

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Required Report - public distribution

Date: 8/28/2009

GAIN Report Number: FR9021

France

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Elizabeth B. Berry

Prepared By:

Roselyne Gauthier, Xavier Audran, Marie-Cecile Henard

Report Highlights:

This report is an overview of French food and agricultural import regulations which supplements the FAIRS GAIN Report for the European Union (E49058) dated August 7, 2009.

Sections updated from FR8014 include: Food Allergens and Labeling Rules, Health & Nutrition Claims, Packaging and Container Regulations, Import Documentation, Dietetic/Health Foods, Organic Foods, Protected Geographical Indications, and Import Procedures.

Section I. Food Laws:

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Paris, France for U.S. exporters of food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

1. Legislation not regulated in detail at the EU level may be handled differently by Member States. There may be variation in application of the European Union's harmonized legislation (see EU-27 GAIN Report E49058 dated August 7, 2009) due to the transitional period needed to adjust to the new rules; there is also wide variation in inspection fees, registration fees, and the time required to evaluate products used in the food production process.
2. Certain regulations exist both in France and the EU which limit market access for specific U.S. agricultural exports. EU report E49058 should be consulted on regulations for restrictions relative to hormone-treated beef, poultry subject to anti-microbial treatments, genetically modified products and other products. The ongoing harmonization of EU import regulations, as well as the implementation of the Uruguay Round commitments under the World Trade Organization (WTO), may result in the elimination of French regulations inconsistent with the WTO, as well as in the conversion of quotas, variable levies and restrictive licensing to tariffs which are to be reduced over time. **Additional products which are subject to restrictive regulations include: enriched flour, animal genetics, "exotic meats" such as alligator and buffalo, crayfish, pet food, vitamin supplements, and certain fruits and vegetables.** These products are subject to EU quality norms and must be inspected at the point of entry. More details concerning regulations for these products can be found in Section VI "Other Regulations and Requirements" of this report.

Section II. Labeling Requirements:

(see EU-27 GAIN Report E49058 dated August 7, 2009 **for EU Labeling requirements**)

1. General Requirements

EU Directive 2000/13/EC dated March 20, 2000, as modified, applies to labeling of food products. France transcribed this Directive into the "Code de la Consommation - Partie Réglementaire - Livre Premier" and is available on the following website:

<http://www.legifrance.gouv.fr>

The "Code de la Consommation" stipulates that all products destined for France must have labels in French, regardless of the origin of the product. Multilingual labels are acceptable.

French label and product ingredient regulations are among the strictest in the European Union. The General Direction for Competition, Consumption and Fraud (DGCCRF) is responsible for enforcing these regulations and can be reached at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Économie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: (33-1) 44 97 3031
Internet: <http://www.dgccrf.minefi.gouv.fr>

French regulations severely limit superlatives in food labeling. Product nomenclature may describe a product, but not

promote it. For example, terms such as “great” cannot be used to describe a food product. The use of the word “natural” may depend upon its location on the label and the product. Using traditional French cuisine terms, such as “beef bourguignon” is prohibited. Labels may not imply that a food has certain properties when similar products possess the same properties.

Labels must not confuse the consumer. For example, “Peanut Butter” should be denominated as “Pâte d’arachide” (paste of peanuts) and not “beurre d’arachide” (butter of peanuts) since it does not contain any butter as defined by French regulations.

Generic terms such as beer, yogurt, and candy can be used only if the product is certified as produced in accordance with specific processing procedures. Products that do not conform to these procedures can be imported, but may not carry generic labeling terms and may be subject to special taxes.

The use of the French language is mandatory in documents as well as on labels, packaging, and merchandise. The use of foreign names is forbidden in place of existing equivalent French terms. However, the following names are allowed: chorizo, couscous, gin, merguez, paella, salami, vodka, aquavit, gorgonzola and whiskey.

Other labeling requirements:

e product name, net quantity (in metric units), date of minimum shelf life (DLC) for perishable products or the date of optimal usage (DLUO) for non-perishable products, and the name and address or EU identification number of the importer must be in the same area of the label.

r non-perishable products, the DLUO must appear on the label using the words, “A consommer de préférence avant fin (Best consumed before) (day, month, year). For perishable products, the DLC must appear on the label using the words, “A consommer avant (to be consumed before) (day, month, year). However, for extremely perishable products, the DLC must appear on the label as “A consommer jusqu’au) (to be consumed until) (day, month, year) or “A consommer jusqu’à la date figurant (to be consumed no later than) (day, month, year).

roducts which are exempt from indicating the DLC or DLUO include: fresh fruits and vegetables, wines and spirits, alcoholic beverages with an alcoholic content equal to or greater than 10.5 percent by volume, vinegars, sugar, confectionery items, and live shellfish intended for raw consumption.

e name and address of the manufacturer, packer or vendor within the EU must be provided.

redients, including herbs and spices, must be listed in descending order of their quantity in the product at the time of manufacturing or processing. The list of ingredients should be preceded by the word, “Ingredients.” When ingredients are included in the name of the product, their weight, as a percentage of total net product, must be included in the ingredients list (see QUID section below).

ditives and preservatives must be included on the label of all food products, either by specific group name or by “E” Number. Certain substances, such as herbs, spices and aromatics, should be listed on the ingredients list; if their names are used in the name of the product, the percentage must be stated. Flavorings are considered additives and should be noted as “arôme de” followed by the name of the flavor.

e country of origin must be indicated in letters not less than 4 mm in height on all product cases (packing labels, etc.). The abbreviation “USA” is acceptable in France.

e alcoholic content must be indicated on the label of all beverages with an alcoholic content greater than 1.2 percent, by volume.

r prepackaged food products, the manufacturer’s lot number must be listed on the packaging or on the commercial documents accompanying the product and should be preceded by the letter “L.”

iximum storage temperature should be specified for frozen foods. If appropriate, the word “SURGELE” (quick frozen)

should be in a highly visible place in capital letters on the label.

For canned foods packed in liquid, in addition to the net product weight, the drained weight in metric units must also be included on the label. The net weight of the product must be given along with the drained weight if the liquid in the package is used in the preparation of the product. These weights must appear in grams.

The net weight, product weight or the drained weight in metric units must be provided on the label. Few French buyers are familiar with U.S. weights and measures, thus metric weights and measures should always be used in commercial transactions.

The word, "butter" or "cream" may not be used on the label of certain foodstuffs, unless the only fat used is butter fat. Concentrated butter may be used instead of butter and the word "butter" may be used on the label provided the fatty acid composition of the concentrated butter has not been altered by any treatment, in particular by hydrogenation. Hydrogenated butter is considered to be a food fat and not butter. If concentrated butter is used in the product, one may not use the words "pure", "fine", "extra", "fresh", etc., in combination with the word "butter".

For certain foodstuffs, the word "milk" or "milk products" may only be used if certain minimum quantities of milk solids are present in the product.

Individual portions of beef under 3 kilograms are not accepted for import into France.

A veterinary stamp or sanitary certificate is mandatory on products of animal origin (meat, pork, milk, eggs, fish and seafood).

Instruction for use (or advice on preparation of a food product) is mandatory only when necessary, and should be clearly indicated and visible on the label to allow the appropriate use of the product.

Food Allergens and Labeling Rules

Directives 2003/89 of 11/10/03 and 2006/142/EC of 12/22/06, which require operators to include certain allergens used in the product's manufacturing process on the label's list of ingredients, were transposed by French decree 2007-1802 of 12/21/2007, modifying Annex IV of Chapter II title 1er of the livre 1er du Code de la Consommation (partie réglementaire). See text at:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000882147&dateTexte=&fastReqId=1979784041&fastPos=1&oldAction=rechExpTransposition>.

For more information on food allergen labeling rules, see EU-27 GAIN Report E49058 dated August 7, 2009 and http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/index_en.htm

2. Requirements Specific to Quantitative Ingredients (QUID)

(These requirements are not specific to France. Please refer to see EU-27 GAIN Report E49058 dated August 7, 2009 for information and general guidelines).

3. Requirements Specific to Nutrition and Health Claims

These requirements are subject to a new EU Regulation which entered into force July 1, 2007. Please refer to EU-27 GAIN Report E49058 dated August 7, 2009 for information and general guidelines.

Section III. Packaging and Container Regulations:

For products requiring special packaging or container sizes to enter the EU, such as wines and alcohol, see EU-27 GAIN Report E49058 dated August 7, 2009. France has its own packaging/container size requirements for a large variety of food products, including beers, fermented beverage, breakfast cereals, pre-packed fruits and vegetable, non-alcoholic beverages, coffee, milk, oil and vinegar, ice creams, frozen fish, frozen fruits and vegetables, dried fruits and vegetables, and pet foods.

A wide variety of prepackaged foods requires a declaration of unit price, per kilo, 100 grams, deciliter or liter. This requirement is already in force for all retail sales outlets. Although not mandatory, bar codes for all products are used in supermarkets.

By Council Directive 94/62/EC, Member States were required to adopt measures to reduce packaging waste. France transposed this directive by decree 96-1008 of 11/18/96. France also adopted a decree, in force since January 1993, stipulating that entities responsible for the initial placement of a packaged product on the market used by households must contribute to, or provide for, the disposal of the used packaging. Eco-Emballages has developed a green logo for packaging indicating that the packaging manufacturer participates in a municipal waste disposal system for recycling. Under the same conditions, and in agreement with the French ministries, the wine and spirit industry created its own packaging recycling system called Adelphe.

The French regulation implementing EU Directives for packaging materials in contact with food products is contained in brochure No. 1227 of 2002, and includes previous modifications. This brochure can be obtained from the French Official Journal (see address listed in Appendix II of this report), and can also be viewed on the following website:
http://ec.europa.eu/food/food/chemicalsafety/foodcontact/framework_en.htm

Note: the use of the following materials in direct contact with foods is strictly forbidden in France: copper, zinc, and galvanized iron, except for use in the process of distilling, confectionary and chocolate manufacturing.

Section IV. Food Additives Regulations:

France has very restrictive additive regulations. Inclusion of a food additive on the EU list of approved additives does not automatically imply that the additive is approved for use in France or that it is approved for use in all types of food products.

The French decree of October 2, 1997, published in the French Official Journal of November 8, 1997, as modified, implements the EU Directives on additives authorized in food products. The French decree also stipulates the requirements and restrictions on the use of additives in foodstuffs, and establishes maximum tolerance levels.

A copy of the French Official Journal of November 8, 1997 on additives authorized for use in food products may be obtained from:

- Journal Officiel de la République Française
Direction des Journaux Officiels
26, rue Desaix
75727 Paris Cedex 15
Tel: (33-1) 40 58 7979
Fax: (33-1) 45 79 1784
Contact: Information Services
Internet: <http://www.legifrance.gouv.fr>

Section V. Pesticides and Other Contaminants:

Legislation on pesticides and contaminants is partially harmonized in the EU. For EU regulations, see EU GAIN Report E48078.

1. Pesticide Authorization Procedure

Authorization

The list of phytosanitary products authorized in France is available at the French Ministry of Agriculture's (MinAg) Directorate for Food (Direction Generale de l'Alimentation (DGAL)'s website: <http://e-phy.agriculture.gouv.fr/>. This website lists authorized phytosanitary products, those no longer authorized, authorized active substances, maximum residue levels ("Limites Maximales de Residus" or LMR) by substance and by plant, companies involved, fertilizers, blends, and toxicology information.

In France, DGAL is the competent authority which authorizes pesticides. It provides assessments to a number of committees including experts, government representatives and civil society members (such as consumer associations and environmental protection organizations). For more information on the committees, see: http://www.agriculture.gouv.fr/spip/ressources.themes.santeetprotectiondesvegetaux.maitrisedesintrants.evaluationdesproduits.proceduresdemisesurlemarche_r387.html

Product authorizations are based on reviews of standardized scientific files prepared by companies and presented to DGAL, accompanied by complete toxicology and biological studies.

Termination of Authorization

Pursuant to Directive 91/414, the European Union is in the process of reviewing the authorization of some active substances. The list of products for which France is reviewing authorization is available at the MinAg's DGAL website: http://www.agriculture.gouv.fr/spip/ressources.themes.santeetprotectiondesvegetaux.maitrisedesintrants.produitsautorises.retraitdeproduits_r394.html

The following active matters are under review:

- Atrazine, Simazine, Terbutylazine: all products
- Fentines (acétate et hydroxyde): all products
- Parathion-Méthyl: all products
- Diuron: reduced dose of use.

2. Monitoring of Pesticide and Contaminant Content in Food Products

Pesticide Sanitary and Phytosanitary Tests

The Crop Protection Service (SPV) of the Directorate for Food (DGAL) of the French MinAg is responsible for preventing sanitary/phytosanitary risks in crop production. SPV/DGAL tests imported products for sanitary/phytosanitary compliance at points of entry. The Fraud Control Office (DGCCRF) of the French Ministry of Economy, Finance and Industry tests for pesticides and other contaminants on vegetable products.

Section VI. Other Regulations and Requirements:

1. Products that must meet inspection requirements upon entry

As a reminder: EU imports of red meat, meat products, pet food, farm and wild game meat, ratites, milk and milk products, seafood, bovine embryos and semen, porcine and equine semen, gelatin and animal casings from the U.S. must originate from EU approved U.S. establishments (See European Union Food and Agricultural Import Regulations and Standards – see EU-27 GAIN Report E49058 dated August 7, 2009).

Agricultural and food products subject to inspection requirements and/or subject to French trade restrictions include:

Enriched flour

Since adding vitamins to food products is prohibited under French regulations, the importation of any product made with flour enriched with vitamins is also prohibited, with the exception of approved health/diet food products.

Bovine Genetics

The general animal health requirements governing intra-EU trade and imports into the EU of deep-frozen semen of domestic animals of the bovine species are specified in Council Directive 88/407/EEC. This Directive harmonizes:

- the health conditions which semen must satisfy for the purposes of intra-EU trade or third-country importation;
- the conditions for approval of semen collection and storage centers.

Distribution and placement of semen in the country of destination is not covered by the Directive but regulated by Member States. French marketing controls and regulations require that bovine semen imports from third countries must obtain an import license from French Customs prior to importation. The license must also be approved by the:

Ministry of Agriculture

Direction des Politiques Economiques et Internationales,
Sous-Direction de l'Elevage et des Produits Animaux,
Bureau de la Génétique Animale,
3, rue Barbet de Jouy - 75349 Paris 07
Tel: (33-1) 49 55 4695
Fax: (33-1) 49 55 8026

Exotic meat (alligator)

French regulations prohibit the importation of exotic meats, however, importation of alligator meat from the U.S. is currently under review by the French Veterinary Service.

Flightless bird meat (ratite)

Ratite imports must originate from a slaughtering and processing plant certified by the EU. The establishment must comply with the sanitary requirements of Commission Decision 2000/609/CE of September 29, 2000, which specifies animal and public health conditions and the veterinary certification for imports of farmed ratite meat. Decision 94/85/EC provides a list of third countries from which the Member States are authorized to import fresh poultry meat. The United States currently has five EU-certified establishments.

Live crayfish

A 1985 regulation only allows four species of live crayfish to be imported to France, none of which are available from the United States. The GOF is currently trying to discern and quantify the negative impact, if any, that live crayfish could have on the overall aquatic ecosystem in France.

Beef and bison meat

Imports into France of beef and bison meats are possible provided the slaughterhouse is EU-certified and the meat is hormone-free. The U.S. has several EU-certified establishments for beef and two for bison meat. The locations can be found at the FSIS website: <http://www.fsis.usda.gov>

Fruits and vegetables

Fresh fruits and vegetables, including apricots, citrus fruits, artichokes, asparagus, eggplant, garlic, carrots, certain varieties of lettuce, brussels sprouts, cauliflower, cabbage, cucumbers, squash, spinach, strawberries, beans, onions, peaches, leeks, peas, apples, pears, sweet peppers, plums, grapes, tomatoes and kiwis are subject to EU quality norms, which mandate a quality inspection at the border of entry to the European territory prior to obtaining a customs clearance. In addition to the quality inspection, a systematic phytosanitary inspection is done on all shipments of fresh fruits to EU countries, including France. A phytosanitary inspection is not required for fresh vegetables. Certain fresh and processed fruits and vegetables are subject to import certificates (garlic, bananas, canned mushrooms and canned mandarins). In addition, current regulations require traceability of all produce from the producer to the consumer; thus, each handler must be able to supply information about its supplier or buyer.

As per EU regulations, certain fresh fruits and vegetables are subject to seasonal price restrictions. Bananas are subject to quotas and import certification. An import certificate is also required for canned mushrooms and canned mandarins. The import of fresh potatoes from third countries to France is prohibited due to concerns about transmission of certain diseases.

Dried Fruits and Nuts

French standards based on the United Nations Economic Commission for Europe (UNECE) are now established for the following dried fruits and nuts: Almonds; apples; apricots; cashew nuts; date;, fig;, raisins; pears; pine kernels; pistachios and prunes. Note that only walnuts and hazelnuts apply EU standards.

Animal by-products for human consumption

See paragraph 4 (pages 14-17) for French regulations on transmissible spongiform encephalopathies (TSE) and specified risk materials (SRMs).

Animal feed for ruminants and for non-ruminants

See paragraph 4 (pages 14-17) for French regulations on transmissible spongiform encephalopathies (TSE) and specified risk materials (SRMs).

Pet food

According to EU regulation 1774/2002 of the European Parliament and Council dated 3 October 2002 applicable since May 1, 2004, pet food must originate from, and be produced in, plants certified by the French Ministry of Agriculture according to specific instructions of the present regulation, and be accompanied by a health certificate complying with samples

contained in:

- Annex X, Chapter 3 A in the case of canned pet food,
- Annex X, Chapter 3 B in the case of processed pet food other than canned,
- Annex X, Chapter 3 in the case of dog chews.

EU regulation 1774/2002 has recently been modified by EU regulation 829/2007 with new certificates which may be found at:

<https://www.teleprocedures.office-elevage.fr/Impadon/docs/Certificat/Cs-AF-1.pdf>

As of September 1, 2006, pet food must also be accompanied by a declaration of compliance with EU regulation 999/2001 (Annex XI, letter A, paragraph 10(b)), and by an additional certificate in compliance with the French ministerial decree, dated 12 May 2006, modifying the French ministerial decree, dated August 4, 2005 (Annex I, chapter II, certificate in article 5 ; Annex II – certificate in article 6), relating to sanitary conditions applicable to marketing, exchanges, imports and exports of some animal products intended for pet food and pet food processing and other uses.

French authorities require that these additional statements be included on the existing health certificates accompanying U.S. exports of pet food to France. Export certificates need to be obtained prior to the shipment of the product. All certificates must be in French.

To obtain certificates in French, please contact:

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Generale de l'Alimentation
French Ministry of Agriculture
251 rue de Vaugirard
75732 Paris Cedex 15
E-mail: import.mcsi.dgal@agriculture.gouv.fr

To obtain certificates in English, please contact:

Animal Plant Health Inspection Service (APHIS)
Joyce Bowling-Heyward
Senior Staff Veterinarian
National Center for Import and Export
Veterinary Services
phone 301-734-3277
fax 301-734-8226

EU regulation 1774/2002 of the European Parliament and Council dated 3 October 2002 and EU regulation 999/2001 of the European Parliament and of the Council of 22 May 2001 provides rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. These documents can be found in English at <http://europa.eu.int>.

French ministerial decrees can be found in French at the following website: <http://www.legifrance.gouv.fr> by selecting « les

autres textes législatifs et réglementaires »/type of document: « arrêté».

The EU pet food legislation can be found at the U.S. Mission to the European Union website:

<http://www.useu.be/agri/petfood.html>

2. Laboratory Testing

To ensure conformity with French import standards as to quality, sanitary and ingredient criteria, some products could be subjected to laboratory testing. This is often done for canned fruits and vegetables, beer, and dairy products, including yogurt.

Laboratory tests are generally requested by French supermarket buyers to assure compliance with French regulations of the products they intend to sell. While very few manufacturers or U.S. exporters contact a laboratory directly, the Office of Agricultural Affairs in Paris has a list of French approved laboratories, if the need arises.

3. Policy for Sample Food Product Shipments

Food product samples shipped via express mail or parcel post are subject to the same import regulations as a commercial shipment with regard to sanitary or phytosanitary requirements. (see additional requirements for meat, poultry, dairy and fish products for food shows below)

For customs, the sample shipment must be accompanied by a proforma invoice indicating the value of the sample product. In order for samples of commercial value to enter France duty and tax free, a bond or deposit of the potential duties and taxes must be paid. Samples re-exported within one year get the deposit back. Samples of no commercial value enter France free of duties and taxes. “No commercial value” should be written on the appropriate shipping documents.

An alternative is applying for an “Admission Temporaire/Temporary Admission” (ATA) carnet, which is a special international customs document designed to simplify and streamline customs entry procedures of merchandise for up to one year. Customs authorities in the United States and France accept carnets as a guarantee that all customs duties and excise taxes will be paid if any of the items covered by the carnet are not re-exported within the time period allowed. Carnets may be used for commercial samples, professional equipment, and goods destined for exhibitions and fairs.

Meat, Poultry, Dairy and Fish Products for Food Shows

Meat, poultry, dairy and fish products for food shows are governed by French decree of July 27, 2004, and should be accompanied by relevant sanitary and animal health certificates which may be found at:

<http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=AGR0401657A>

These products should not be sold or consumed and should be destroyed at the end of the food show.

To inquire about or apply for an ATA Carnet, contact the U.S. Council for International Business:

USCIB

1212 avenue of the Americas

New York, NY 10036

Tel: (212) 354 4480

Fax: (212) 575 0327

Email: info@uscib.org

Internet: <http://www.uscib.org>

4. Certification and Documentation Requirements

Import documentation

Import and export transactions exceeding 12,500 Euros (around \$19,400 depending on currency exchange rate) in value must be conducted through an approved banking intermediary. Goods must be imported no later than six months after all financial and customs arrangements have been completed.

For products originating in countries other than EU Member States or participants in the World Trade Organization (WTO), and for a limited number of products considered to be sensitive, a specific import/export license may be required by product or by category of products. Otherwise, the following shipping documents are required for import into France:

- Commercial invoice;
- Bill of lading or air waybill;
- Certificate of origin;
- Sanitary/health certificate if need be (depending on the products)

U.S. exporters should make sure their products comply with French regulations and verify customs clearance requirements with local authorities through their contacts before shipping products to France. The Office of Agricultural Affairs of the American Embassy in Paris can provide assistance and information on these matters.

Certification Requirements

Dairy, meat, and seafood products must originate from an EU-certified establishment.

Prepared food products containing meat or ingredients of animal origin must go through an EU-certified manufacturing plant.

Fresh Fruits and Vegetables:

Apart from quality inspection controls indicated in Section VI-1 above, fresh fruits and vegetables in France are not subject to any particular certification requirements.

Plant Phytosanitary Regulations:

There is no restriction on importing wood, wood products or plants into France, but certain wood and plant species are subject to EU phytosanitary regulations and inspection upon arrival in France or in the European Union. Also, some coniferous woods are subject to heat treatment certification.

Transmissible Spongiform Encephalopathies (TSE) EU and French Regulations on Specified Risk Materials

(SRMs)

France maintains an import ban on some ruminant tissue for human consumption due to transmissible spongiform encephalopathies (TSEs) concerns. In addition to the EU certificate, France requires an additional health certificate for products that include specified risk materials (SRMs).

The French ministerial decree dated 12 May 2006 (article 5) modified the list of specified risk materials (SRMs) set by the ministerial decree dated 10 August 2001 relating to the import ban on some ruminant tissue for human consumption due to transmissible spongiform encephalopathies (TSEs). Animal products containing materials from bovine, ovine and caprine origins for human consumption, animal feed (including mixed animal feed/petfood and pre-mixes containing such products) or to be used as fertilizers, must be accompanied by the health certificate required by EU and French regulations, as well as a declaration signed by the competent authority of the producing country.

All certificates must be in French. To obtain certificates in French, please contact:

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Generale de l'Alimentation
French Ministry of Agriculture
251 rue de Vaugirard
75732 Paris Cedex 15
E-mail: import.mcsi.dgal@agriculture.gouv.fr

To obtain the French supplementary certificates in English for animal by-products not intended for human consumption, please contact:

APHIS (Animal and Plant Health Inspection Service)
National Center for Import and Export
Technical Trade Services
Animal Products Staff Import/Export Animals Staff
4700 River Road, Unit 40
Riverdale, MD 20737
Tel: (301) 734 8364
Fax: (301) 734 8226

To obtain the French supplementary certificates in English for animal by-products for human consumption, please contact:

FSIS (Food Safety Inspection Service)
International Policy Staff
Import and Export Policy Section
1400 Independence Ave, SW
Washington DC 20250

Tel: 202-720-6400

Fax: 202-720-7990

French Requirements for Animal Products for Human Consumption:

Animal products for human consumption must be accompanied by a declaration of compliance with EU regulation 999/2001, and by additional statements in compliance with French ministerial decree dated August 10, 2001 (article 5) modified on 12 May 2006. These requirements became applicable after July 1, 2006.

The French ministerial decree dated 12 May 2006 (article 5) modified the list of specified risk materials (SRMs) set by the ministerial decree dated 10 August 2001 relating to the import ban on some ruminant tissue for human consumption due to transmissible spongiform encephalopathies (TSEs).

The following table summarizes the additional certificates required by French regulations to import animal products for human consumption:

Designation of Products (*)	EU and French Regulations
Bovine, ovine and caprine fresh meat	EU Directive EC/64/433 - French ministerial decree dated 17 March 92
Meat products and processed products and other animal products	EU Directive EC/94/65 and EC/77/99 French ministerial decrees dated 29 Feb 96, 22 Dec 92, 22 Jan 93
Dairy products for human consumption containing tallow or gelatin	EU Directive EC/92/46 - French ministerial decree dated 30 Dec 93
Fishery products for human consumption containing tallow or gelatin	EU Directive EC/91/493 - French ministerial decrees dated 27, 28, 29 Dec 92
Egg products for human consumption containing tallow or gelatin	EU Directive EC/89/437 - French ministerial decrees dated 15 April 92
Snails and frogs' legs for human consumption containing tallow or gelatin	EU Directive EC/92/118
Melted animal fats	EU Directive EC/77/99 - French ministerial decrees dated 22 Dec 92
Products derived from bones for human consumption and mechanically deboned meat	EU Directive EC/77/99 and EC/64/433 French ministerial decrees dated 25 Sep 95 and 23 Feb 94
Gelatin for human consumption	EU Directive EC/92/118 - French ministerial decree dated 15 April 01

(*) as defined by EU regulations. If physical inspection and documentation of the product can clearly show that it does not contain any bovine, ovine or caprine material, the certificates mentioned in articles 4, 5, and 6 are not required. For bovine, ovine and caprine not packaged as fresh meat, if physical inspection of the product can clearly show that it does not contain all or part of the head, the certificate mentioned in article 4 and 5 is not required. For bovine not packaged as fresh meat, if physical inspection of the product can clearly show that it does not contain all or part of the head, nor ovine or caprine materials, the certificate can be limited to the sentences relating to the spleen, thymus and tonsils as mentioned in article 4 and 5.

French Requirements for Animal Products Not for Human Consumption :

[European Parliament and Council regulation 1774/2002](#) establishes the health rules concerning animal by-products not intended for human consumption and replaces Directive 90/667/EEC. This regulation as well as the [TSE](#) regulation was developed in response to the BSE crisis and is part of the EU's strategy to eradicate food-borne diseases. The animal by-products regulation covers all animal products not intended for human consumption, and as such, covers both products for technical uses and animal by-products used in the production of feeds and pet food. This regulation requires that animal by-products used in the production of feeds and pet food be derived from the carcasses of animals declared fit for human consumption following veterinary inspection (category 3 products in the regulation). Provisions include a ban on intra-species recycling and fallen stock and restrictions on yellow grease. Certain categories of pet food have to be modified with specified substances. Pet food factories have to be dedicated to the production of products fit for human consumption.

EC regulation nr 1774/2002 of the European Parliament and Council dated 3 October 2002 can be found in English on: <http://europa.eu.int>

The EU animal by-products legislation can be found on the U.S. Mission to the European Union website: <http://www.useu.be/agri/by-products.html>

Animal products not intended for human consumption (pet food, feed of ruminant and non-ruminant cattle, or for fertilizers and crop substrates), must also be accompanied by a declaration of compliance with EU regulation 999/2001, and by additional statements in compliance with the following French ministerial decrees:

a) Pet food: French ministerial decree dated 12 May 2006 modifying the ministerial decree dated August 4, 2005 relating to intra-EU exchanges, imports and exports of some animal products intended for pet food and pet food processing containing or made of animal fats (Annex I chapter II, certificate in article 5, Annex II certificate in article 6).

b) Animal products for feed of ruminant cattle: French ministerial decree dated 12 May 2006 modifying the ministerial decree dated 20 March 2003 relating to sanitary conditions applicable to the use, marketing, exchanges, imports and exports of some animal products intended for feed and processing of feed or other uses (Annex I chapter II, statement in article 3-II, Annex II statement in article 4) and French ministerial decree dated 24 July 1990 relating to the ban of some animal proteins in feed and processing of bovine feed (Article 10 and Annex 1.1).

c) Animal products for feed of non-ruminant cattle: French ministerial decree dated 12 May 2006 modifying the ministerial decree dated 20 March 2003 relating to sanitary conditions applicable to the use, marketing, exchanges, imports and exports of some animal products intended for feed and processing of feed or other uses (Annex I chapter II, statement in

article 3-II, Annex II statement in article 4) and French ministerial decree dated 24 July 1990 relating to the ban of some animal proteins in feed and processing of bovine feed (Article 10 and Annex 1.2).

d) Animal products for fertilizers and crop substrates: French ministerial decree dated 12 May 2006 modifying the ministerial decree dated 20 March 2003 relating to sanitary conditions applicable to the use, marketing, exchanges, imports and exports of some animal products intended for feed and processing of feed or other uses (Annex I chapter II, statement in article 3-II, Annex II statement in article 4) and French ministerial decree dated 19 September 2005 suspending marketing and ordering the withdrawal of some fertilizers and crop substrates (Annex 1).

These new requirements were applicable as of September 1, 2006.

French ministerial decrees can be found in French on the following website: <http://www.legifrance.gouv.fr> by selecting “les autres textes législatifs et réglementaires”/type of document: “arrêté.”

The EU legislation on transmissible spongiform encephalopathies (TSEs) can be found on the U.S. Mission to the European Union website: <http://www.useu.be/agri/srm.html>. For more information, please refer to the

Additional information can be obtained from:

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Générale de l’Alimentation
Ministère de l’Agriculture, de l’Alimentation, de la Pêche et des Affaires
Rurales
251 rue de Vaugirard
75732 Paris Cedex 15
Tel: (33-1) 49 55 58 44
Fax: (33-1) 49 55 83 14
E-mail: import.mcsi.dgal@agriculture.gouv.fr

For detailed information on French import regulations contact:

Director, Export Coordination Division, Food Safety Inspection Service, Washington, D.C. 20250
Telephone: (202) 720-6427, Fax: (202) 720-7990.

Section VII. Other Specific Standards:

1. Genetically Modified Organisms - GMOs (Biotech Products)

Food and Feed

France implemented the EU Novel Food/Novel Feed Regulation (1829/2003) and the EU Traceability and Labeling Regulation (1830/2003) in 2004. The allowable adventitious presence level for EU-approved varieties of biotech products is set at 0.9 percent. Above this level, all products must be labeled as containing biotech. The Fraud Control Office (DGCCRF) of the French Ministry of Economy, Finance and Industry is the French enforcing authority.

For more details on these EU regulations, see EU-27 report E49058 dated August 7, 2009 and on France's implementation, see EU-27 annual biotechnology report [E48137](#) dated November 28, 2008.

Planting Seeds

There is a lack of EU regulation in this sector in terms of biotech traceability, labeling and thresholds. As the largest European producer and exporter of corn seeds, seed companies based in France are seeking a standard adventitious presence (AP) threshold among Member States. DGCCRF conducts tests on planting seeds for biotech content. For more in-depth information on biotech planting seeds regulations, please see EU-27 annual planting seeds report [E49032](#), dated March 30, 2009.

2. Dietetic/Health Foods

EU Directive 89-398 of May 3, 1989, implemented by French decree 91-827 of August 29, 1991 gives the definition of a health/dietetic food product. To date, EU harmonization of dietetic/health food products is only in force for the labeling and ingredient regulation of infant and toddler foods (0 to 12 months old, and 1 to 3 years old, respectively), high calorie products, and foods intended for special medical purposes. The other health/dietetic food regulations are in the process of being harmonized, such as sport products (cereal bars, energy drinks, etc.) and products for diabetics. In the meantime, imports of these products are governed by current French regulations.

EU Directive 2001/15, which lists nutritional substances that can be used in dietetic/health products, was published in the French decree of June 5, 2003.

In addition to the general French labeling requirements (per section II-A), all dietetic/health food products must indicate the following information on the label:

- Brand name of the product, immediately followed by its properties and nutritional characteristics;
- Quantity of each nutritional ingredient, expressed in grams (g), or milligrams (mg), per 100 grams of finished product;
- Calorie content expressed in KJ and Kcal per 100 grams of finished product.
- Product should be packed in a manner whereby the packaging covers the product entirely. For bulk dietetic/health products, all nutritional characteristics should be clearly brought to the attention of the consumer on the outside packaging.
- The expiration date of the product must be clearly indicated for perishable products.
- The list of additives contained in the product. Some additives are not authorized in health/dietetic food products in France. The list of authorized additives and substances is contained in French decree of October 2, 1997, published in the French Official Journal of November 8, 1997. The use of vitamins and minerals is governed by the French decree of August 4, 1986, as modified.

Note: Dietetic/health foods are not medicines. Thus, the label may not indicate any curative or preventive properties.

3. Food Supplements

French Decree 2006-352 of March 20, 2006, transposed EU Directive 2002/46/EC of June 10, 2002, establishing harmonized rules for food supplements on labeling, vitamins and minerals, as well as EU Directive 2006/37/EC amending Annex II of Directive 2002/46/EC establishing a list of permitted vitamin and mineral preparations that may be added for specific nutritional purposes in food supplements. French Decree 2006-352 transposed the EU Directives without any changes.

However, the EU Directives did not fix any maximum levels for vitamins and minerals used in food supplements and individual member states have established their own levels. On May 9, 2006, France adopted a Decree fixing those limits for the French market and this document may be found at: <http://www.admi.net/jo/20060528/ECOC0600052A.html>. There are some issues with whether the maximum levels for vitamins and minerals which may be used in the fabrication of food

supplements as established by France are reasonable and based on science-based risk assessment measures. The EU is currently in the process of reviewing and setting these maximums at the EU level.

4. Organic Foods

France applies EU Regulation 2092/91, which regulates the production and labeling of organic foods from vegetable origin, and EU Regulation 1804/99 of July 19, 1999, for animal organic production and labeling (called REPAB). As REPAB permits, France established specifications completing this regulation, called CC REPAB F, which contains stricter regulations than the European level. To assist with understanding CC REPAB F, a guide on animal production is available at: (http://www.agencebio.org/upload/GuideLect_PA_avr_2008.pdf) and a guide for vegetable production can be found at: (http://www.agencebio.org/upload/guide_lect_pv_nov06.pdf)

All producers and importers must comply with these regulations. Certain third countries are EU-certified to export organic food and agricultural products to the European Union, however, equivalency between U.S. and European standards and regulations is still under discussion at the EU level; in the meantime, imports of organic food products from the United States are subject to a case-by-case authorization procedure conducted in the EU country of import. Guidance notes on exporting organic products from third countries to France, as well as an authorization form to market in France, can be found at the following website: <http://www.agriculture.gouv.fr>



To facilitate identification of organic products for French consumers, the words “Agriculture Biologique” (organic agriculture) and the “AB” logo are applied on the product label. This logo represents the French Ministry of Agriculture certification that the product was organically grown or processed according to both specific EU and French criteria. The “AB” logo is awarded by three certifying agencies: Ecocert, Qualite France and Ascert International. Also, the “AB” logo signifies that the producer, the importer or the distributor has been duly registered with the EU Member State’s organic food trade association. Ecocert, Qualite France and Ascert International conduct regular inspections of producers, who are subject to strict controls.

5. Alcoholic Beverages, Wine and Beer

French wine imports from non-EU countries are subject to EU import duties, which vary depending on the percentage of alcohol contained in the wine and the type of container. Other taxes, such as a transportation tax, which is the equivalent of an excise duty, and value added tax (VAT), apply to both domestically and foreign-produced wines. For any import above 30 hectoliters, an import certificate is required and can be obtained from the wine department of France Agrimer: <http://www.onivins.fr/>.

Also, a VI.1 document is necessary, as well as an invoice. The document certifies that the Alcohol and Tobacco Tax and Trade Bureau (TTB) has approved the U.S. wine exporter. This document is issued in the U.S. by the producer. For additional information, please visit the TTB website at: <http://www.ttbimport@ttb.treas.gov>

For information on labeling regulations for wine, wine and spirit drinks, as well as alcoholic regulations, please refer to EU-27 GAIN Report E49058 dated August 7, 2009.

Beer imports to France are also subject to custom duties and tax laws. To be called “beer” the product should correspond to criteria as defined in French decree 92-307 of March 31, 1992.

6. Animal Products

Beef Labeling

France follows the EU requirement that all beef meat sold in France must be labeled with the country(ies) where the animal was born, raised, and slaughtered. Since January 1st 2003, France has required that restaurants be able to provide the origin of the meat served to its customers.

Section VIII. Copyright and/or Trademark Laws:

1. Trademarks

Trademarks and brand names are protected under French law, with no limitations on number. In a general sense, trademarks recognize and protect indicators which distinguish one product or service from similar products or services. A trademark has a ten-year life span and is renewable every ten years.

To register a trademark, applications must be filed with the following organization:

- Institut National de la Propriété Industrielle (INPI)
Division des Marques
26bis, rue de Saint Pétersbourg
75800 Paris Cedex 08
Tel: (33-1) 53 04 5304
Fax: (33-1) 49 01 0737
Internet: <http://www.inpi.fr>

The registration of a trademark, as is the case for patents, requires a French address, which may be obtained through a legal representative in France or in Europe.

2. Protected Geographical Indications

France was among the first countries in the world, dating as far back as 1919, to establish a system protecting the use of geographic indications (appellations) for food products. In 1992, it was extended at the European level, and in 2006 brought into conformity with a WTO ruling (see EU-27 GAIN Report E49058 dated August 7, 2009). The EU Regulations set up three systems/labels: Traditional Specialty Guaranteed (TSG), Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI). In France, the Institut National des Appellations d'Origine (INAO) : <http://www.inao.gouv.fr> oversees the PGI system.

Note that in France, no agricultural or food product is protected under the TSG system. For products with a geographic name not protected under the PGO/PGI system, including products from third countries, the French Fraud Office (DGCCRF) at the Ministry of the Industry and Finance, insures the accuracy of the label. For example, if a product is labeled as coming from Florida, the seller must prove, with proper documentation, that the product is truly from Florida. When a registered brand includes a geographic name (such as California Cola), and the product does not come from the region named in the brand, the label must indicate clearly the origin of the product.

Third countries can have their geographic names recognized and protected at the EU level through bilateral agreements with the EU, which are also valid in France.

Section IX. Import Procedures:

For general EU import procedures, please refer to EU-27 GAIN Report E49058 dated August 7, 2009. For France specific requirements, see below:

Considering the variety of distribution options available in France, it is important for the new-to-market exporter to select the method best suited to his or her product. French buyers generally prefer to purchase through an intermediary (distributor, agent or salaried representative). Making sales directly to the end-user a rare practice. Imports of foodstuffs to France generally require:

1. Customs clearance: Done by a person or a company able to present to customs authorities at the port of entry the imported goods as well as the necessary accompanying documents for the food products (i.e., commercial invoice, bill of lading, the certificate of origin, the import and sanitary/phytosanitary certificate, if need be). The U.S. exporter should have the customs clearance done by a forwarding agent, importer/distributor, or agent in the country of destination.
2. Customs clearance should be done in a customs office at the port of entry. For more information regarding proper customs clearance documentation and addresses of various customs offices, please contact:

- Centre de Renseignements Douaniers
11, rue des Deux Communes
93558 Montreuil Cedex
Tel: (33-1) 0811 20 4444
Email: crs@douane.finances.gouv.fr

All shipping documents must be in French. Also, some products, as enumerated previously in this report, are subject to veterinary or health inspection upon arrival in France. Representatives of both Ministries of Economy and Agriculture are present in each port/airport of entry.

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all the necessary documentation with the shipment. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for the product. Most often the information is provided by the importer.

3. When foodstuffs enter France, customs duties, ad valorem, must be paid. The amount of these duties differs according to product. In addition, a value added tax (VAT), is applied (5.5 percent for all food products, except for alcoholic beverages, chocolate and candies where the VAT tax is 19.6 percent).

Appendix I. Government Regulatory Agency Contacts:

For European Community contacts and how to obtain legislation, see EU-27 GAIN Report E49058 dated August 7, 2009

1. The General Direction for Food of the French Ministry of Agriculture (DGAL/MINAG)

DGAL participates in the preparation of food laws and the definition of norms. It also administers sanitary and phytosanitary policy. DGAL headquarters are located at the following address:

Direction Générale de l'Alimentation
Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
251, rue de Vaugirard
75015 Paris
Tel: (33-1) 49 55 49 55
Fax: (33-1) 49 55 48 50
Internet: <http://www.agriculture.gouv.fr>

The DGAL office providing French import requirements is:

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Générale de l'Alimentation

Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires
Rurales
251 rue de Vaugirard
75732 Paris Cedex 15
Tel: (33-1) 49 55 81 92
Fax: (33-1) 49 55 83 14
E-mail: import.mcsi.dgal@agriculture.gouv.fr

2. The General Direction for Competition, Consumption and Frauds (DGCCRF) is the French regulatory agency responsible for the safety of all foods. DGCCRF's activities are directed against impure, unsafe, and fraudulently labeled foods. DGCCRF is also responsible for enforcing French laws in manufacturing and marketing and also at the import level. They have offices at each point of entry. Their headquarters are at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Economie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: ((33-1) 44 97 3031
Internet: <http://www.finances.gouv.fr>

3. The Association Française de Normalisation (AFNOR) is the French authority in charge of coordinating work and research relating to establishing standards in France. AFNOR prepares new and revised standards, puts them to public enquiry, and finally submits them to the relevant Ministry for approval. It is the French branch of the European Standardization System (CEN) and a member of the International Organization for Standardization (ISO). AFNOR can be reached at the following address:

AFNOR
11, avenue Francis de Pressense
93571 St Denis la Plaine Cedex
Tel: (33-1) 41 62 8000
Fax: (33-1) 49 17 9000
Internet: <http://www.afnor.fr>

Appendix II. Other Import Specialist Contacts:

For additional information about a particular product:

Office of Agricultural Affairs
American Embassy
2, avenue Gabriel
75382 Paris Cedex 08
Tel: (33-1) 43 12 2245/2264
Fax: (33-1) 43 12 2662
Internet: <http://www.usda-france.fr>
Email: agparis@fas.usda.gov

For information on duties, taxes and documentation:

Centre de Renseignements Douaniers
11, rue des Deux Communes
93558 Montreuil Cedex
Tel: (33-1) 0811 20 4444
Email: crs@douane.finances.gouv.fr

For business and credit reports on an importer/distributor or agent in France, please contact:

Altarex
Immeuble Capitole
55, avenue des Champs Pierreux
92012 Nanterre Cedex 01
Tel: (33-1) 41 37 5000
Fax: (33-1) 41 37 5001
Internet: <http://www.altares.fr>

French Statistical Institute:

INSEE Infos Service
18, Bld Adolphe Pinard
75014 Paris
Tel: (33-1) 41 17 5050
Fax: (33-1) 41 17 6666
Internet: <http://www.insee.fr>

To obtain EU/French Customs tariffs:

Journal Officiel
26, rue Desaix
65015 Paris
Tel: (33-1) 40 58 7979
Fax: (33-1) 45 79 1784
[Email: info@journal-officiel.gouv.fr](mailto:info@journal-officiel.gouv.fr)
<http://www.legifrance.gouv.fr>