Trade Regulations and Standards in France

U.S. Commercial Service France

Import Tariffs

Member states of the European Union have established a Community Integrated Tariff (TARIC) system, where duties are applied to imports from non-EU countries. TARIC was established by the 1958 Treaty of Rome as part of the European Economic Community (EEC). The Uruguay Round has reinforced the Single Market program. It focuses on the consolidation of an integrated European market, rather than on developing new policy directions. There are combined bilateral, regional, and multilateral policies.

Duties levied on imports from non-EU countries, including the United States, are moderate. Most raw materials enter duty-free or at low rates, most manufactured goods are subject to rates between 5 and 17 percent. Most agricultural product imports are covered by the Common Agricultural Policy (CAP), subjecting many items to varied levies designed to equalize the prices of imported commodities with those produced in the EU. Agricultural products are strictly regulated based on EU and French standards.

France and other EU member states have a network of bilateral and regional trade agreements. The EU has entered into customs union agreements (with Turkey, Cyprus, Andorra and Malta) and 26 free trade agreements under either GATT Article XXIV or GATS Article V. There are free trade agreements (two-way free trade without common external tariffs) and other sorts of preferential trade agreements with Norway, Iceland, Switzerland, Liechtenstein, Israel, the Palestinian Authority, Tunisia, Morocco, Jordan, Egypt, Lebanon, Syria and Algeria. Free Trade Agreements with Mexico and South Africa were concluded in 1999. The EU provides non-reciprocal preferential access to its markets to ACP countries (African, Caribbean and Pacific developing countries) under the Cotonou Agreement, and to other developing countries under the Generalized System of Preferences (GSP).

To export consumer-ready food products to France, a U.S. exporter should consider market access restrictions and food laws. Most processed products entering the European Union and France are subject to additional import charges based on the percentage of sugar, milk fat, milk protein and starch in the product. These additional import charges may make certain imported processed
products non-competitive in the European market, vis-à-vis similar products produced in the EU. Interested U.S. exporters should contact the Office of Agricultural Affairs for up-to-date information on this issue.

The EU tariff schedule is based on the Customs Cooperation Council Nomenclature (CCCN), which is also referred to as the Harmonized System. This system was introduced to provide a standard tariff classification regime for all products imported and exported throughout the world. Agriculture has high import tariffs in order to maintain a strict regime of what type of produce and meat are accepted into the EU. Hormone-treated beef continues to be banned by the EU despite WTO rulings that the ban violates international trade agreements. The decreasing average for industrial manufacturing goods is expected to be around 3 per cent over the next few years.

**Traderier Bars**

For information on existing trade barriers, please see the National Trade Estimate Report on Foreign Trade Barriers, published by USTR and available through the following website: http://www.ustr.gov/assets/Document_Library/Reports_Publications/2008/2008_NTE_Report/asset_

Information on agricultural trade barriers can be found at the following website: http://useu.usmission.gov/agri/

To report existing or new trade barriers and get assistance in removing them, contact either the Trade Compliance Center at http://www.trade.gov/tcc or the U.S. Mission to the European Union at http://www.buyusa.gov/europeanunion.

**Import Requirements and Documentation**

The Integrated Tariff of the Community, referred to as TARIC (Tarif Intégré de la Communauté), is designed to show various rules applying to specific products being imported into the customs territory of the EU or, in some cases, when exported from it. To determine if a license is required for a particular product, check the TARIC.

The TARIC can be searched by country of origin, Harmonized System (HS) Code, and product description on the interactive website of the Directorate-General for Taxation and the Customs Union. The online TARIC is updated daily.

Many EU Member States maintain their own list of goods subject to import licensing. For example, Germany's "Import List" (Einfuhrliste) includes goods for which licenses are required, their code numbers, any applicable restrictions, and the agency that will issue the relevant license. The Import List also indicates whether the license is required under German or EU law. For
information relevant to Member State import licenses, please consult the relevant Member State Country Commercial Guide.

Import Documentation

Non-agricultural Documentation The official model for written declarations to customs is the Single Administrative Document (SAD). European Free Trade Association (EFTA) countries including Norway, Iceland, Switzerland, and Liechtenstein also use the SAD. However, other forms may be used for this purpose. Information on import/export forms is contained in Title VII, of Council Regulation (EEC) No. 2454/93, which lays down provisions for the implementation of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code (Articles 205 through 221). Articles 222 through 224 provide for computerized customs declarations and Articles 225 through 229 provide for oral declarations.

Additional information on import/export documentation can be found in Title III, of Council Regulation (EEC) No. 2913/92 of October 12, 1992, establishing the Community Customs Code (Articles 37 through 57). Goods brought into the customs territory of the Community are, from the time of their entry, subject to customs supervision until customs formalities are completed.

Goods presented to customs are covered by a summary declaration, which is lodged once the goods have been presented to customs. The customs authorities may, however, allow a period for lodging the declaration, which cannot be extended beyond the first working day following the day on which the goods are presented to customs. The summary declaration can be made on a form corresponding to the model prescribed by the customs authorities. However, the customs authorities may permit the use, as a summary declaration, of any commercial or official document that contains the particulars necessary for identification of the goods. It is encouraged that the summary declaration be made in computerized form.

The summary declaration is to be lodged by:

• the person who brought the goods into the customs territory of the Community or by any person who assumes responsibility for carriage of the goods following such entry; or

• the person in whose name the person referred to above acted. Non-EU goods presented to customs must be assigned a customs-approved treatment or use authorized for such non-Community goods. Where goods are covered by a summary declaration, the formalities for them to be assigned a customs-approved treatment or use must be carried out:

• 45 days from the date on which the summary declaration is lodged in the case of goods carried by sea;
• 20 days from the date on which the summary declaration is lodged in the case of goods carried other than by sea.

Where circumstances so warrant, the customs authorities may set a shorter period or authorize an extension of the period. The Modernized Customs Code (MCC) of the European Union is expected to be passed into law in the first half of 2008. The MCC will replace the existing Regulation 2913/92 and simplify various procedures such as introducing a paperless environment, centralized clearance, and more.

Batteries

EU battery rules changed in September 2006 following the publication of the Directive on batteries and accumulators and waste batteries and accumulators (Directive 2006/66). This Directive replaces the original Battery Directive of 1991 (Directive 91/157). The updated Directive applies to all batteries and accumulators put on the EU market including automotive, industrial and portable batteries. It aims to protect the environment by restricting the sale of batteries and accumulators that contain mercury or cadmium (with an exemption for emergency and alarm systems, medical equipment and cordless power tools) and by promoting a high level of collection and recycling. It places the responsibility on producers to finance the costs associated with the collection, treatment, and recycling of used batteries and accumulators. The Directive also includes provisions on the labeling of batteries and their removability from equipment. EU Member States must implement the EU Directive into their national law by September 26, 2008.

REACH – Control of Chemicals

REACH is a major reform of EU chemicals policy that was adopted in December 2006 and became national law in the 27 EU Member States in June 2007 (Regulation 1907/2006). Virtually every industrial sector, from automobiles to textiles, is affected by the new policy. REACH stands for the "Registration, Evaluation and Authorization and Restriction of Chemicals." Starting June 1, 2008, REACH requires chemicals produced or imported into the EU in volumes above 1 ton per year per to be registered with a central European Chemicals Agency (ECHA), including information on their properties, uses and safe ways of handling them. Chemicals pre-registered before December 1, 2008 benefit from extended registration deadlines, from three to eleven years depending on the volume of the substance and its hazard properties. U.S. companies without a presence in Europe cannot register directly and must have their chemicals registered through their importer or EU-based ‘Only Representative of non-EU manufacturer’.
U.S. exporters to the EU should carefully consider the REACH ‘Candidate List’ of substances of very high concern. Substances on that list are subject to communication requirements and may at a later stage require Authorization for the EU market.

WEEE & RoHS EU rules on waste electrical and electronic equipment (WEEE), while not requiring specific customs or import paperwork, may entail a financial obligation for U.S. exporters. They require U.S. exporters to register the products with a national WEEE authority, or arrange for this to be done by a local partner. Similarly, related rules for EEE restricting the use of the hazardous substances (RoHS) lead, cadmium, mercury, hexavalent chromium, PBBs, and PBDEs, do not entail customs or importation paperwork. However, U.S. exporters may be asked by a European RoHS enforcement authority or by a customer to provide evidence of due diligence in compliance with the substance bans on a case-by-case basis. Work is underway to revise the WEEE and RoHS Directives; some new rules could take effect as early as 2011.

**Agricultural Documentation**

**Phytosanitary Certificates:** Phytosanitary certificates are required for most fresh fruits, vegetables, and other plant materials.

**Sanitary Certificates:** For commodities composed of animal products or by-products, EU countries require that shipments be accompanied by a certificate issued by the competent authority of the exporting country. This applies regardless of whether the product is for human consumption, for pharmaceutical use, or strictly for non-human use (e.g., veterinary biologicals, animal feeds, fertilizers, research). Many of these certificates are uniform throughout the EU, but the harmonization process has not been finalized yet. During this transition period, certain Member State import requirements continue to apply. In addition to the legally required EU health certificates, a number of other certificates are used in international trade. These certificates, which may also be harmonized in EU legislation, certify origin for customs purposes and certain quality attributes. Up-to-date information on harmonized import requirements can be found at the following website: http://useu.usmission.gov/agri/certificates-overview.html.
Sanitary Certificates (Fisheries): In April 2006, the European Union declared the U.S. seafood inspection system as equivalent to the European one. Consequently, a specific public health certificate must accompany U.S. seafood shipments. Commission Decision 2006/199/EC places specific conditions on imports of fishery products from the U.S. Sanitary certificates for live shellfish are covered by Commission Regulation (EC) 1664/2006 and must be used for gastropods, bivalve mollusks, tunicates and echinoderms. The two competent Authorities for issuing sanitary certificates are the FDA and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS/NOAA/USDC).

Since May 1, 2007, with the implementation of the second Hygiene Package, aquaculture products coming from the United States must be accompanied by a public health certificate according to Commission Decision 2006/199/EC and the animal health attestation included in the new fishery products certificate covered by Regulation (EC) 1664/2006. This animal health attestation is not required in the case of live bivalve mollusks intended for immediate human consumption (retail).

U.S. Export Controls

For information on existing trade barriers, please see the National Trade Estimate Report on Foreign Trade Barriers, published by USTR and available through the following website:


Information on agricultural trade barriers can be found at the following website:

http://www.useu.usmission.gov/agri/usda.html

To report existing or new trade barriers and get assistance in removing them, contact either the Trade Compliance Center at http://www.trade.gov/tec or the U.S. Mission to the European Union at http://www.buyusa.gov/europeanunion

The following concerns trade barriers specific to France. Enforcement of complex technical standards and lengthy testing procedures sometimes appears to exceed reasonable requirement levels needed to assure proper performance and safety, for example in the areas of electronics, telecommunications equipment, and agriculture phytosanitary standards. There has been progress towards removal of non-tariff barriers in trade with France and other EU countries under WTO agreements and in the context of the transatlantic dialogue, and toward harmonization of standards.
through mutual recognition agreements (MRAs). The 1989 EU Broadcast Directive requiring a "majority proportion" of television programming to be of European origin was incorporated into French legislation on January 21, 1992. France specifies a percentage of European programming (60 percent) and French programming (40 percent). These broadcast quotas were approved by the EU Commission and became effective on July 1, 1992. They are less stringent than France's previous quota provisions, which required that 60 percent of all broadcasts be of EU origin, and that 50 percent be originally produced in French. The 60 percent European/40 percent French quotas are applicable throughout the day, as well as during prime time slots. The prime time rules go beyond the requirements of the EU Broadcast Directive and limit market access for U.S. programs. Nevertheless, the market share of U.S. films and television shows remains high. Similar quotas affect radio broadcasting as well. Under legislation enacted in the early 1990s, the French government requires non-EU lawyers to qualify as "avocats", on the basis of full-fledged membership in the French bar. Legal consulting service providers in foreign and international law are required to be licensed in French law. Non-EU firms are not permitted to establish branch offices in France under their own names. Also, foreign lawyers and firms are not permitted to form partnerships with or hire French lawyers. Furthermore, the professional category of "legal consultant" no longer exists in France.

Concerning accounting services, there is a nationality requirement for establishment, which can be waived at the discretion of the French authorities. However, an applicant for such a permit must have lived in France for at least five years.

**Temporary Entry**

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Many EU Member States maintain their own list of goods subject to import licensing. For example, Germany's "Import List" (Einfuhrliste) includes goods for which licenses are required, their code numbers, any applicable restrictions, and the agency that will issue the relevant license. The Import List also indicates whether the license is required under German or EU law. For information relevant to Member State import licenses, please consult the relevant Member State Country Commercial Guide.
Labeling and Marking Requirements

An overview of EU mandatory and voluntary labeling and marking requirements has been compiled in a market research report that is available at: http://www.buyusainfo.net/docs/x_4171929.pdf. The subject has been also been covered in the section about standards (see below).

Prohibited and Restricted Import

The TARIC is designed to show various rules applying to specific products being imported into the customs territory of the EU or, in some cases, when exported from it. To determine if a product is prohibited or subject to restriction, check the TARIC for that product for the following codes:

- CITES Convention on International Trade of Endangered Species
- PROHI Import Suspension
- RSTR Import Restriction

For information on how to access the TARIC, see the Import Requirements and Documentation Section above. Key Link: http://ec.europa.eu/taxation_customs/common/databases/taric/index_en.htm

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For information on how to access the TARIC, see the Import Requirements and Documentation Section above. Key Link: http://ec.europa.eu/taxation_customs/common/databases/taric/index_en.htm Customs Regulations and Contact Information Return to top Homepage of Customs and Taxation Union Directorate (TAXUD) Website Key Link: http://ec.europa.eu/taxation_customs/customs/index_en.htm

Major Regulatory Efforts of the EC Customs and Taxation Union Directorate:
Electronic Customs Initiative – Deals with major EU Customs modernization developments to improve and facilitate trade in the EU Member States. The electronic customs initiative is essentially based on the following three pieces of legislation:

• The Security and Safety Amendment to the Customs Code, which provides for full computerization of all procedures related to security and safety;

• The Decision on the paperless environment for customs and trade (Electronic Customs Decision) which sets the basic framework and major deadlines for the electronic customs projects;

• The modernized Community Customs Code which provides for the completion of the computerization of customs

Key Link:

Customs Valuation – Most customs duties and value added tax (VAT) are expressed as a percentage of the value of goods being declared for importation. Thus, it is necessary to dispose of a standard set of rules for establishing the goods' value, which will then serve for calculating the customs duty.

The EU imports in excess of one trillion euro worth of goods (year 2004 estimate). It is vitally important that the value of such commerce is accurately measured, for the purposes of:

• economic and commercial policy analysis,

• application of commercial policy measures,

• proper collection of import duties and taxes, and

• import and export statistics.

These objectives are met using a single instrument - the rules on customs value.

The EU applies an internationally accepted concept of ‘customs value’.
The value of imported goods is one of the three 'elements of taxation' that provides the basis for assessment of the customs debt, which is the technical term for the amount of duty that has to be paid, the other ones being the origin of the goods and the customs tariff. Key Link: http://ec.europa.eu/taxation_customs/customs/customs_duties/declared_goods/index_en.htm

*Customs and Security* – At the end of July 2003, the Commission presented to the Parliament and Council a series of measures to address security issues. These measures can be found in two communications and a proposal for amending the Community Customs Code. This package brings together the basic concepts underlying the new security-management model for the EU's external borders, such as a harmonized risk assessment system. The security amendment to the Community Customs Code (Regulation (EC) n° 648/2005 of 13 April 2005) has been published in the Official Journal of the European Union on 4 May 2005. With this amendment the European Union introduces a number of measures to tighten security around goods crossing international borders. The measures will mean faster and better-targeted checks. The results are positive for customs authorities, the public and industry.

The measures cover three major changes to the Customs Code:

- require traders to provide customs authorities with information on goods prior to import to or export from the European Union (see Pre Arrival / Pre Departure Declarations);

- provide reliable traders with trade facilitation measures (see Authorized Economic Operator - AEO);

- introduce a mechanism for setting uniform Community risk-selection criteria for controls, supported by computerized systems. Key Link: http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_security/index_en.htm

**Standards**

**Overview**

Products tested and certified in the United States to American standards are likely to have to be retested and re-certified to EU requirements as a result of the EU’s different approach to the protection of the health and safety of consumers and the environment. Where products are not regulated by specific EU technical legislation, they are always subject to the EU’s General Product Safety Directive as well as to possible additional national requirements. European Union standards created under the New Approach are harmonized across the 27 EU Member States and European Economic Area countries to allow for the free flow of goods. A feature of the New
Approach is CE marking. For a list of new approach legislation, go to www.newapproach.org. This list shows that not all products are covered by EU legislation calling for CE marking.

While harmonization of EU legislation can facilitate access to the EU Single Market, manufacturers should be aware that regulations and technical standards might also function as barriers to trade if U.S. standards are different from those of the European Union.

**Agricultural Standards**

The establishment of harmonized EU rules and standards in the food sector has been ongoing for several decades, but it took until January 2002 for the publication of a general food law establishing the general principles of EU food law. This Regulation introduced mandatory traceability throughout the feed and food chain as of Jan 1, 2005. For specific information on agricultural standards, please refer to the Foreign Agricultural Service’s website at: http://useu.usmission.gov/agri/.

**Conformity Assessment**

Conformity Assessment is a mandatory step for the manufacturer in the process of complying with specific EU legislation. The purpose of conformity assessment is to ensure consistency of compliance during all stages of the production process to facilitate acceptance of the final product. EU product legislation gives manufacturers some choice with regard to conformity assessment, depending on the level of risk involved in the use of their product.

These range from self-certification, type examination and production quality control system, to full quality assurance system. You can find conformity assessment bodies in individual Member State country in this list by the European Commission.

To promote market acceptance of the final product, there are a number of voluntary conformity assessment programs. CEN’s certification systems are the Keymark, the CENCER mark, CEN workshop agreements (CWA) and the European Standard Agreement Group. CENELEC has its own initiative. ETSI does not offer conformity assessment services.
Product Certification

To sell products on the EU market of 27 Member States as well as Norway, Liechtenstein and Iceland, U.S. exporters are required to apply CE marking whenever their product is covered by specific product legislation. CE marking product legislation offers manufacturers a number of choices and requires decisions to determine which safety/health concerns need to be addressed, which conformity assessment module is best suited to the manufacturing process, and whether or not to use EU-wide harmonized standards. There is no easy way for U.S. exporters to understand and go through the process of CE marking, but hopefully this section provides some background and clarification.

Products manufactured to standards adopted by CEN, CENELEC and ETSI, and published in the Official Journal as harmonized standards, are presumed to conform to the requirements of EU Directives. The manufacturer then applies the CE marking and issues a declaration of conformity. With these, the product will be allowed to circulate freely within the EU. A manufacturer can choose not to use the harmonized EU standards, but then must demonstrate that the product meets the essential safety and performance requirements. Trade barriers occur when design, rather than performance, standards are developed by the relevant European standardization organization, and when U.S. companies do not have access to the standardization process through a European presence.

The CE marking addresses itself primarily to the national control authorities of the Member States, and its use simplifies the task of essential market surveillance of regulated products. Although CE marking is intended primarily for inspection purposes by Member State inspectors, the consumer may well perceive it as a quality mark.

The CE marking is not intended to include detailed technical information on the product, but there must be enough information to enable the inspector to trace the product back to the manufacturer or the authorized representative established in the EU. This detailed information should not appear next to the CE marking, but rather on the declaration of conformity (which the manufacturer or authorized agent must be able to provide at any time, together with the product's technical file), or the documents accompanying the product.

French Certification body “AFNOR CERTIFICATION”:

NF network
To expand its activities and thus improve recognition of its labels, AFNOR CERTIFICATION relies on the strength and expertise of a network of impartial and competent bodies whose scientific knowledge and technical know-how ensure the value and credibility of its certifications.

AFNOR Certification calls upon mandated bodies (to which all the certification operations are assigned), technical secretariats (to which part of the certification process is subcontracted), specialized laboratories and inspection and auditing bodies, a network of specialized auditors. All these bodies meet the requirements for impartiality, competence and integrity described in NF EN 45011 or NF EN ISO/IEC 17025 that define the respective obligations to be fulfilled by the product certifying bodies and laboratories. AFNOR CERTIFICATION controls the entire NF network and ensures its consistency.

*Mandated Bodies for Certification*

The "mandated" bodies occupy a special position in this NF network, as they are highly experienced in the certification business and experts in their respective fields. In addition, they undertake to develop new NF mark applications. AFNOR CERTIFICATION delegates all the certification operations to certified bodies (see full contacts information at the end of this section).

Laboratories and inspection and auditing bodies for Certification:

The network also includes several dozen laboratories and auditing and inspection bodies. These partners are recognized on a national, European or even international level and carry out the tests and audits specified by the NF mark. They are experts in specific applications and leading practitioners in test methods and industry developments in their sector. For all practical information on mandated bodies, contact catherine.vincensini@afnor.fr and on other subcontractors, contact arnaud.desaxce@afnor.fr

*Accreditation*

Independent certification bodies, known as notified bodies, have been officially accredited by competent authorities to test and certify to EU requirements. However, under U.S.-EU Mutual Recognition Agreements (MRAs), notified bodies based in the United States and referred to as conformity assessment bodies, are allowed to test in the United States to EU specifications, and vice versa. The costs are significantly lower which results in U.S. products becoming more competitive. At this time, the U.S.-EU MRAs cover the following sectors: EMC (in force), RTTE (in force), medical devices (in transition), pharmaceutical (on hold), recreational craft (in force) and marine equipment (in force). The U.S. Department of Commerce, National Institute of Standards and Technology (NIST), has a link on its website to American and European Conformity Assessment bodies operating under a mutual recognition agreement.
Accreditation is handled at Member State level. "European Accreditation" (http://www.european-accreditation.org/default_flash.htm) is an organization representing nationally recognized accreditation bodies. Membership is open to nationally recognized accreditation bodies in countries in the European geographical area that can demonstrate that they operate an accreditation system compatible with EN45003 or ISO/IEC Guide 58.

Publication of Technical Regulations

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Labeling and Marking

Manufacturers should be mindful that, in addition to the EU’s mandatory and voluntary schemes, national voluntary labeling schemes might still apply. These schemes may be highly appreciated by consumers, and thus, become unavoidable for marketing purposes. Manufacturers are advised to take note that all labels require metric units although dual labeling is also acceptable until end of December 2009. The use of language on labels has been the subject of a Commission Communication, which encourages multilingual information, while preserving the right of Member States to require the use of language of the country of consumption.
The French Presidency to the EU (in the second half of 2008) took action on biotechnology, resulting in the Council of Environmental Ministers in December. The Council unanimously adopted a document that lays the groundwork for broadening biotech reviews in terms of increased MS involvement in assessment and monitoring, and for eliciting input from a wider range of scientists and other stakeholders. The Council also urged the Commission to establish an adventitious presence threshold for seeds. While the societal preference issue failed to get traction in the Ag Council, the Environmental Council under the French Presidency adopted language encouraging MS to gather socio-economic data on biotechnology for further discussion. For full conclusions of the December 4 EU Council on biotechnology, please see:

France implemented the EU Novel Food/Novel Feed and Traceability and Labeling Regulations on April 18, 2004, and the Fraud Control Office of the French Ministry of Economy, Finance and Industry (DGCCRF) is the enforcing authority.

Read the full market research report