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GAIN Report

Global Agricultural Information Network

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POLICY

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French Farm and Food Bill Aims at Limiting Non-EU Imports

Report Categories:

Agriculture in the Economy

Policy and Program Announcements

SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

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Report Highlights:

France's recently passed farm and food bill contains a provision that prohibits the imports of agricultural and food products produced with pesticides, herbicides, veterinary medicines and feed inputs that are not approved for use in production within the European Union. Environmental NGOs and farm groups support this provision. It is not compatible with WTO rules and many officials believe it is unenforceable in Europe's Common Market.

In fall 2018, France passed a farm and food law with the goal of improving farmers' income by distributing a larger share of the added value of food products to the producers through price intervention and production cost-based pricing. Its implementing regulations are still being developed. The main concern it is attempting to address is French farmers' lack of negotiating power in its concentrated retail sector.

The National Assembly passed the bill into law without approval of the French Senate that had rejected the Bill and took the Law to the French equivalent of the Supreme Court claiming they did not have sufficient input into its development. Many French senators do not believe the system of pricing and other aspects of the bill are feasible to implement and are concerned that it will lead to food inflation and market distortions.

One provision of the 98 articles directly addresses imports of agricultural and food products from non-EU countries into France:

Article 44

https://www.legifrance.gouv.fr/eli/loi/2018/10/30/2018-938/jo/article_44

At the beginning of Section 1 of Chapter VI of Title III of Book II of the Rural and Maritime Fisheries Code, an Article L. 236-1 A is added to be read as follows (translated):

"Art. L. 236-1.-A.- It is prohibited to offer for sale or to distribute free of charge food products or agricultural products for human or animal consumption for which plant protection products or veterinary products or animal feed have been used that are not authorized by European regulations or that do not comply with the requirements for identification and traceability imposed by this same regulation. The administrative authority shall take all measures to enforce the prohibition provided for in the first paragraph."

Examples of how this could be applied are as follows:

- If a product was treated with an herbicide or pesticide that has not been approved for use within the European Union, the product cannot be imported into France. For instance, if the EU decides to ban glyphosate, according to this provision, France would be entitled to ban imports of all products that were treated with glyphosate.
- If an animal was fed with feed containing products not approved in the European Union or the animal was treated with unapproved veterinary products, the meat would not be permitted into France.

However, the provision does not specifically note seed or new seed technology as something that would

be limited as imports if not approved for production in the European Union.

This article, absent from the original version presented to the Parliament by the Government of France, was added by parliamentarians under pressure by environmental NGOs. French Farm groups claim France's own environmental and welfare regulations as well as the gold plating of EU rules raise production prices and make its farmers uncompetitive with other countries, even within the EU. They silently supported this provision but have not yet made a formal endorsement. The EU commission has not commented on the provision. According to most trade experts, it is not WTO compatible and is unenforceable in the context of EU's Common Market.