



Notification Number: 2015/608/F

Order implementing law No 2013-453 of 3 June 2013 aiming to guarantee the quality of the food supply overseas

Date received : 05/11/2015

End of Standstill : 08/02/2016

Message

Message 002

Communication from the Commission - TRIS/(2015) 03400

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2015/0608/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201503400.EN)

1. Structured Information Line

MSG 002 IND 2015 0608 F EN 05-11-2015 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

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4. Notification Number

2015/0608/F - C00A

5. Title

Order implementing law No 2013-453 of 3 June 2013 aiming to guarantee the quality of the food supply overseas

6. Products Concerned

The following processed foodstuffs: sweet alcohol-free soft drinks, dairy products and similar, biscuits and cakes, ice creams and sorbets, breakfast cereals, cereal bars, chocolates and chocolate bars.

7. Notification Under Another Act

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8. Main Content

Law No 2013-453 of 3 June 2013 aiming to guarantee the quality of the food supplies seeks to reduce the added sugar content of the products marketed in the overseas communities (COM) chosen by the legislator (Martinique, Guadeloupe, Saint Martin, Saint Barthélemy, Guyana, Réunion, Mayotte, Saint Pierre and Miquelon). This law first and foremost prohibits operators distributing foodstuffs of the same brand in Metropolitan France and overseas from placing on overseas markets products with a greater quantity of added sugars than that found in the same products distributed in Metropolitan France (Article L.3232-5 of the French Public Health Code).

According to Article L. 3232-6 of the French Public Health Code created by this same law, the foodstuffs marketed in the overseas territories concerned must not have a higher added sugar content than that recorded in the comparable foodstuffs of the same family that are more widely distributed in metropolitan France. Local productions and imports of the overseas territories concerned are covered in this specific case by this provision. Paragraph 2 of Article L. 3232-6 specifies that an interministerial order (health, economy, agriculture, overseas) determines the list of products subject to these provisions. This is the subject of the text submitted for notification that is based only on Article L.3232-6 of the French Public Health Code. This order provides a complete list of the products submitted for comparison: sweet alcohol-free soft drinks, dairy products and similar, biscuits and cakes, ice creams and sorbets, breakfast cereals, cereal bars, chocolates and chocolate bars (article 1 of the draft order).

9. Brief Statement of Grounds

In overseas communities, the prevalence of obesity, as well as other associated major chronic diseases (diabetes, high blood pressure, cardiovascular disease, various cancers), is higher than in Metropolitan France. In Réunion, for example, the surveys carried out in schools show an obesity level of 8.7% in children (in class CM2) as compared with 4% in Metropolitan France. The prevalence of overweight women is 31% in Guadeloupe and 32% in Mayotte, but just 17.6% in women in Metropolitan France (ENNS, 2006). The frequency of diabetes treated is 9.80% in Réunion and 9.24 in Martinique, double that recorded in France (4.58%). Nutrition (comprising both diet and physical exercise) is a major factor in these pathologies. Prevention, screening and monitoring the nutritional component is a priority for public health intervention. The specificity of the situation overseas is connected with particular cultural, economic, geographic and climatic aspects and requires a suitable approach.



Based on the observations seen in 2011 by the regions of Martinique (Regional agricultural food pole of Martinique), the region of Guadeloupe or the Directorate of food, agriculture and forests of Réunion, on the differences in the sugar contents between certain products (yoghurt and sodas) sold overseas and their equivalents sold in Metropolitan France, various steps have been taken, including the launch of a specific plan on nutrition overseas and the adoption of law No 2013-453 of 3 June 2013, aiming to guarantee the quality of food supplies overseas.

The measure envisaged is justified by a public health need to combat overweight conditions and the associated diseases more effectively. Nothing can justify the marketing of sweeter products in these territories.

Moreover, the WHO, in a Directive published in 2015 (WHO Directive: Sugar intake in adults and children. Summary of the guideline of WHO 2015. 11p.), prepared by an international multidisciplinary group of experts that has analysed, according to the GRADE ("grading of recommendations assessment development and evaluation") method, the key issues reported in international scientific literature, recommends, in adults and children, reducing the free sugar intake (which includes monosaccharides and disaccharides added to foods, as well as the sugars naturally present in honey, syrups, fruit juices and concentrated fruit juices) to less than 10% of the total energy supply.

The measure envisaged helps achieve this public health objective by limiting the excessive sugar additions in products intended for overseas communities. If the measure forces restrictions on economic operators, it remains necessary (an optional measure would not suffice to achieve the objective set) and proportional (the added sugar contents correspond to those observed in France already fixed freely by manufactures) with regard to the essential health need pursued. It is not a measure that fixes an absolute added sugar content in an arbitrary manner, but rather a relative limit value.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Article L.3232-6 of the French Code of Public Health from law No 2013-453 of 3 June 2013 aiming to guarantee the quality of the food supply overseas

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

Yes



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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