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French Senate Approves BPA Suspension

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

The French Senate voted unanimously on October 9, 2012, on a bill that will suspend the production, imports, exports, and marketing of food packaging containing Bisphenol A (BPA) as early as January 1st, 2013, for infants less than 3 years and on July 1st, 2015, for all other consumers. Packaging with BPA must carry warning labels for pregnant and lactating women until both provisions are enacted. The bill also suspends medical devices containing BPA or other endocrinal disruptors by July 1st, 2015. The bill, which was already approved by the National Assembly, but with a different implementation date (originally set at January 1st, 2014), will go back for a reconciliation at a second reading likely in November 2012.

General Information:

The bill proposal ([GAIN FR9110](#)), which had been voted in November 2011 by the National Assembly, was presented to the Commission for Social Affairs (because it pertains to health related issues) of the French Senate. During preliminary discussions at the Commission on October 3, the following three amendments were accepted:

- The production, trade, and marketing of any food packages containing BPA should be suspended on January 1, 2015 (This is a one year extension from the previous version.) Food packaging for infants and children under 3 containing BPA, the date of suspension is January 1, 2013.
- All food packages containing BPA must carry a warning label suggesting that infants aged less than 3 years and pregnant and lactating women not use those packaging.
- French fraud office inspectors will be entitled to research and record any infringement to the BPA suspension.

This amended bill proposal was then sent to the Senate Floor.

The Senate Floor discussion on October 9 led to heated and lengthy [discussions](#). One of the key issues was whether to further postpone implementation. Senators from constituencies with a large food industry sector were the keenest to postpone implementation, highlighting the lack of sound science on BPA substitutes. They also highlighted the imbalance between French food manufacturers and foreign competitors. The trade impact (on imported food products) was not discussed neither was the EU (and WTO) compatibility of such measure. Some senators also remarked that the bill sets a suspension, not a ban per se, which could leave some room for adjustments for the Government until 2015, should BPA substitutes were to be found unsafe or unsuitable.

The Senators proposed various amendments on the extension, and with a 20 vote majority (over 341 voting senators) on voted to postpone the BPA suspension date to July 1st 2015. They also added a ban on the production, trade, and sales of medical devices for pregnant or lactating and infants aged less than 3 years containing BPA and other endocrinal disruptors. Once the discussions on various provisions and amendments of the bill proposal were over, the Senators went on to vote on the entire bill proposal.

The Senators voted unanimously for the [bill](#). The key provisions of the bill are, among other provisions:

- A suspension of the production, imports, export, and marketing of any packaging, utensil and container containing BPA and destined for receiving food for infants and children less than 3 years in France by January 1st, 2013.

- A suspension of the production, imports, export, and marketing of any packaging, utensil and container containing BPA for food use in France by July 1st, 2015.
- A mandate that any food packaging or container containing BPA must carry a sanitary warning label that would advise against its use by pregnant women, lactating women and infants aged 3 years and less because of BPA presence.

The bill, which was already approved by the National Assembly, but with a different implementation date (originally set at January 1st, 2014), will go back for a reconciliation at a second reading likely in November 2012. Media reports were overwhelmingly supportive of the bill. The Molinari Economic Institute, however, published a [study](#) that highlights the potential economic risk to the French food industry. One economist commented that some traditional French food specialties, such as the Dijon mustard could be [endangered](#) because of the high acidic content of the product, which makes it unsuitable for BPA replacements.