reflected the Commission's approach to food harmonisation more than anything else. Second, the Environment Committee risked being accused of an unscientific or even anti-scientific attitude when it did not take the Scientific Committee on Foodstuffs' verdict on an additive as the only and final word. Indeed, the EP could only successfully question the EC's governance of additives, and consumables more broadly, when it demonstrably failed. Scandals therefore provided the EP with a tool to call for broader regulatory reform.

2.2. Crises as windows of opportunity: the cosmetics directive

The harmonisation of foodstuffs and food additives was an incremental and painstaking process. Whereas the EP struggled to leave its mark on the regulation of food additives, this was not the case for all areas of harmonisation. Crises could shake up otherwise mundane harmonisation practice and open up opportunities for the EP to make a difference, especially where there was little pre-existing regulation.⁴⁹ This was the case for cosmetics, on which the Council consulted the EP just after the outbreak of a major health scandal.

⁴⁵ Peter van Dam and Jon Verriet (2023) Working Out a Sustainable Diet: The Contested Ethics of Food Consumption in the Netherlands, 1960-85, in: *Journal of Contemporary History*, 58 (2), 334-353, Filip Degreef (2019) 'What's the deal with these strange substances in our food?' The representation of food additives by Belgian consumer organizations, 1960-1995, in: *Food and Foodways*, 27 (1-2) 144-163.

⁴⁶ Bodil Boserup (23 May 1980) Intervention, Colouring matters in foodstuffs, DEP, HAEP, HAEU/PE1.AP.DE.1980//DE19800523-09/9900, 297.

⁴⁷ Council Directive, OJ 1981 L43/11; Council Directive, OJ 1994 L237/13-29.

⁴⁸ Antonio Giolitti (23 May 1980) Intervention, Colouring matters in foodstuffs, DEP, HAEP, HAEU/PE1.AP.DE.1980//DE19800523-09/9900, 298.

⁴⁹ Sebastian Krapohl (2007) Thalidomide, BSE and the single market: A historical-institutionalist approach to regulatory regimes in the European Union, in: *European Journal of Political Research*, 46 (1), 25-46.

In the spring of 1972, a scandal concerning talcum powder for infants, an ostensibly harmless product, shook France. At a factory of producer Morhange, talcum powder was accidentally mixed with excessive amounts of the powerful antibacterial agent hexachlorophene. In the following months, the production error left 36 children dead and eight crippled for life. Only one year earlier, the United States Food and Drug Administration had warned against the hazards of hexachlorophene.⁵⁰ In the EC, where the Commission was finishing a proposed directive for cosmetic products, hexachlorophene was equally under review. Under the public pressure that the Talc de Morhange scandal generated, this proposal, having started out as an instrument of market integration, turned into a battleground for the protection of consumers.

The Talc de Morhange affair became one of the first health scandals widely reported in European media. Earlier scandals had included the Baumol baby powder scandal, which had caused the deaths of 80 children in 1952, and the 1960s Thalidomide disaster. The latter had caused thousands of miscarriages with more than 10 000 infants crippled for life, and it had informed the EEC's 1965 directive on pharmaceutical products. Yet, unlike these previous scandals, 17 million viewers of French TV news witnessed the heart wrenching human drama of the 1972 Talc de Morhange affair unfold in real time.⁵¹ The French Ministry for Health, under the leadership of the future first president of the directly elected EP, Simone Veil, responded to the scandal by eventually imposing the strictest cosmetics legislation in the EC in 1975.⁵² Consumers' trust in everyday products was at stake, and the fact that such regulation of product norms would not have prevented this accident from happening was secondary. The French policy essentially erected a firm trade barrier on cosmetics, which made it a European question.

Even before the Commission submitted its proposal for the cosmetics directive in November 1972, MEPs started pressuring the Commission, reminding it of its responsibility to prevent disasters like Talc de Morhange from happening in the future.⁵³ In the provocative words of the French Christian democrat Jacques Sourdille, the free circulation of products 'should not be confused with the free circulation of poisons'.⁵⁴ Nonetheless, the Commission still based its first proposal on a so-called 'negative list' system, which registered the substances that were not allowed in the production of cosmetics. Following the scandal, the Commission added hexachlorophene to the list of restricted substances, allowing its use only in small quantities.⁵⁵

Crucially, the Commission had opted for the negative list system with strong industry support, as it allowed companies to develop products freely, using every substance that was not subject to EC restrictions. In fact, the Commission had first adopted this approach from a proposal submitted by

⁵⁰ Gunnar Trumbull (2006) *Consumer Capitalism: Politics, Product Markets, and Firm Strategy in France and Germany*, Ithaca/NY: Cornell UP, 65.

⁵¹ Benjamin Coulomb (2020), *Television at the Crossroads of the History of Consumption and Health: The Morhange Talc Affair (1972-1981)*, in: *VIEW Journal of European Television History and Culture*, 9 (18), 55-67, *Affaire talc Morhange*, in: *Aujourd'hui madame*, 15 September 1972, <https://www.ina.fr/ina-eclaire-actu/video/i10356947/affaire-talc-morhange> (accessed 10 October 2020).

⁵² Trumbull, *Consumer Capitalism*, 90.

⁵³ Willi Müller (1972) *Question écrite No 316/72* (12 September 1972) *Objet: Mesures communautaires visant à prévenir les atteintes à la santé, consécutives à l'utilisation de cosmétiques et de produits d'hygiène corporelle*, OJ (C138, 31 December 1972) 57-28, Henk Vredeling (1973) *Written question No 597/72* (1 February 1973) *Subject: Presence of hexachlorophene in a large number of cosmetics and baby products*, OJ (C47 26 June 1973) 13-14.

⁵⁴ Jacques Sourdilles (1972) *Question écrite No 308/72* (7 September 1972) *Objet: Accidents dus à l'emploi de l'hexachlorophène; insuffisance de la réglementation communautaire*, OJ (C125, 1 December 1972) 8-9.

⁵⁵ Commission Européenne, *Prorogation de la procédure écrite C/1719/72*, 15 September 1972, ECHA, COM (72) 851.

Europe's largest cosmetics producer L'Oréal in 1969.⁵⁶ This proposal also did not compel producers to provide ingredient lists with their products. Being in the business of satisfying consumers' beauty aspirations, the cosmetics industry argued that ingredient lists would undermine the mythical nature of their products.⁵⁷ The Commission saw no reason to make ingredient lists compulsory either, because they detailed 'chemical or pharmaceutical terms which mean absolutely nothing to the consumer'.⁵⁸

The Commission's opinion of ingredient lists was highly gendered, as the vast majority of cosmetic products at the time were sold to women.⁵⁹ In a press release on the first proposal, the Commission even actively invoked the image of 'the Europe of cosmetics' being female, because 'Europa herself was a lady'.⁶⁰ It is striking that, at a time when the Commission was increasingly advocating consumer protection and the right of consumers to choose, it apparently held the ability of women to judge the quality or safety of cosmetic products in low regard.

In light of the Talc de Morhange affair, the EP's verdict on the Commission proposal was damning. The rapporteur, the German social democrat Elisabeth Orth, criticised the Commission for prioritising the interests of industry over those of consumers. Indeed, the Commission had involved producers from the start, in 1969, but its Service for Consumer Protection, under the Directorate-General (DG) for Agriculture, only started consulting consumer organisations after the 1972 scandal.⁶¹ Orth also insisted that the proposal, which at that point only contained one positive list of colouring agents, should be amended within the next five years, to be entirely based on a system of positive lists. Following a wave of criticism from consumer organisations opposing the Commission's proposal, Orth further demanded that the Commission should oblige producers to list ingredients on product labels in the language of the intended domestic market. To show that she had the backing of the consumer movement, she included an article from the Dutch consumer organisation's magazine *Consumentengids* in her report.⁶² The plenary joined Orth in her criticism of the Commission, and adopted four amendments to the proposal, the most important of which demanded positive lists and the listing of ingredients in the native language of the consumer. Consequently, the Commission decided to amend its original proposal.⁶³

The EP's initial success was short-lived, however. When the Commission submitted the revised version in 1973, it did not meet the EP's two strongest demands. Its new rapporteur, the German social democrat Karl-Heinz Walkhoff, warned the Commission that 'it would be well advised to pay

⁵⁶ Communication à la Commission. Inclusion des produits cosmétiques à l'échéancier du 'Programme général pour l'élimination des entraves techniques aux échanges résultant de disparités entre législations nationales, ECHA, SEC (69) 1268; Interview with Ludwig Krämer, Telephone, 13 March 2020 (Koen van Zon).

⁵⁷ Geoffrey Jones (2010) *Beauty Imagined. A History of the Global Beauty Industry*, Oxford: OUP, 151–168.

⁵⁸ Guillaume Schyns (1978) Question time, Question No. 1 (11 April 1978) 55.

⁵⁹ Betty Boothroyd (1975) Oral question with debate: Consumer protection (12 November 1975) HAEP, HAEU/PE0.AP.DE.1975//DE19751112-03/9900, 144–145.

⁶⁰ Commission of the European Communities Press and Information Directorate-General, *The Perfumes of Europa*, 1972, 5, <http://aei.pitt.edu> (accessed 28 January 2022).

⁶¹ Note pour le Secrétariat Général, 10 October 1972, ECHA, COM (72) 851; Elisabeth Orth (9 July 1973) Intervention, Directive on cosmetic products, DEP, HAEP, HAEU/PE0.AP.DE.1973//DE19730706-01/9900, 239–240.

⁶² Elisabeth Orth (1973) Report drawn up on behalf of the Committee on Public Health and the Environment on the proposal from the Commission of the European Communities to the Council (Doc. 209/72) for a directive on the approximation of Member States' legislation on cosmetic products, 4 May 1973, HAEP, HAEU/PE0.AP.ENVI.1973.RP//A0-0035/73/0010.

⁶³ Commission of the European Communities, Amendment to the proposal for a Council Directive on the approximation of the laws of Member States relating to cosmetic products, Explanatory memorandum, 17 October 1973, ECHA, COM (73) 1733.

very close attention to the new motion for a resolution [...] if it intends to help eliminate the poor image of the EEC as a Community of producers and traders and to make it easier for the citizens of our Member States to take the planned consumer protection programme seriously'.⁶⁴

Things began to shift in the EP's favour when the Council started negotiations on the directive. The Danish government, sensitive to domestic concerns about chemical safety, supported the EP's view that it was '[u]nacceptable from a public health point of view' to base the directive on negative lists.⁶⁵ In addition, the German government proposed two positive lists of agents for UV protection and preservatives and bactericidal deodorants.⁶⁶ With this pressure from member state governments, the Commission abandoned limiting its approach to negative lists alone. In April 1975, it presented yet another revised proposal, this time containing a clause in which it committed to proposing positive lists.⁶⁷ In July 1976, the Council finally adopted Directive 76/768.⁶⁸

From then on, the question for the Commission was how to develop the envisaged system of positive lists amid heightened public scrutiny and criticism. What made all the difference here was that the Environment and Consumer Protection Service (ECPS) became file leader on revisions of the directive, instead of its original drafter, DG Agriculture.⁶⁹ The ECPS, set up in 1973 in the wake of the 1972 Paris Summit, was much more attentive to the question of public health and prone to consulting consumer organisations in its proceedings.⁷⁰ With the cosmetics directive coming into effect in 1978, the question was no longer what general shape it should take, but rather the specific substances it regulated. In the EP especially, some MEPs sought to capitalise on public scepticism and sentiments to cast suspicion on particular substances and the ways in which they were regulated. A dynamic thus developed, whereby some MEPs in their role of controlling the Commission flagged reported health hazards in a highly emotive style, akin to the debate on the 1980 Maij-Weggen report on colourants.

At the same time, some of these substances came to symbolise past regulatory failures, prompting calls for stricter health and safety regulation. This happened, for example, in the wake of the 1976 Seveso disaster. This accident occurred at a chemical plant in Northern Italy, where an error in the production of hexachlorophene – the substance that had been central in the Talc de Morhange scandal – caused an explosion, releasing highly toxic dioxins. The EP used this disaster to extend its scrutiny powers by setting up a committee of enquiry.⁷¹ MEPs also made use of the new controversy over hexachlorophene to argue that few lessons had been learnt from the Talc de Morhange affair. Shortly after the Seveso disaster, the Italian socialist MEP Libero Della Briotta reviewed the long list of industrial disasters and health scandals that had recently occurred in the EC. He lamented that the Seveso disaster was 'not something new, a mere temporary setback, the price to be paid and the risk to be taken if industrialised society is to make technical progress. [...] We shall have to find

⁶⁴ Karl-Heinz Walkhoff (15 March 1974) Intervention, Directive on the approximation of the legislations of Member States on cosmetics (Doc. 383/73), DEP, HAEP, HAEU/PEO.AP.DE.1974//DE19740315-06/9900, 218-219.

⁶⁵ Note de la délégation danoise, 10 July 1974, ECHA, BAC 94/1985-188.

⁶⁶ Note de la delegation allemande, 9 July 1974, ECHA, BAC 94/1985-188.

⁶⁷ Alteration of the proposal for a Council Directive on the approximation of the laws of Member States relating to cosmetic products, ECHA, COM (75) 147.

⁶⁸ Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products, OJ (L262 27 July 1976) 169.

⁶⁹ Commission des Communautés européennes, Procédure écrite E/465/79, 4 May 1979, ECHA, COM (1979) 250.

⁷⁰ Van Zon, *A Consumers' Europe*.

⁷¹ Jan-Henrik Meyer (2021) Pushing for a Greener Europe. The European Parliament and Environmental Policy in the 1970s and 1980s, in: *Journal of European Integration History*, 27 (1), 57-78.

solutions [...] considering the rights of the public, not only when they become victims, but from the start.⁷²

It was scandals and disasters, then, that revealed where technological and industrial developments had escaped scientific or regulatory oversight. The EP jumped on them eagerly to advance a more precautionary approach to consumer protection. As much as the cosmetics directive is a clear example of the EP's agenda-setting power, the scandal from which it sprang was rather an exception to the rule. Accidents and disasters of this scale did not occur frequently, and so most of the Commission's initiatives for harmonisation passed under the radar of the European public. This made it difficult for public health advocates in the EP to galvanise support and create momentum for their calls for reform and to make precaution the guiding principle of European consumer protection policy.

Thus, when it came to advancing the health and safety of consumers in the making of a common market for consumables, the EP's agenda-setting power differed from sector to sector. The decisive influence that the EP had on the cosmetics directive was not contingent on the Talc de Morhange scandal alone. It was also the fact that the directive harmonised the entire cosmetics sector that gave it political salience. Both inside and outside the Environment Committee, MEPs understood that this was an opportunity for the EP to throw its weight behind consumer protection as a principle and a political priority.

By contrast, the incremental and fragmented character of the harmonisation of foodstuffs made consumer protection a divisive issue inside the EP, too. Though consistently advocating the principle of precaution over the generous authorisation of additives, the attempts at politicisation and agenda-setting in this sector achieved very little. It took until the 1990s, when the bovine spongiform encephalopathy (BSE) scandal severely undermined consumer confidence in the safety of beef, for the EP to unite behind the principle of precaution and pressure the Commission into overhauling the EC's regulatory approach to food safety in a more integrated manner.⁷³ It was in moments of crisis, then, that the EP could really make its mark.

⁷² Libero Della Briotta (1976) Oral question with debate on pollution (Seveso) 16 September 1976, HAEP, HAEU/PE0.AP.DE.1976//DE19760916-10/9900, 199-200.

⁷³ Krapohl, Thalidomide, BSE and the single market; Christopher Ansell and David Vogel, eds. (2006) *What's the Beef? The Contested Governance of European Food Safety*, Cambridge/MA: MIT Press.

3. Between consumers and producers: the product liability directive

In the period up to the early 1970s, the EP mainly articulated concerns about health and safety in response either to the Commission's programme of technical regulation of, for instance, additives in processed foodstuffs, or to scandals that highlighted acute health issues, such as the 1972 Talc de Morhange affair. In contrast, it proved difficult for the EP to insert public health considerations into deliberations about the harmonisation of consumer goods in the common market. Although the EP articulated the notion of the precautionary principle before it was first incorporated in German national law in 1971, neither it nor the Commission held a consistent overall approach to citizens as consumers, or consumer protection as a more delineated policy issue or agenda.

In the 'long 1970s', against the backdrop of widespread public concern about consumer safety and environmental pollution, however, national governments, European institutions, and consumer organisations began to work towards more comprehensive policies to protect consumer rights. Such regulation would apply to the entirety of the common market rather than specific product groups and, hence, significantly strengthen the position of consumers vis-à-vis producers. Product liability was a key area of consumer protection. Its regulation meant determining who was responsible for the damage, injury or death caused by faulty or unsafe products. Until the 1970s, it was up to consumers to provide evidence of producers' responsibility in cases of damage. In practice, this was nearly impossible due to consumers' lack of information and insight into mass production processes and producers' reluctance to disclose relevant information. In 1976, the Commission proposed a directive on product liability to change the situation fundamentally by shifting responsibility for faulty products firmly onto the shoulders of producers.

3.1. Towards a European consumer policy

When the Commission presented its 'Preliminary Programme of the European Economic Community for a Consumer Protection and Information Policy' in 1975, product liability was one of its priority areas.⁷⁴ In the Programme, the Commission voiced its concern about the weakened position of consumers in the 'ever-widening market', with its 'abundance and complexity of goods and of services'. Consumers had seen their countervailing power, traditionally enjoyed in local markets, eroded due to technological advances and long production chains. They had turned, the Commission noted with concern, into 'merely a unit in a mass market, the target of advertising campaigns and of pressure by strongly organised production and distribution groups'.⁷⁵ EC consumer policy aimed to reduce the asymmetry in power between producers and consumers. Informed by ideas that were gaining traction in European societies in the 1970s, which cast consumers in the role of citizens with rights rather than the more narrowly defined end-users of goods, the Commission summed up five basic consumer rights: the right to protection of health and safety; protection of economic interests; redress; information and education; and representation, or the right to be heard.⁷⁶

The Commission saw the development of a consumer (and environment) policy as a way to transform the EC from a project geared mainly towards economic growth to one that gave equal

⁷⁴ Preliminary Programme of the European Economic Community for a Consumer Protection and Information Policy. OJ (C92/2, 25 April 1975) 7.

⁷⁵ Ibid., 3.

⁷⁶ Ibid., 2.

weight to citizens' concerns about 'quality of life'. Vice-President Carlo Scarascia Mugnozza described in 1973 how this would allow the Commission to present the Community 'with a more human face to European public opinion, [resulting] in the greater participation of Community residents in the process of European integration'.⁷⁷ The EP, with its pleas for direct elections, had already been a proponent of stronger citizen participation since the 1960s. In the 1970s, it continued to push for this as a major step towards making the supranational EC more democratic.⁷⁸ Thus, the EP, too, connected consumer protection with its aim of bringing about a Europe of citizens. As early as 1969, the Socialist group had put forward a resolution calling for 'the strengthening of the consumer on the common market' in terms of both regulation and representation.⁷⁹ Seven years later, the British Labour MEP Richard Mitchell made an explicit connection between consumers and the democratic nature of the EC, when he stated: '[B]y far the best way to give consumers direct access to the EP is to hold direct elections so that they have a directly-elected Member of Parliament, who can make his voice heard here.'⁸⁰ MEPs clearly regarded their institution as best placed to express the voice of consumers.

Consumer protection was not a policy field enshrined in the EEC treaty. It could, however, be based on the treaty's stated goal of improving the living conditions of citizens in the member states. A second legal basis was Article 100, which gave the Community the task of progressively approximating national laws and regulations directly affecting the functioning of the common market. From the early 1970s, national governments in several countries had begun to adopt stricter consumer protection rules. The resulting differences in regulation and standards between countries became a barrier to free trade within the Community, and the harmonisation of consumer legislation was partly a response to these developments.

The EC was not the only arena where consumer protection was placed on the political agenda in the 1970s; international organisations, such as the Organisation for Economic Co-operation and Development (OECD) and the Council of Europe (CoE), had also done this in the early 1970s. The OECD began to publish annual reports on consumer protection in 1972, while the Consultative Assembly of the CoE adopted its Consumer Protection Charter in 1973. In fact, the Charter informed the Commission's Preliminary Programme.⁸¹ Moreover, when the Commission presented its proposal for a product liability directive in 1976, the topic had already been on the agenda of the CoE since 1970.⁸² Whereas the CoE encouraged its members to harmonise their regulatory frameworks voluntarily, the Commission's directive, once adopted, would be binding legislation for all member states.

⁷⁷ Statement by the President of the European Commission. Minutes of a meeting of the section for the environment, public health and consumption, 14-15 May 1973, Historical Archives of the European Union (HAEU), Economic and Social Committee (CES) 5239, 20; see also Van de Grift, *Representing European Society*.

⁷⁸ Koen van Zon (2020) *Assembly Required? Institutionalising Representation in the European Communities*, PhD thesis, Nijmegen: Radboud University.

⁷⁹ EP, Résolution sur le renforcement de la position du consommateur dans le marché commun, OJ (C17, 12 February 1969) 4-8.

⁸⁰ Richard Mitchell (19 November 1976) Intervention. Oral question with debate: Consumer democracy, HEP, HAEP, HAEU/PE0.AP.DE.1976//DE19761119-02/9900, 228.

⁸¹ Leucht, *Beyond 1973*; Leucht and Meyer, *A Citizens' Europe?*

⁸² Draft European Convention on Products Liability in respect of Personal Injury and Death, 8 November 1975, Archives of the Council of Europe, PACECOM047700. See also: Van Zon, Van de Grift and Schimmel, *Vom Marktbürger bis Konsumbürger*.

3.2. The EP and product liability

In its 1976 'Proposal for a Council Directive Relating to the Approximation of the Laws, Regulations and Administrative Provisions of the Member States Concerning Liability for Products', the Commission formulated two main goals: to ensure the effective functioning of the common market, by eliminating barriers to trade, and to harmonise consumer legislation, to guarantee equal protection for consumers in all member states. The directive introduced the principle of strict liability: producers were liable for damage and injuries caused by defective products irrespective of whether the producer was at fault. This implied that consumers no longer had to prove producers' negligence to receive compensation for their loss. 'Only a liability of this kind leads to an adequate protection of the consumer', the Commission stated. Moreover, and controversially, the Commission included so-called 'development risks' in the directive. This meant that, even if nobody could have known of the defects and the product 'according to the state of science and technology at the time [...] could be considered free from defects', the new regulatory framework still held producers liable. Without such development risks, the Commission reasoned, consumers would carry all the risks of the development of new products and technologies.⁸³

A protracted and at times confusing policymaking process ensued, which laid bare deep divisions within the EP. The political groups were critical of the directive: on the left, because in their view the protection of consumers remained insufficient; on the right, because the directive allegedly curtailed innovation and stifled the entrepreneurial spirit. The first plenary in which MEPs discussed the advantages and disadvantages of the directive took place on 26 April 1979, with the Christian democrats and the liberals opposing the inclusion of development risks. For the latter, it was a matter of principle, whilst the former refused to accept a situation where manufacturers would have to bear all the costs of insuring themselves against such risks. Expecting that this would particularly hit their core constituency of smaller, medium-sized, and family businesses, the Christian democrats fought hard to exclude producers of agricultural products, crafts, and arts from the directive. The Conservative group, in turn, was particularly critical of the Commission for what it regarded as the imposition of a new system of product liability on member states rather than the harmonisation of existing standards. For harmonisation, Article 100 served as a legal basis, but for a new system no such justification existed: 'This is legislation based on the idea that the Commission has a better solution to the problem and that the Commission can do better than the individual Member States.'⁸⁴

During the same plenary, the political left welcomed changes to the regulation of product liability, but was also critical of the Council, member state governments and the nature of the European project as such. Speaking for the Socialist group, the Dutch Labour MEP Jan Broeks feared that consumers would end up paying the producers' insurance costs in the form of higher prices. Most of his frustration, however, concerned the actions of the Council and the member states, which 'dragged their feet' in approving and implementing directives:⁸⁵ 'Well, at least we have some consumer protection, and let us hope that this protection will be effective in practice; I myself am not exactly optimistic on this point.'⁸⁶ The Communist and Allies group, represented by the Italian

⁸³ Draft Proposal for a Council Directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning the liability for defective products, 23 July 1976, ECHA, COM(76)372.

⁸⁴ James-Scott Hopkins (26 April 1979) Intervention on behalf of the European Conservative Group. Directive on liability for defective products, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790426-02/9900, 173.

⁸⁵ Jan Broeks (26 April 1979) Intervention on behalf of the Socialist Group. Directive on liability for defective products, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790426-02/9900, 169.

⁸⁶ Ibid.

communist Aldo Masullo, saw the product liability directive as emblematic of the economic 'straight jacket' in which the EP found itself. Describing the protection of the consumer as a social problem that directly affected the quality of life of citizens, his group criticised the fact that, in the common market, social policy appeared to be only justifiable through economic arguments.⁸⁷

The question of which parliamentary committee was charged with preparing a report on the draft directive was of crucial importance, as this choice determined the overarching frame that would structure ensuing discussions in the EP. In the case of product liability, either the functioning of the common market or public health and safety of citizens could constitute the legal basis of the directive. The Bureau charged the Legal Affairs Committee with authoring the report on the product liability directive, with the Committee on Economic and Monetary Affairs (henceforth: Economic Committee) and the Environment Committees being asked to give their opinions. It turned out that all three committees came up with different views, and that, within two of the three committees, the directive proved controversial.

By this point in time, the Environment Committee was a traditional defender of consumer interests and assessed the draft product liability directive positively. In its opinion, adopted unanimously with one abstention, the British Conservative rapporteur James Walton Spicer argued that the directive guaranteed 'equal and adequate protection to consumers throughout the Member States'. The Environment Committee believed that the existing situation, where consumers enjoyed different degrees of protection depending on the countries they lived in, was untenable and indefensible. Its report went into considerable detail in describing these differences. It also pointed to legal reforms regarding product liability that were underway in some member states, such as the United Kingdom, Ireland, the Netherlands, West Germany, and Denmark. While not neglecting the Commission proposal's economic rationale of avoiding national legislation distorting competition, the Environment Committee primarily saw the directive as a huge step forward in the development of an EC consumer policy and the equal protection of consumers.⁸⁸

The Environment Committee was also very open towards consultations with societal actors. Contrary to the other two committees, it organised a hearing where consumer organisations, industry, and members of the Economic and Social Committee could air and share their views. In its report, the committee adopted several of the points put forward by organised consumer interests, such as the importance of regulating product liability regarding immovable property, defective services, and compensation for pain and suffering.⁸⁹ At the same time, it was not going to risk losing influence over the final version of the directive in the EP, or with the Commission and the Council, by acting as a mouthpiece for consumer groups and aiming too high. It deliberately asked the Commission to advance the Community's liability regime in *future* directives. Its primary objective was to get the directive through, even if this required some modifications. Anticipating a 'stormy career ahead', the Environment Committee made sure not to 'overload' the proposal, which would have diminished its chances of being approved by the EP in the plenary and the Council.⁹⁰

The other two committees were much more critical of the directive. Both criticised the Commission for not having provided sufficient empirical evidence. This concerned both the existing distortion of competition due to differences in national legislation as well as the expected effects of the

⁸⁷ Aldo Masullo (26 April 1979) Intervention on behalf of the Communist and Allies Group. Directive on liability for defective products, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790426-02/9900, 175.

⁸⁸ James Walton Spicer (30 March 1977) Opinion of the Committee on the Environment, Public Health and Consumer Protection, HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0246/78/0010, 29-38.

⁸⁹ Spicer (1977), Opinion, 29.

⁹⁰ Spicer (1977), Opinion, 34-35.

directive on the market. Such evidence was crucial for determining whether Article 100 of the EEC treaty could serve as the basis of the directive. Quoting the EEC treaty in its report, the Legal Affairs Committee reminded the Commission that Article 100 was only valid if the provisions which it sought to harmonise: 'should directly affect the establishment or functioning of the common market [original emphasis].' Conversely, the harmonisation of different national rules should 'eliminate the harmful effects' which resulted from disparities.⁹¹ Moreover, the committee questioned the Commission's claim that it was harmonising national rules, 'in the sense of seeking out their common elements and taking them as the basis for community legislation'. Rather than harmonise, the Legal Affairs Committee reasoned, the directive would institute a new system of liability 'more onerous than that at present in force in any of the Member States'.⁹²

In line with its main policy focus, the Economic Committee concentrated primarily, in its report, on the directive's expected effects on the market. Did differences in national legislation indeed distort competition? What were the additional (insurance) costs of a new system of consumer protection? The Commission had not provided sufficient information to answer these questions satisfactorily, the committee argued. From this perspective, the American situation, where consumer claims for compensation had brought some companies to the brink of bankruptcy, was undesirable. The committee particularly expected crafts and small- and medium-sized enterprises to be in danger. The Belgian Christian democrat rapporteur, Paul de Keersmaeker, also raised the issue of the so-called 'development risks'. His committee adamantly opposed an interpretation of liability for defects in products that no one could have known or anticipated at the time of their making, given the available scientific knowledge and technology. This provision would push up the cost of the system, stifle technological innovation, and weaken the competitive position of European industry in global markets.⁹³

As the committees were preparing their reports, they asked the Commission for additional data to substantiate its argument for Article 100 as a legal basis. Early general statements from the Union of Industrial and Employers' Confederations of Europe (UNICE), the Permanent Conference of Chambers of Commerce and Industry, and the German government that harmonisation of national legislation was desirable did not suffice to convince the Legal Affairs Committee either.⁹⁴ At the same time, data on the effects of national legislation on the functioning of the internal market was scarce and difficult to put together. Commission official Hans-Claudius Ficker, who had co-authored the draft directive, noted that he would love to be able to present such data: '[t]hese figures, however, are in the hands of industry and you are well aware of the fact that industry is not very keen to have this directive'.⁹⁵

Both the Legal Affairs and Economic committees voted to reject the Commission's draft directive, and the Legal Affairs Committee's draft resolution illustrates its powerful position in defining the parameters of the parliamentary debate. Without even discussing any of the arguments put forward by the Environment Committee, the resolution merely stated that 'the present directive does not

⁹¹ Willy Calewaert (1978) Report drawn up on behalf of the Legal Affairs Committee on the proposal from the Commission of the European Communities to the Council (Doc. 351/76) for a directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, 10 August 1978. HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0246/78/0010, 7.

⁹² Calewaert (1978), Report, 11.

⁹³ Paul de Keersmaeker (1977), Opinion of the Committee on Economic and Monetary Affairs, 4 November 1977. HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0246/78/0010, 21-28.

⁹⁴ Hans-Claudius Ficker (undated), Note by the Commission on evidence on the applicability of Article 100 as the legal basis for a directive on defective product liability, HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0246/78/0010, 15-16.

⁹⁵ Ficker (undated), Note by the Commission, 16.

meet the requirements of this article [100]' and that imposing a new system of regulation on top of national legislation would only confuse consumers.⁹⁶

Both committees were deeply divided internally, however, which weakened politically their strongly worded opinion and report. In the Economic Committee, out of nine MEPs present, five supported the report and four voted against it. The Legal Affairs Committee adopted its report by the narrowest of margins, too, by 13 votes to 12.⁹⁷ Annexed to the adopted report, the minority of MEPs stated their view that they expected the directive to result in a desirable improvement of consumer protection.⁹⁸

3.3. Negotiations between the EP and the Commission

When it became clear that EP support for the product liability directive hung in the balance, the Commissioner for the Internal Market and Industry, the Belgian Etienne Davignon, entered into informal talks with members of the Legal Affairs Committee, including the rapporteur, the Belgian socialist MEP Willy Calewaert, and the committee chair, the British Conservative MEP Derek Walker-Smith. Awaiting further talks, the EP postponed its vote on the directive scheduled for the plenary of 9 October 1978. Walker-Smith referred the report back to Calewaert and asked him to draft a new one based on the deliberations with the Commission. What followed was a period of informal interaction between Davignon, his officials and MEPs from the Legal Affairs Committee between October 1978 and April 1979. These exchanges served to find common ground between the Commission and the EP. During this period, the Commission succeeded in eliminating one main concern: the high insurance costs for producers. The European umbrella organisation for insurance companies, the General Secretariat of the European Committee of Insurances, stated that its members would be able to provide coverage at a price that would not increase manufacturers' production costs significantly.⁹⁹ Reassured, the Legal Affairs Committee submitted its revised report and draft resolution, in the expectation that they would receive both EP and Commission support.

Indeed, in April 1979 a majority in the EP voted for the new resolution. What had changed to make this possible? First, the resolution proposed to exclude producers of agricultural products, crafts, and arts from the directive, a point that the Christian democrats felt strongly about. Second, it also excluded the controversial development risks, a point the French Gaullist Hector Rivierez from the Group of European Progressive Democrats actively pushed with a successful amendment. In accepting the changes recommended by the Legal Affairs Committee, the EP effectively adopted more protectionist and industry-friendly positions and proposed to water down the Commission's directive.

Moreover, within the Legal Affairs Committee the applicability of Article 100 had been a major obstacle in its initial deliberations. Following discussions with Davignon, the committee made a volte-face, stating in its draft resolution that 'Article 100 of Treaty constitutes the proper legal

⁹⁶ Calewaert (1978), Motion for a resolution embodying the opinion of the European Parliament on the proposal for a product liability directive, 10 August 1978. HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0246/78/0010, 6.

⁹⁷ Calewaert (1978), Report, 4.

⁹⁸ Calewaert (1978), Report, Annex I: Minority opinion, 13.

⁹⁹ Note by the General Secretariat of the European Committee of Insurances [no date], Costing in strict liability - Community proposals, Annex I to Willy Calewaert (1979) Report drawn up on behalf of the Legal Affairs Committee on the proposal from the Commission of the European Communities to the Council (Doc. 351/76) for a directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, 17 April 1979. HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0071/79/0010, 40-42, here 40.

basis'.¹⁰⁰ In the plenary debate on 26 April 1979, the British Conservative MEP James Scott-Hopkins, on behalf of the European Conservative Group, continued to dispute its validity. He filed an amendment to that purpose, but this failed to obtain sufficient support. From the plenary debate, it becomes evident that the political groups were eager to put an end to the saga. The political compromise negotiated between the Legal Affairs Committee and the Commission allowed the latter to carry on with its directive in exchange for ceding important points to the EP.

The EP saw the outcome as a victory. Despite the fact that it had no legislative decision-making powers, the Commission had taken its concerns seriously and demonstrated a willingness to make substantial changes in response to its requests. Surely, this was an indicator of things to come once the EP was directly elected. As the Italian Christian democrat MEP Roland Riz stated for the CD group: 'If it is determined, the [EP] can use its right to participate in the Community law-making processes to exercise a decisive influence [...].'¹⁰¹ The CD group particularly claimed credit for the compromise, arguing that their efforts allowed the consumer to be protected without endangering production and employment.¹⁰² Davignon, present at the debate, duly thanked the EP, the committees and the political groups for their cooperative attitude.¹⁰³

It turned out, however, that the EP did not sufficiently take into account internal tensions within the Commission. Its internal dynamics were characterised by a rift between DG Internal Market, responsible for the directive and under the direction of the industry-friendly Davignon, and the ECPS under the direction of Richard Burke.¹⁰⁴ While both were committed to the directive, they differed on what was required for the Council to accept the Commission's proposal and clashed over the exclusion of development risks. While Davignon was willing to accommodate the industry-friendly wishes of the majority of MEPs, Burke regarded development risks a vital part of the directive and their exclusion a loophole for manufacturers.¹⁰⁵ The fact that Davignon had failed to coordinate his change of position in the talks with the EP representatives with Burke and the ECPS made things worse. The first indication Burke had of such a change, he wrote to Davignon, was 'when you spoke at the plenary session of [the EP] on 26 April'. Ultimately, as tensions between the two mounted, Commission President Roy Jenkins intervened in favour of Burke to end the stalemate.¹⁰⁶ As a result, in the amended proposal for a directive, which the Commission submitted to the Council on 1 October 1979, liability for development risks remained a key component, contrary to the majority position in the EP.¹⁰⁷

¹⁰⁰ Calewaert (1979) Report drawn up on behalf of the Legal Affairs Committee on the proposal from the Commission of the European Communities to the Council (Doc. 351/76) for a directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, 17 April 1979. HAEP, HAEU/PE0.AP.JURI.1961.RP//A0-0071/79/0010, 5.

¹⁰¹ Roland Riz (26 April 1979) Intervention on behalf of the Christian-Democratic Group, Directive on liability for defective products, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790426-02/9900, 171.

¹⁰² Ibid., 171-172.

¹⁰³ Etienne Davignon (26 April 1979) Intervention, Directive on liability for defective products, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790426-02/9900, 183.

¹⁰⁴ Richard Burke Letter to Etienne Davignon, 10 October 1979. ECHA, INV1/2018 920.

¹⁰⁵ Office of the President Memo for the Commission Meeting of 17 September 1979, addressed to President Jenkins, 18 Sept 1979. ECHA, INV1/2018 920.

¹⁰⁶ This can be taken from the preparatory work by staff in the President's Office, in which they recommended Jenkins to side with Burke. Graham Avery Letter to Roy Jenkins and Chef de Cabinet Crispin Tickell, 7 September 1979, ECHA, INV1/2018 920; Graham Avery Letter to Roy Jenkins, 11 September 1979. ECHA, INV1/2018 920.

¹⁰⁷ European Commission, Amendment of the proposal for a Council Directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products. OJ (C271, 26 October 1979) 3-11.

Why, then, did the Commission go against the wishes of the EP? Davignon's efforts to reach a compromise demonstrate the Commission's commitment to cultivating a good relationship with the EP. Graham Avery, Deputy Head of Jenkins' Cabinet, listed the pros and cons of siding with the EP's 'big concessions' and noted: '[W]e should support the Parliament whenever we can, and particularly in a case like this where it has made efforts to find a compromise.'¹⁰⁸ Nevertheless, Burke's as well as Jenkins' investment in consumer protection appears to have made the decisive difference. In his inaugural address to the EP on 11 January 1977, Jenkins had already asserted the importance of consumer policy. In a similar vein, Burke regarded consumer protection as an integral part of a Community policy that promoted the everyday interests of its citizens.¹⁰⁹

A second factor was the role of consumer organisations. Realising what was at stake, consumer groups, in particular those from the UK, put pressure on both Burke and Jenkins to stand their ground.¹¹⁰ The exemption of development risks, they argued, severely undermined the directive and the Community's consumer policy. On several occasions, Avery advised Jenkins to take account of consumer organisations and side with Burke.¹¹¹ One of his colleagues noted:

*'I gather that the consumer organisations feel extreme concern about the fate of this directive, which started out as a major piece of consumer protection, which they feel is ending up as an industry measure. They see it as yet another example of DG III [Internal Market and Industry] winning out over the [European Consumer Protection Service] [...] For what it's worth to us, I think the consumer organisations will raise a stink if DG III completely sabotages the directive.'*¹¹²

When the EP demanded that development risks be excluded from the scope of the product liability directive, it effectively constituted a victory for the producers' lobby, and the culmination of their work for industry-friendly amendments between 1976 and 1979. The Commission's decision to adhere to the principle of strict liability including development risks threw a spanner in the works of this lobby. United in their opposition, manufacturers complained about the outcome,¹¹³ the British company Robnorganic even calling it 'monstrous'.¹¹⁴ Writing to Jenkins in 1980, the British Rubber Manufacturers' Association conveniently alleged that the EP, 'the representative body of the electorate of the Member States', had been sidelined.¹¹⁵ Jenkins laconically replied that the directive was now out of his hands, as the Council was considering it and would take the final decision,¹¹⁶ which actually took another six years.

In this way, the product liability issue reveals a different side of the EP's engagement with consumer policy, especially compared to its defence of public health and the safety of citizens discussed in the previous chapter. When the Commission submitted its proposal for a directive in 1975, the consumer organisations expected the EP to act as an advocate for consumer interests. Four years later, their view of the EP had changed. Not only had the MEPs caused major delay, but a majority

¹⁰⁸ Avery Letter to Jenkins, 11 September 1979, ECHA, INV1/2018 920.

¹⁰⁹ Schimmel, *A Europe of Consumers*.

¹¹⁰ Tony Venables (BEUC) Letter to Richard Burke, 1 June 1979; Peter Goldman (Consumers' Association UK) Letter to Roy Jenkins, 22 August 1979; Kate Foss (Consumers in the European Community Group UK) Letter to Roy Jenkins, 31 August 1979, ECHA, INV1/2018 920.

¹¹¹ Avery Letter to Jenkins, 11 September 1979, ECHA, INV1/2018 920.

¹¹² Staff Office of the President Memo to Graham Avery, 23 July 1979, ECHA, INV1/2018 920.

¹¹³ Director General of the European Council of Chemical Manufacturers' Federations (EFIC) Letter to Attilio Ruffini, President of the Council of Ministers, 5 February 1980, ECHA, INV1/2018 920.

¹¹⁴ Production manager of Robnorganic Letter to Roy Jenkins, 21 March 1980, ECHA, INV1/2018 920.

¹¹⁵ EFIC Letter to Council, 5 February 1980; President of British Rubber Manufacturers' Association Letter to Roy Jenkins, 18 July 1980, ECHA, INV1/2018 920.

¹¹⁶ Roy Jenkins Letter to President of British Rubber Manufacturers, 26 September 1980, ECHA, INV1/2018 920.

had also sought to water down the Commission's directive in favour of agricultural and industrial producers. Ultimately, the Commission proved crucial to the further development of consumer policy when it decided to go against the wishes of the EP.

This chapter has also brought out the need to understand the EP as a pluralistic institution, rather than as a monolithic actor. Internal division characterised the EP in its dealings with the product liability directive, laying bare the fundamentally different views of political groups and committees on the relationship between producers and consumers, and between the Commission and member states. Whereas the Environment Committee continued to fulfil its established role as a supporter of consumer rights, in close rapport with consumer organisations, the majority in the plenary did not support its position. The case of the product liability directive illustrates the challenges that the Environment Committee faced when trying to influence the discursive framework in which the EP discussed the directive, with competing narratives about the functioning of the internal market and the adverse effects of the new system for producers. The case thus also demonstrates the political nature of committee work: whoever is assigned a report and drafts a resolution is in a unique position to influence the political narrative and, hence, the outcome.

4. EP strategies for influencing consumer policy

In influencing the EC's agenda for consumer protection, the EP did not just focus on technicalities. Strategically it also aimed to strengthen its own institutional position in the EC as a political system. It did so, to begin with, by institutionalising consumer protection as a policy priority within the EP, and by seeking inspiration from and cooperation with international organisations and organised societal groups. Trying to maximise their influence and making it visible to citizens, MEPs also sought to work with media – television (TV) especially, which was not just a powerful mass medium, but itself also emblematic of Europe's modern consumer society.

4.1. Providing entrepreneurial leadership

It was clear from the inception of the common market that European consumers would be a factor in its making. At the very least, they would be recipients of the expected benefits of market integration and trade liberalisation, shaping the market through their product choices and the power of their purses. Yet, from the 1970s onwards, it became increasingly clear that consumers should be more than passive bystanders in the making of the common market. As a political issue, after all, it touched upon many of the themes that emerged around this time: the extent to which the EC was there for ordinary Europeans, how far and in what ways it should protect private individuals against detrimental market forces, and the limits of an ever-expanding market. The question of entrepreneurial leadership in the EP and in its political groups was an issue of political representation: how did MEPs see the position of consumers in the EC and how did they seek to advance their interests?

Of the political groups, the socialists were committed to consumer protection from an early stage. Socialists saw consumer protection, in addition to competition and social policy, as an instrument for mitigating the most detrimental effects of freer markets. As a result, the Socialist and Communists and Allies groups were the only ones that consistently sought ways to strengthen consumer protection in the EC across the board well into the 1980s. As early as 1968, following various reports and resolutions, in which socialist MEPs called for a strengthening of the position of consumers in the EC but which were left unanswered by the Commission, the Socialist group issued a draft resolution, which led to a report by the EP's Economic Committee.¹¹⁷

The report, authored by the Dutch progressive Christian democrat and trade unionist Jaap Boersma, largely followed the socialist analysis, arguing that consumers lacked political as well as economic power. Aside from being an early advocate of environmental protection,¹¹⁸ Boersma was also sympathetic to the cause of consumers. In the late 1960s, he was the president of the Consumenten Contact Orgaan in the Netherlands – the equivalent of the EC Consumers' Consultative Committee (CCC) set up in 1973, which brought together representatives from consumer organisations as well as trade unions. Boersma observed that, in many sectors, consumers were yet to see the benefits of market integration in the form of lower prices. Moreover, the report urged the Commission to provide consumers with better information on product labels so that they could exercise their freedom to choose. It also argued for the regular and consistent involvement of consumer

¹¹⁷ EP, Résolution sur le renforcement de la position du consommateur dans le marché commun, OJ (C17, 12 February 1969) 4-8.

¹¹⁸ Jan-Henrik Meyer (2024) *The European Parliament and the Origins of Environmental Policy*, PE 757.646, Brussels: EPRS.

organisations in its decision-making processes.¹¹⁹ The Socialist group was adamant on this latter point, citing the right to be heard as the most important of the four fundamental consumer rights that US president John F. Kennedy had originally presented to Congress in 1962. Another integral point in strengthening the position of consumers in the Community, socialists argued, was to intervene in the market through competition policy, combating monopolistic practices and price agreements.¹²⁰

The socialist agenda for consumer protection reflected the fact that, up to that point, EC consumer policy had largely been limited to harmonisation. In that light, the 1968 resolution constituted an attempt to develop an integral, cohesive conception of Community consumer policy. The socialist analysis that the consumer was vulnerable in a market dominated by powerful producers resonated with the Commission's first Consumer Protection Programme in 1975.¹²¹ With the Commission taking the lead in setting out the Community's consumer policy, the EP no longer made sustained efforts to set an integrated agenda for EC consumer protection policy. Its initiatives were largely responsive, criticising individual Commission proposals for their lack of ambition and reminding it of promises made in its consumer protection programmes. One reason for this lack of a consistent agenda-setting effort was the difficulty of defining what consumer protection policy actually was. This question was open to many different interpretations in the EP, between political groups, committees, and national delegations.

In fact, the question of who exactly the consumer was remained an open one. In most debates, the consumer featured as a homogeneous category. Whereas MEPs differentiated between different kinds of workers (migrant workers, workers in different sectors, etc.) and businesses (SMEs, multinationals, etc.), they hardly did so regarding consumers. The consumer existed, first and foremost, in opposition to producers. This lack of clarity clearly frustrated some MEPs, since it complicated their ambition to represent consumer interests. Moreover, in view of the upcoming 1979 direct elections, MEPs pushed to strengthen knowledge about European citizens' expectations and needs in the mid-1970s.¹²² The Commission responded by conducting a survey among European consumers in 1976.¹²³ While this survey did little to differentiate the image that MEPs had of consumers, it conveyed the impression that European citizens were dissatisfied with the protection they enjoyed from the EC. This, in turn, prompted a number of MEPs to ask an oral question with an associated debate, pressuring the Commission to strengthen 'consumer democracy' in the Community.¹²⁴ Clearly, by this point, MEPs acknowledged that the future voters in European elections were all consumers, and that the EP was in a unique position to speak in their name.

¹¹⁹ Jaap Boersma (1969) Rapport fait au nom de la commission économique sur la proposition de résolution présentée au nom du groupe socialiste par M. Metzger (doc. 95/68) relative au renforcement de la position du consommateur dans le Marché commun, 20 January 1969, HAEP, HAEU/PE0.AP.ECON.1967.RP//A0-0189/68/0010.

¹²⁰ Ad Oele (21 January 1969) Intervention Renforcement de la position du consommateur dans le Marché commun, DEP, HAEP, HAEU/PE0.AP.DE.1968//DE19690121-01/9900, 10-13.

¹²¹ European Commission, A preliminary programme for consumer information and protection, ECHA, COM (73) 2108.

¹²² Wim Schuijt (1972) Rapport sur la politique d'information des Communautés européennes - Commission politique, 7 February 1972, HAEP, HAEU/PE0.AP.POLI.1961.RP//A0-0246/71/0010, 3-5; Wim Schuijt (1974) Written question No 696/73, Subject: Opinion polls in the Community, OJ (C 49, 27 April 1974) 26-27; Jean-Pierre Glesener (1974) Written question No 330/74, Subject: European consumers' opinion of the common market, OJ (C145, 22 November 1974) 23-24; Jean-Pierre Glesener (1975) Written question 560/74, Subject: Consumer survey, OJ (C54, 6 March 1975) 7-8.

¹²³ European Commission, The European Consumer. His preoccupations, his aspirations, his information, <http://aei.pitt.edu> (accessed 13 December 2022).

¹²⁴ EP (1976) Oral question with debate: Consumer democracy, 19 November 1976, HAEP, HAEU/PE0.AP.DE.1976//DE19761119-02/9900, 226-229.

From the mid-1970s onwards, MEPs often tabled oral questions with a debate, as a way to remind the Commission of its commitments to consumer protection. Strikingly, with such questions, female MEPs positioned themselves as the most outspoken critics of the Commission. Two female MEPs were involved in all of these oral questions: the Dutch social democrat Annie Krouwel-Vlam and Betty Boothroyd from the British Labour Party.¹²⁵ Following the pioneering work by their Socialist group colleague Käte Strobel in the 1960s, these women used their authority as presumed experts in consumer affairs, owing to their gender, as a way to put consumer protection on the agenda as a theme that concerned all citizens of the Community. This leadership and advocacy of consumer interests by female MEPs had, in some cases, a positive impact on their careers in the EP, with Krouwel-Vlam becoming chair of the Environment Committee in March 1978.¹²⁶

One debate from 1976 illustrates the way in which female MEPs sought to broaden the political relevance of consumer protection. Following an oral question, the British Labour MEP Lady Fisher of Rednal opened her contribution by arguing that consumer affairs were not just about food: 'The male members of society should recognise that a greater interest in consumer affairs would mean that the wage packet that they earn could be spent much more wisely.'¹²⁷ She was referring to the high inflation that was gripping the EC at the time, driving up the price of goods. Supporting Lady Fisher, the Italian communist MEP Vera Squarcialupi argued that rising prices posed a 'threat to democracy, which is at the same time in the interests of the producers' and '[comes] largely at the expense of women and their efforts to balance their budgets', because – according to her – women still managed 75% of all household budgets.¹²⁸

During the 1970s, female MEPs from the political left took the lead in putting consumer protection on the EP's agenda. Their prominence reflected the still-dominant view of the consumer as a housewife. On the one hand, this allowed female MEPs like Strobel, Krouwel-Vlam, Boothroyd, Fisher of Rednal and Squarcialupi to claim expertise in this field as well as an ability to represent the women on whose behalf they spoke. On the other, this gender association meant that they had to underline continuously that consumer protection was a genuine socio-economic concern rather than an issue that only concerned those who did the groceries. For these female MEPs, consumer protection was also an emancipatory issue. Squarcialupi, for example, was one of the most active MEPs of her day, dedicating herself especially to issues concerning pollution, public health, and the state of the environment.

¹²⁵ Hans-Edgar Jahn (1975) Oral question on the composition of the Consumers' Consultative Committee, 14 May 1975, HAEP, HAEU/PE0.AP.DE.1975//DE19750514-04/9900, 94-98; Betty Boothroyd (1975) Oral question with debate: consumer protection, 12 November 1975, HAEP, HAEU/PE0.AP.DE.1975//DE19751112-03/9900, 143-151; Lady Fisher of Rednal (1976) Oral question with debate: consumer democracy, 19 November 1976, HAEP, HAEU/PE0.AP.DE.1976//DE19761119-02/9900, 226-229; William Molloy, Oral question with debate: Consumer interests, 7 February 1977, HAEP, HAEU/PE0.AP.DE.1976//DE19770207-01/9900, 9-19; Annie Krouwel-Vlam (1978) Oral question: Community action in favour of consumers, 25 April 1978, HAEP, HAEU/PE0.AP.DE.1979//DE19790425-02/9900, 97-102; Annie Krouwel-Vlam (1983) Oral question with debate: Consumer protection policy in the Community, 14 March 1983, HAEP, HAEU/PE1.AP.DE.1983//DE19830414-07/9900, 245-255.

¹²⁶ EP, Committee on the Environment, Public Health and Consumer Protection, Minutes, 14 March 1978, HAEP, HAEU/PE0.AP.ENVI.1976.PV//ENVI-19780314/0010.

¹²⁷ Lady Fisher of Rednal (1976) Oral question with debate: consumer democracy, 19 November 1976, HAEP, HAEU/PE0.AP.DE.1976//DE19761119-02/9900, 226-227.

¹²⁸ Vera Squarcialupi (1976), *Ibid.*, 227-228.

4.2. Devising institutional strategies

Considering that the EP took little interest in setting the agenda in the field of consumer protection following the Commission's more active role, it is striking how enterprising other European organisations, such as the CoE's Consultative Assembly, were in this field.¹²⁹ As early as 1970, the Consultative Assembly adopted a recommendation on 'the legal protection of consumers', in which it signalled that, 'the consumer, generally speaking, is the weaker party in his relationship with commercial organisations'.¹³⁰ This emphasis on consumer rights, in fields such as door-to-door selling, marketing and contract conditions, prompted the Consultative Assembly to delve into the subject more broadly, and to come up with an initiative for a so-called 'Consumer Protection Charter' in 1973. Inspired by Kennedy's 1962 Consumer Bill of Rights, the Charter constituted an attempt to extend the CoE's commitment to human rights into the economic realm, codifying the consumers' right to protection and assistance, redress against damage, information, and education, as well as representation and consultation.¹³¹

As an institution dedicated to human rights, the Consultative Assembly was thus quicker than the EP to come up with a comprehensive analysis and initiative for strengthening the legal position of consumers in Europe. In contrast, the EP's primary purpose was to scrutinise a market project. In other words, from the perspective of human rights, it was easier to assess how the market encroached upon the safety and autonomy of consumers than it was to evaluate the impact of market integration on consumers. The lag in the transfer of ideas from the Consultative Assembly to the EP is all the more surprising given that membership between the two bodies overlapped significantly. Then again, none of the members of the Consultative Assembly's Committee on Economic Affairs and Development were MEPs. What explains, more than any other factor, the Consultative Assembly's pioneering role is the fact that the CoE could not produce any legally binding legislation, so that it was less constrained than the EP, and its actions more inconsequential.

Internal organisational politics was another reason why the EP was relatively slow to push for a more coherent consumer protection policy. The EP followed the Commission in this regard, which set up its ECPS in 1973. That same year, the Parliament installed its Committee for Public Health and the Environment, but without explicit reference to consumer protection, and without any of the political groups advocating for its inclusion.¹³² In the absence of such a committee, it was much more difficult for MEPs to advance a coherent agenda on and approach towards consumer protection. Consumer affairs remained largely subsidiary to the more prestigious and burgeoning field of environmental protection – much as it had been subsidiary to social affairs in the preceding decade. Often, it also featured as a subset of more prominent policy fields and their relevant committees, such as Legal Affairs, Economic Affairs and Agriculture.

With the 1973 Orth report on cosmetic products, the Environment Committee had a quick first success in the field of consumer protection. Yet the fact that consumer protection had no dedicated institutional place became controversial when the Commission presented its first Consumer Protection Programme in 1974. The EP Bureau referred this proposal to the Economic Committee,

¹²⁹ Wolfram Kaiser and Kiran Klaus Patel (2017) Multiple connections in European co-operation: international organizations, policy ideas, practices and transfers 1967–92, in: *European Review of History*, 24 (3), 337-357.

¹³⁰ Consultative Assembly of the Council of Europe, Motion for a recommendation on the legal protection of consumers, 24 September 1970, Historical Archive of the Council of Europe (HACE) Doc. 2842.

¹³¹ Consultative Assembly of the Council of Europe, Report on a Consumer Protection Charter, 15 May 1973, HACE, Doc. 3280; Leucht, *Beyond 1973*.

¹³² EP, Christian-Democratic Group, Letter to Walter Behrendt, President of the European Parliament, 6 December 1972; EP, Socialist Group, Letter to Walter Behrendt, 11 January 1973.

much to the dismay of the members of the Environment Committee. In a letter to the Bureau, its chair demanded that his committee 'should in future be made responsible for all proposals on consumer protection', something the political groups had supported when the Environment Committee was established in 1973.¹³³ While the Bureau did not revise its decision about the report, it realised that the existing arrangement was too ambiguous. It consequently decided to add the moniker 'consumer protection' to the name of the Environment Committee.

Although consumer protection now had a dedicated committee, the policy field remained ill-defined, leading to internal struggles over who would take the lead on reports. The Environment Committee therefore often lost out to other committees, such as the Legal Affairs Committee on the product liability directive. This meant that the Environment Committee found it difficult to attract leading MEPs, and that those MEPs in the committee who did have strong political ambitions were often active in the field of environmental protection.

4.3. Cooperating with other actors

The promotion of consumer policy in the EC and the EP took place in close coordination with consumer organisations. BEUC, the European confederation of consumer organisations in the EC that had been set up in 1961, was an especially frequent guest in the EP. BEUC originally developed under the tutelage of the European Commission, as it was immediately co-opted onto the advisory committees for the CAP, as well as the contact committee for consumer organisations, the CCC.¹³⁴ Since the EP was hardly active in the field of consumer policy at this point, contacts between consumer groups and MEPs were limited. However, as soon as the EP articulated its ambitions in the field, with the socialist motion from 1968 and the subsequent Boersma report, consumer organisations became crucial partners.

Consumer organisations had limited influence at the EC level, however, and MEPs noticed this. In the debate on the Boersma report, the Dutch Labour MEP Ad Oele asked if consumer organisations would ever 'reach the stage of maturity', implicitly comparing them with other socio-economic organisations such as trade unions and business associations. 'As democratic politicians', Oele added, 'we have to give this latecomer to socio-economic life all room for further development'.¹³⁵ The Committee for Social Affairs and Public Health showed its commitment to this ambition when, in drafting its shadow report, it invited the BEUC member organisations to give their opinion on EC consumer policy. At that point, however, these organisations seemed primarily concerned with price policy and price discrepancies between member states and economic sectors.¹³⁶

Such consultations on consumer policy were a recurring feature of landmark consumer policy proposals, as well as the EP's reports on the Commission's Consumer Protection Programmes. At the instigation of the Socialist group, the EP organised a major public hearing on the Commission's Second Consumer Protection Programme.¹³⁷ The hearing involved not just BEUC, but also trade

¹³³ Libero Della Briotta, Chairman of the Environment Committee, Letter to Cornelis Berkhouwer, President of the European Parliament, 22 January 1974; Libero Della Briotta Letter to Cornelis Berkhouwer, 19 March 1974.

¹³⁴ Van Zon, *A Consumers' Europe*.

¹³⁵ Ad Oele (21 January 1969) Intervention Renforcement de la position du consommateur dans le Marché commun, DEP, HAEP, HAEU/PE0.AP.DE.1968//DE19690121-01/9900, 11.

¹³⁶ Jaap Boersma (1969) Rapport fait au nom de la commission économique sur la proposition de résolution présentée au nom du groupe socialiste par M. Metzger (doc. 95/68) relative au renforcement de la position du consommateur dans le Marché commun, 20 January 1969, HAEP, HAEU/PE0.AP.ECON.1967.RP//A0-0189/68/0010.

¹³⁷ Ernst Glinne (1980) Rapport sur l'activité du Groupe socialiste au Parlement européen présenté au 21e congrès de l'Union des partis socialistes, HAEU, GPSE 649.

unions, cooperatives, family organisations and producer associations. In the ensuing report, 12 years after Oele's remarks, the Environment Committee's rapporteur, the Irish Labour MEP John O'Connell, concluded that consumer organisations were still unable to play a significant role in the EC, as well as lacking the means to provide European consumers with the information they needed to make autonomous and informed choices on the market. This, O'Connell argued, required a considerable strengthening of the CCC, making it independent from the Commission and allowing it to be consulted by the EP as well. He also argued that the EC should give more financial support to the CCC, and consumer organisations in general. Even within the Environment Committee, however, the majority opposed such EC-level funding of consumer organisations.¹³⁸

In a general way, the EP recognised the potential of consumer organisations to act as intermediaries between the EC institutions and the everyday concerns of European citizens. This was a two-way street: such organisations, thanks to their membership of millions of consumers, consumer magazines, price surveys and comparative testing, provided consumers with information about products and markets that the EP felt was not available anywhere else. At the same time, BEUC, having developed under the auspices of the Commission and being committed to developing the common market, was hardly known in Brussels for espousing a critical political stance. Up until the 1980s, when BEUC started to play a more activist role in the wake of the hormone and Seveso scandals, it was mostly a consensus-oriented follower of Commission initiatives. In fact, given its small Brussels-based staff and heterogeneous membership of organisations that were EC-oriented to varying degrees, it was difficult for BEUC to adopt strong political positions.

Perhaps owing to the ambiguity with which the EP perceived consumer organisations, BEUC itself was growing increasingly disappointed by the start of the 1980s with the extent to which MEPs were committed to consumer protection and willing to hear its position on various directives.¹³⁹ Even the Socialist group, which had pushed the consumer protection agenda most strongly, shared the prevailing reserved attitude towards consumer organisations. It was the first and only political group to appoint a contact person with the CCC and European consumer organisations – Betty Boothroyd, in 1976.¹⁴⁰ However, it quickly turned out that that the group's primary allegiance was still with the trade union movement. This became clear when Hans-Edgar Jahn, together with his colleagues from the German Christian democrats, called into question the prevailing distribution of seats on the CCC, claiming that trade unions were overrepresented. At this point, the socialists did not support Jahn's proposal to allocate two-thirds of the seats to BEUC instead. As the German social democrat Elisabeth Orth argued:

*'We consider the trade unions to be the best representatives of consumer interests not only because, unlike the consumer and family organisations represented in this Committee, they represent millions of people, but also because their aims correspond exactly to those expressed in the First Programme [namely] the right of consumers to the protection of health and safety, to the protection of economic interests, the right of redress, the right to information and education and the right of representation, that is the right to be heard.'*¹⁴¹

¹³⁸ John O'Connell (1980) Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the Communication from the Commission of the European Communities to the Council (Doc. 222/79) concerning an action programme of the European Communities with regard to consumers, HAEP, HAEU/PE1.AP.ENVI.1979.RP//A1-0450/80/0010.

¹³⁹ Schimmel, A Europe of Consumers.

¹⁴⁰ Draft minutes of the meetings of the Socialist Group of the European Parliament on 7, 8 and 9 September 1976 in Munich, HAEU, GPSE 642, 4; Draft summary report of the meeting of the Socialist Group 13 to 17 September 1976 in Luxembourg, *ibid.* 8.

¹⁴¹ Elisabeth Orth (14 May 1975) Intervention, DEP, HAEP, HAEU/PE0.AP.DE.1975//DE19750514-04/9900, 96.

To varying degrees, all socialist parties in Europe had evolved from the organised trade union movements in the nineteenth century. The close political links between the two were sometimes highly formalised, as in the block vote of British trade unions in the Labour Party. As a result, the Socialist group's primary allegiance was with the national trade unions, represented in the European Trade Union Confederation that was created in 1973. Moreover, the socialists doubted whether consumer organisations would ever be 'mature' enough to successfully address power imbalances in the common market and whether, in this sense, they would be the best societal partner for defending the interests of EC citizens.

4.4. Working with media

The EP's relations with media in the field of consumer protection worked two ways. As the Talc de Morhange scandal demonstrates, MEPs were often quick to pick up product safety scandals and other potential regulatory failures from media reporting and to confront the Commission with these facts. They also used the media to convey the omnipresence and importance of issues of consumer protection, albeit with varying success. The 1970s were a key period in that regard because, in addition to their access to print media and radio, TV found its way into most European households during the decade. It acted as a catalyst in the making of Europe's consumer society – not just through advertising, but also through the emergence of programmes geared towards educating and informing consumers. The 1960s and 1970s saw such programmes appear throughout the Community. They addressed consumers as people who had rights – to choose, to information, and to be heard, rights also enshrined in the Commission's first consumer programme.¹⁴² Community institutions – the EP most of all – recognised the potential of TV for educating and emancipating consumers.

In his 1977 report on the second Commission consumer programme, the French socialist MEP Marcel Brégégère called for TV programmes aimed at consumers to be strengthened, reflecting the fact that most broadcasters in the EC were still controlled by the state at this point. Brégégère suggested two formats: brief 'news flashes' that brought news to consumers and longer programmes, 'aimed at housewives or elderly listeners and broadcast in the afternoon. These could cover subjects like consumer credit or renting a flat.' Brégégère also valued the information provided by consumer organisations through their magazines. In his report, he argued that governments should provide them for free in travel agencies, railway stations and airports.¹⁴³

With this standpoint, Brégégère spoke for the Environment Committee, but also the Socialist group. Looking to aid the emancipation of consumers, they even argued in 1977 that the Community should seek to make its own consumer TV programme, with the cooperation of consumer cooperatives and the objective of 'inform[ing] the consumer about Community action on his behalf'. The costs of the programme should come from a tax on TV advertising.¹⁴⁴

¹⁴² Chris Dols and Maarten van den Bos (2017) King Customer. Contested Conceptualizations of the Consumer and the Politics of Consumption in the Netherlands, 1920s-1980s, in: *BMGN – Low Countries Historical Review*, 132 (3), 99-114.

¹⁴³ Marcel Brégégère (1977) Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on Community consumer policy, 2 June 1977, HAEP, HAEU/PE0.AP.ENVI.1976.RP//A0-0114/77/0010, 13.

¹⁴⁴ Note for the attention of members of the Socialist Group, 12 May 1977, HAEU, GPSE 643, 18.

The negative influence of advertising was also on the Environment Committee's agenda. Three years later, its rapporteur, John O'Connell, proposed a ban on tobacco advertising in all media and suggested a similar approach for alcohol.¹⁴⁵

In the absence of dedicated TV programmes for European consumers, MEPs had to seek ways to draw attention to their work on consumer policy. The Socialist group tried to strengthen its media exposure by setting up a press working group, which maintained contacts with major newspapers in the member states. The working group encouraged members of the group to write pieces on their activity in the EP for newspapers, and to make sure that their texts also found their way into print media in other member states.¹⁴⁶ Although consumer magazines reached an audience of millions, the group made no efforts to write specifically on consumer issues or for dedicated consumer publications.

Then again, consumer magazines tended to pay very little attention to EC consumer policy. A good case in point is the UK after its accession. From 1973 onwards, consumer media did not so much stress the protection that consumers enjoyed through the EC, but rather the CAP, and connections to the rise in food prices and overall costs of living, especially in the UK where EC membership required a wholesale change in the subsidy system. The consumer programme *Money-go-Round*, for example, broadcast by Thames Television in the London area, dedicated an episode to the CAP in 1977. Among the interviewees was the Conservative MEP Ralph Howell, who defended the CAP and the high food prices.¹⁴⁷ A farmer himself, and a member of the Agriculture Committee, Howell was, nonetheless, not representative of British MEPs. Many of his colleagues frequently directed critical questions at the Commission about food prices.

When members of the Environment Committee did get a chance to appear prominently in the media, they did not always feel comfortable being associated with the subject matter. It was difficult for them to convey why the seemingly technical and mundane directives on foodstuffs, for example, mattered to citizens. In a 1979 debate, for instance, the British Conservative MEP Lord Bethell stated that he had been the target of ridicule as the rapporteur on a directive on mayonnaise: 'I was even interviewed on French TV about this, it was considered so amusing. These proposals are very marginal and should, I believe, not have been conceived in the first place.'¹⁴⁸

One occasion where MEPs did manage to generate public interest in consumer policy was in the wake of the Commission's second consumer programme. After nominating O'Connell as rapporteur, the Environment Committee discussed a request it had received from the British Advertising Association. This association wanted to provide its opinion on the second programme to the committee. The Environment Committee felt, however, that it was fairer to invite a wide array of interested organisations – the BEUC, cooperatives, trade unions, producers, mail order traders, and so on – to a hearing. To add lustre to the occasion, the committee decided to make the hearing a public event, to boost attention regarding EC consumer policy. It was to be an Irish occasion, with

¹⁴⁵ John O'Connell (1980) Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the Communication from the Commission of the European Communities to the Council (Doc. 222/79) concerning an action programme of the European Communities with regard to consumers, HAEP, HAEU/PE1.AP.ENVI.1979.RP//A1-0450/80/0010, 15.

¹⁴⁶ Note for members of the socialist group's working party on the press, 22 January 1977, HAEU, GPSE 643.

¹⁴⁷ *Money Go Round*, Thames TV, 29 April 1977, <https://www.youtube.com/watch?v=AR65IzjgfQU&t=1s> (accessed 10 October 2023).

¹⁴⁸ Lord Bethell (25 April 1979) Intervention, Debates of the European Parliament, DEP, HAEP, HAEU/PE0.AP.DE.1979//DE19790425-02/9900, 100.

O'Connell acting as rapporteur, Ireland holding the Council presidency, and Burke as acting commissioner. The Environment Committee thus decided to hold the hearing in Dublin Castle.¹⁴⁹

Undoubtedly, the fact that the Environment Committee consisted of directly elected MEPs since 1979 played into the decision to seek publicity for EC consumer affairs in this manner. The timing for the hearing was spot on as well, with the hormone scandal and debates about the product liability directive in full swing. Ahead of the hearing, O'Connell followed the advice of his political group's emphasis on outreach to the press and submitted an article to the *Dublin Advertiser*. With the title, 'New Rights for Irish Housewife', he appealed to his target audience.¹⁵⁰ Other committee members also sought out the press on this occasion, such as the Bavarian Christian democrat Ursula Schleicher.¹⁵¹ Despite the Environment Committee's promotion of the Dublin hearing, the subsequent O'Connell report was hardly optimistic. It spoke of a 'lack of political will' on the part of both the Commission and the Council. O'Connell's verdict was harsh: 'Community consumer policy is now in crisis.'¹⁵²

Irish media paid special attention to the hearing. However, the Irish media coverage suggests that the event did not so much spark an outward-looking attitude towards the EC, but inward towards consumer protection in Ireland itself. As O'Connell himself remarked in an interview, the Irish consumer was likely to profit most from EC consumer policy, simply because there was hardly any pre-existing domestic legislation in this domain.¹⁵³ The BEUC and its member organisations used the hearing to address a letter to the editor of the *Irish Catholic*, in which they expressed scepticism about the extent to which the event would actually change anything for the Irish consumer, unless the Irish government were to support the Consumers Association of Ireland more.¹⁵⁴

Media coverage of EC consumer policy died down again after the Dublin hearings. However, the Socialist group saw the momentum created by Dublin as an opportunity to air its dissatisfaction with the Commission in the field of consumer policy. Out of the limelight, the group attacked the Commission for the lack of ambition in its new programme. Now that the totality of EC consumer policy was under review, the issue became politicised once again. The socialist Environment Committee chair, Krouwel-Vlam, even called the Commission's efforts 'a travesty', because it had not corrected the imbalance between consumers and producers. 'The European Community is not simply a trade agreement', she fumed.¹⁵⁵ The Socialist group even went as far as to vote against the report drafted by MEP O'Connell from their own group – not to condemn his approach, but the Commission's – and found the Communists and Allies on their side. Even Ken Collins, the new chair of the Environment Committee, stated that he felt he had to abstain from voting on the report from his own committee because 'the balance of power in the Community institutions at the moment is moving back towards the views of [...] the producers.'¹⁵⁶

¹⁴⁹ Commission de l'environnement, de la santé publique et de la protection des consommateurs, procès-verbal, 25 September 1979, HAEP, HAEU/PE1.AP.ENVI.1979.PV//ENVI-19790925/0010, 3-4.

¹⁵⁰ New Rights for Irish Housewife, in: *Dublin Advertiser*, 22 September 1979, HAEU, CPPE 1451.

¹⁵¹ Verbraucher kommen in Europa zu Wort, in: *Deutsche Tagespost*, 11 March 1980, HAEU, CPPE 1451.

¹⁵² John O'Connell (1980) Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the Communication from the Commission of the European Communities to the Council (Doc. 222/79) concerning an action programme of the European Communities with regard to consumers, HAEP, HAEU/PE1.AP.ENVI.1979.RP//A1-0450/80/0010, 10.

¹⁵³ Irish Consumer 'Least Protected in EEC', in: *Irish Press*, 27 February 1980, HAEU, CPPE 1451.

¹⁵⁴ The Consumer Movement in Ireland', in: *Irish Catholic*, 27 March 1980, HAEU, CPPE 1451.

¹⁵⁵ EP (1980) Debate on consumer policy, 14 October 1980, HAEP, HAEU/PE1.AP.DE.1980//DE19801014-05/9900, 78-94.

¹⁵⁶ EP (1980) Vote on report, 16 October 1980, HAEP, HAEU/PE1.AP.DE.1980//DE19801016-04/9900, 213-214.

The plenary nevertheless adopted the O'Connell report because the Christian democrats, conservatives and liberals supported the resolution and the Commission's efforts on consumer policy. This moment of controversy and politicisation shows what passions consumer policy could arouse. However, as the Dublin hearings and the O'Connell report receded into the background, so did the attention regarding consumer policy. The EC went back to business as usual, labouring away at market integration, away from the limelight. MEPs intuitively understood that their work on consumer protection hardly lent itself to creating political spectacle, which explains why they struggled to advocate successfully for its reform.

5. Conclusion

The 'long 1970s' saw the EP seek influence in the burgeoning area of consumer protection policy. However, it did not leave a coherent mark. For that, consumer policy was too diffuse and varied as a policy field. The European Commission hardly ever saw it as a core priority, and neither did the EP. This meant that agenda-setting on consumer affairs was often an internal EP affair. The Environment Committee (as did its predecessors) had to highlight and stress the importance of consumer protection at every turn, and it did so with great dedication. Even on seemingly insignificant directives and their revisions, which other committees were prone to pass over or rubber-stamp, the Environment Committee saw an opportunity to show its commitment and highlight why this particular piece of legislation was of importance to consumers, and how their interests – most often their health and safety interests – were best served.

When the EP did manage to exercise influence on the Commission and Council, it was on directives of low political salience. The more politicised legislation was of a horizontal nature, stipulating rules that determined the functioning of the common market in its entirety. On that terrain, the Environment Committee tended to lose out to the committees with more standing. In assigning the role of rapporteur, the EP Bureau tended to fall in line with the Commission, selecting the committee that mirrored the responsible Commission DG. Since the ECPS, responsible for consumer protection, was initially a horizontal service and did not become a proper DG until 1981, it did not have the lead on many files. In contrast, the EP occasionally managed to exercise influence on vertical harmonisation, that is, the rules that applied to individual sectors and product groups. As a result, the EP exercised agenda-setting power more in the areas of food safety, pharmaceuticals, cosmetics and chemicals during the 1970s than on product liability, misleading advertising and doorstep selling.

Members of the Environment Committee were acutely aware that, to effect real change, the fragmented efforts at vertical harmonisation had to be a prelude to more ambitious horizontal initiatives to strengthen consumer protection at the EC level. The 1960s saw the EP successfully advocating for safeguards to protect public health in the food sector. Building on these early achievements, the EP came to advance an early version of what was to become the precautionary principle. The Environment Committee's consistency gave it some agenda-setting strength, but its repeated calls to prioritise public health became somewhat monotonous and self-referential. Moreover, the EP mostly articulated its vision through intra- and inter-institutional policymaking, as the issue gained little public attention outside of major scandals.

EP politics on consumer affairs largely evolved around the tension between innovation and precaution. The advocates of innovation, generally found in the political centre and on the right, defended a business-friendly climate for the common market. They tended to adhere to the economic logic that largely informed the EEC treaty. This logic entailed consumers automatically reaping the benefits of market integration, since it would increase cross-border competition, provide consumers with more choice and, ultimately, lead to lower prices. Through their choices, consumers could shape the common market to their liking, embracing one innovation while ignoring another. The advocates of precaution, by contrast, did not just advance the principle of consumer protection, but implicitly criticised this market logic. They often invoked the imagery of the consumer as a guinea pig, who would be subject to mass experiments if the Commission were to continue with its compulsive extension of lists of substances, additives and processing methods authorised in the common market. They sought to politicise the debate over whether or not these

innovations really brought technical or economic benefits. Despite their efforts, however, their criticism hardly reached beyond the Environment Committee.

The year 1979 marked a turning point in this dynamic in two ways. First, the direct elections gave an impetus to consumer politics in the EP, because the members of the Environment Committee were now able to make a stronger claim to speak directly on behalf of consumers as their voters. Second, the Court of Justice's landmark *Cassis de Dijon* judgment paved the way for a new approach to harmonisation, and thus protecting consumers. The judgment established the principle of mutual recognition, so that it was no longer imperative for the Commission to pursue uniform European standards. Instead, it could determine minimum objectives and requirements that products should meet, regarding health and safety for example, giving more political saliency to such norms. Moreover, *Cassis de Dijon* relieved some of the pressure that had been building in the harmonisation process due to the Council's backlog of directives waiting for adoption, which also gave the EP more room for manoeuvre.¹⁵⁷

The overall lack of salience of consumer protection had a strong gender dimension. It was difficult for MEPs to build their political profile around the policy issue because it was often regarded as the domain of women. In the 1970s, the prevailing view of consumer affairs was that it mostly concerned groceries and the household budget, both of which were traditionally managed by housewives. Even though this limited its political resonance, it also created a way for the minority of female MEPs to gain prominence. The most active MEPs in the field were women from the political left. In that sense, consumer protection was not just about product safety and value for money, but also about the emancipation of women in the marketplace and society at large, not least because it was women who made these voices heard at the EC level. Consumer policy thus had political potential for the EP as well. This became clear in cases where public trust in the safety of products or foodstuffs suffered from scandals that increased the relevance of the policy field, and by extension the relative weight of the EP. Through modern mass media, the violence and harm that these disasters and scandals entailed travelled well beyond the affected areas and quickly turned into Europe-wide concerns. MEPs successfully channelled these concerns, because they gave a sudden importance to issues that they had often advocated in intra- and inter-institutional relations for a long time.

This dynamic, where the EP used the momentum generated by disasters and scandals to advance the protection of public health, continued after the period under study. This became evident in the food safety crisis that occurred in the EC as a result of the BSE epidemic among cows, which could cause a fatal brain disease in humans. Having set up a committee of enquiry in 1996, the EP condemned the European Commission's failure to follow the precautionary principle, first codified in the 1992 Maastricht Treaty.¹⁵⁸ The EP's damning verdict of the Commission's failure to ensure public health marked the beginning of a wholesale reform of European food safety policy. It finally led to a more integrated and precautionary approach to food safety, and to the establishment of the European Food Safety Authority in 2002 – the successor to the Scientific Committee on Foodstuffs.

The EP's activism following food and product safety crises has not just strengthened the EU's role in consumer protection, but has also transformed the overall image of consumer protection. Whilst MEPs tended to associate consumer protection strongly with domestic life in the 1970s, perceptions have changed since then. Consumer policy has become an area of regulatory competition between

¹⁵⁷ Albertina Albors-Llorens, Catherine Barnard and Brigitte Leucht (eds.) (2021), *Cassis de Dijon: Forty Years On*, London: Bloomsbury.

¹⁵⁸ Interview with Paola Testori Coggi, Milan/Tours, 18 January 2017 (Guia Migani, HISTCOM.3, EUI Oral History Collections); EP, Doc. A4-0020/97.

the world's largest economic blocs. The earliest signs of this were already becoming apparent in the early 1980s, when the EP called for measures following the scandal involving hormone-raised veal and beef. The Commission's subsequent decision to ban growth hormones in 1985 led to a serious trade dispute with the United States and Canada.¹⁵⁹ The EP and other EU institutions have thus come to recognise that consumer policy, far from being limited to domestic life, extends even beyond the internal market and trade in a more limited sense, and has in fact become a matter of geopolitics. In 2017, the EP, for the first time, called for actively 'exporting' European standards in this policy field.¹⁶⁰

Notwithstanding the progress made in advancing consumer protection in the EU, the tension between innovation and precaution has lost none of its relevance. If anything, it has greater pertinence than ever in times of climate crisis. After all, it captures the two visions for European integration: on the one hand, advocacy of economic growth as the EU's primary objective, and on the other, the precautionary approach that inspires an alternative view of European integration in which other values – public health, social justice, environmental and climate protection – are foremost. This tension plays out in relatively small regulatory debates that nonetheless incite passions across the EU, such as over the pesticide glyphosate. Extrapolated to a larger scale, this tension raises again the question that was central to the 'long 1970s': what is the EU's primary purpose – economic growth or the welfare and quality of life of its citizens? If the answer is both, how can they be reconciled?

¹⁵⁹ Vogel, *Trading up*, 150-195.

¹⁶⁰ Anu Bradford (2020) *The Brussels Effect. How the European Union Rules the World*, Oxford: OUP; EP, [Future of Europe: European Parliament sets out its vision](#), October 2017, 19, (accessed 10 October 2023).

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Drawing on a wide array of sources and literature, this study examines the role of the European Parliament in the establishment of the European Community's consumer policy. It argues that Parliament played a key role in placing this nascent policy issue on the agenda. It influenced the definition of what the policy should include, what it should focus on, and which instruments should be used to address the problems facing European consumers. In this process, Parliament filtered ideas, issues and political objectives from national and international debates into the European Community.

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